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To cite the regulations in this volume use title, part and section number. Thus, 40 CFR 52.1020 refers to title 40, part 52, section 1020.
Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

- Title 1 through Title 16..............................................................as of January 1
- Title 17 through Title 27.................................................................as of April 1
- Title 28 through Title 41..............................................................as of July 1
- Title 42 through Title 50.............................................................as of October 1

The appropriate revision date is printed on the cover of each volume.

LEGAL STATUS

The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

HOW TO USE THE CODE OF FEDERAL REGULATIONS

The Code of Federal Regulations is kept up to date by the individual issues of the Federal Register. These two publications must be used together to determine the latest version of any given rule.

To determine whether a Code volume has been amended since its revision date (in this case, July 1, 2002, consult the “List of CFR Sections Affected (LSA),” which is issued monthly, and the “Cumulative List of Parts Affected,” which appears in the Reader Aids section of the daily Federal Register. These two lists will identify the Federal Register page number of the latest amendment of any given rule.

EFFECTIVE AND EXPIRATION DATES

Each volume of the Code contains amendments published in the Federal Register since the last revision of that volume of the Code. Source citations for the regulations are referred to by volume number and page number of the Federal Register and date of publication. Publication dates and effective dates are usually not the same and care must be exercised by the user in determining the actual effective date. In instances where the effective date is beyond the cutoff date for the Code a note has been inserted to reflect the future effective date. In those instances where a regulation published in the Federal Register states a date certain for expiration, an appropriate note will be inserted following the text.

OMB CONTROL NUMBERS

The Paperwork Reduction Act of 1980 (Pub. L. 96–511) requires Federal agencies to display an OMB control number with their information collection request.
Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

OBSOLETE PROVISIONS

Provisions that become obsolete before the revision date stated on the cover of each volume are not carried. Code users may find the text of provisions in effect on a given date in the past by using the appropriate numerical list of sections affected. For the period before January 1, 1986, consult either the List of CFR Sections Affected, 1949–1963, 1964–1972, or 1973–1985, published in seven separate volumes. For the period beginning January 1, 1986, a “List of CFR Sections Affected” is published at the end of each CFR volume.

INCORPORATION BY REFERENCE

What is incorporation by reference? Incorporation by reference was established by statute and allows Federal agencies to meet the requirement to publish regulations in the Federal Register by referring to materials already published elsewhere. For an incorporation to be valid, the Director of the Federal Register must approve it. The legal effect of incorporation by reference is that the material is treated as if it were published in full in the Federal Register (§ U.S.C. 552(a)). This material, like any other properly issued regulation, has the force of law.

What is a proper incorporation by reference? The Director of the Federal Register will approve an incorporation by reference only when the requirements of 1 CFR part 51 are met. Some of the elements on which approval is based are:

(a) The incorporation will substantially reduce the volume of material published in the Federal Register.

(b) The matter incorporated is in fact available to the extent necessary to afford fairness and uniformity in the administrative process.

(c) The incorporating document is drafted and submitted for publication in accordance with 1 CFR part 51.

Properly approved incorporations by reference in this volume are listed in the Finding Aids at the end of this volume.

What if the material incorporated by reference cannot be found? If you have any problem locating or obtaining a copy of material listed in the Finding Aids of this volume as an approved incorporation by reference, please contact the agency that issued the regulation containing that incorporation. If, after contacting the agency, you find the material is not available, please notify the Director of the Federal Register, National Archives and Records Administration, Washington DC 20408, or call (202) 533–4534.

CFR INDEXES AND TABULAR GUIDES

A subject index to the Code of Federal Regulations is contained in a separate volume, revised annually as of January 1, entitled CFR INDEX AND FINDING AIDS. This volume contains the Parallel Table of Statutory Authorities and Agency Rules (Table 1). A list of CFR titles, chapters, and parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.

An index to the text of “Title 3—The President” is carried within that volume.

The Federal Register Index is issued monthly in cumulative form. This index is based on a consolidation of the “Contents” entries in the daily Federal Register.

A List of CFR Sections Affected (LSA) is published monthly, keyed to the revision dates of the 50 CFR titles.
Title 40—Protection of Environment is composed of twenty-eight volumes. The parts in these volumes are arranged in the following order: parts 1–49, parts 50–51, part 52 (52.01–52.1018), part 52 (52.1019–End), parts 53–59, part 60 (60.1–End), part 60 (Appendices), parts 61–62, part 63 (63.1–63.599), part 63 (63.600–63.1199), part 63 (63.1200–End), parts 64–71, parts 72–80, parts 81–85, part 86 (86.1–86.599–99), part 86 (86.600–1–End), parts 87–99, parts 100–135, parts 136–149, parts 150–189, parts 190–259, parts 260–265, parts 266–299, parts 300–399, parts 400–424, parts 425–699, parts 700–789, and part 790 to End. The contents of these volumes represent all current regulations codified under this title of the CFR as of July 1, 2002.

Chapter I—Environmental Protection Agency appears in all twenty-eight volumes. An alphabetical Listing of Pesticide Chemicals Index appears in parts 150–189. Redesignation Tables appear in the volumes containing parts 50–51, parts 150–189, and parts 700–789. Regulations issued by the Council on Environmental Quality appear in the volume containing part 790 to End. The OMB control numbers for title 40 appear in §9.1 of this chapter.
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52.2621 Classification of regions.
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52.2625 Compliance schedules.
52.2626–52.2629 [Reserved]
52.2630 Prevention of significant deterioration of air quality.
52.2631 [Reserved]
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52.2672 Approval status.
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52.2678 Control strategy and regulations: Particulate matter.
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52.2680–52.2681 [Reserved]
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52.2683 [Reserved]
52.2684 Source surveillance.
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52.2726 Legal authority.
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52.2730 [Reserved]
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52.2773 EPA-approved Virgin Islands regulations.
52.2774 [Reserved]
52.2775 Review of new sources and modifications.
52.2776–52.2778 [Reserved]
52.2779 Significant deterioration of air quality.

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52.2822 Approval status.
52.2823 [Reserved]
52.2824 Review of new sources and modifications.
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APPENDICES A–C TO PART 52 [RESERVED]

APPENDIX D TO PART 52—DETERMINATION OF SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES BY CONTINUOUS MONITORS
APPENDIX E TO PART 52—PERFORMANCE SPECIFICATIONS AND SPECIFICATION TEST PROCEDURES FOR MONITORING SYSTEMS FOR EFFLUENT STREAM GAS VOLUMETRIC FLOW RATE
APPENDIX F TO PART 52—CLEAN AIR ACT SECTION 126 PETITIONS FROM EIGHT NORTHEASTERN STATES: NAMED SOURCE CATEGORIES AND GEOGRAPHIC COVERAGE

Subpart U—Maine

§ 52.1020 Identification of plan.

(a) Title of plan: “Implementation Plan for the Achievement of National Air Quality Standards.”

(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 26, 1972, by the Environmental Improvement Commission for the State of Maine.
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(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 SO₂ 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%.


(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’s Air Regulations entitled “Source Surveillance,” effective in the State of Maine on August 9, 1988.

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

(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.


(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 fuel burning equipment in Chapter 100(29) which is not part of Maine’s submittal.

(C) Chapter 110 except for Chapter 110(2) which is being withdrawn and replaced with Chapter 115.

(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 \( \text{SO}_2 \) 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) 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\(_x\) 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.


(i) Incorporation by reference.


(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\(_x\) 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.


(i) Incorporation by reference.

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


(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) “PM10 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 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.


(D) Chapter 130 of the Maine Department of Environmental Protection Regulations, “Solvent Degreasers” 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
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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.

(C) Chapter 137 of the Maine Department of Environmental Protection Regulations, “Emission Statements” effective in the State of Maine on December 12, 1993.

(ii) Additional Information.

(A) Nonregulatory portions of the submittal.


(i) Incorporation by reference.


(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.


(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.

(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
Environmental Protection Agency

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dated July 7, 1994 submitting a revision to the Maine State Implementation Plan.


(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 PM₁₀ 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 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.


(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.


(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated May 6, 1996.
§ 52.1020

(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.


(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 International Paper Company 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 29, 1995.

(ii) Additional materials

(A) Letter from the Maine Department of Environmental Protection
Environmental Protection Agency

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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)–(47) [Reserved]

(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.


(ii) Additional material.


(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.


(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.

[37 FR 10670, May 31, 1972]

EDITORIAL NOTE: For Federal Register citations affecting § 52.1020, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 67 FR 35441, May 30, 2002, § 52.1020 was amended by adding paragraph (c)(51), effective July 19, 2002. For the convenience of the user, the added text is set forth as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(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.'s Monson plant on May 10, 2001.

(ii) Additional materials

(A) Nonregulatory portions of the submittal.

§ 52.1021 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
</tr>
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<tbody>
<tr>
<td>Metropolitan Portland Intrastate</td>
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<td>Northwest Maine Intrastate</td>
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</table>

§ 52.1022 Approval status.

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.

[45 FR 10774, Feb. 19, 1980, as amended at 60 FR 37734, June 29, 1995]

§ 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 Knox and Lincoln Counties 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 NOx 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 (NOx), nonattainment area new source review (NSR) for new sources and modifications that are major for NOx, and the applicable NOx-related requirements of the general and transportation conformity provisions.

[60 FR 29766, June 6, 1995, as amended at 60 FR 66755, Dec. 26, 1995]

§ 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

<table>
<thead>
<tr>
<th>Air quality control region and nonattainment area</th>
<th>Pollutant</th>
<th>SO(_2)</th>
<th>PM-10</th>
<th>NO(_x)</th>
<th>CO</th>
<th>O(_3)</th>
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<tr>
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<tr>
<td>Oxford Cnty. (Part) See 40 CFR 81.320</td>
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</table>
§ 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.

§ 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.

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<td>10/10/79</td>
<td>2/17/82</td>
<td>47 FR 6829</td>
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<td>Open Burning</td>
<td>1/31/72</td>
<td>5/31/72</td>
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(47 FR 948, Jan. 8, 1982)
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<td>60 FR 2887</td>
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<td>59 FR 12855</td>
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<td>Gasoline Bulk Terminals</td>
<td>7/19/95</td>
<td>10/15/96</td>
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<td>5/7/79</td>
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Revised limits for Portland Peninsula only.

Revisions which incorporate the PM10 alert, warning, and emergency levels.

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.

Addition of NO\textsubscript{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.

Addition of NO\textsubscript{2} for class I and II areas in Chapter 110(10).

Deleted exemption for tank trucks less than 3500 gallons.

Emission limit lowered from 80 mg/l to 35 mg/l.

Deletes Thomaston.

Change to Chapter 113(II)(A) to include NO\textsubscript{2}.

Addition of 1990 Part D NSR requirements.
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<td>4/27/94 Aug. 30, 1995</td>
<td>60 FR 45060</td>
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<td>Chapter 114(11) and (111) only.</td>
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<td>45 FR 6784 45 FR 10766 60 FR 15430</td>
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<td>3/23/93 58 FR 56309</td>
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<td>Note Maine did not submit references to nonregulated pollutants for approval. Also note that this chapter was formerly chapter 108.</td>
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<td>115 ...</td>
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<td>59 FR 12855</td>
<td>(c)(29)</td>
<td>Changes to Chapter 115(I)(B), (VII)(A), (VII)(B)(3), and (VII)(D)(3) to remove Chapter 108 and to incorporate NOx increments requirements.</td>
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<td>24. 36</td>
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<td>Motor Vehicle Fuel Volatility Limit.</td>
<td>6/1/00 3/6/02</td>
<td>67 FR 10100</td>
<td>(c)(49)</td>
<td>Controls fuel volatility in the State. 7.8 psi RVP fuel required in 7 southern counties.</td>
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<td>Paper Coater Regulation.</td>
<td>9/27/89 2/3/92</td>
<td>57 FR 3949</td>
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<td>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.</td>
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<td>58 FR 15282</td>
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<td>Surface Coating Facilities.</td>
<td>1/6/93 6/17/94</td>
<td>59 FR 31157</td>
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<td>Includes surface coating of: Cans, fabric, vinyl, metal furniture, flatwood paneling, and miscellaneous metal parts and products.</td>
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<td>130 ...</td>
<td>Solvent Degreasers.</td>
<td>1/6/93 6/17/94</td>
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<td>131 ...</td>
<td>Cutback and Emulsified Asphalt.</td>
<td>1/6/93 6/17/94</td>
<td>59 FR 31157</td>
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<td>Graphic Arts: Rotogravure and Flexography.</td>
<td>1/6/93 6/17/94</td>
<td>59 FR 31157</td>
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<td>Gasoline Bulk Plants</td>
<td>6/22/94 6/29/95</td>
<td>60 FR 33734</td>
<td>36</td>
<td>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.</td>
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<td>Reasonably Available Control Technology for facilities that Emit Volatile Organic Compounds.</td>
<td>2/8/95 4/18/00</td>
<td>65 FR 20753</td>
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<td>7/23/97</td>
<td>4/18/00</td>
<td>65 FR 20753</td>
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<td>7/25/97</td>
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<td>4/18/00</td>
<td>65 FR 20753</td>
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<td>10/4/95</td>
<td>4/18/00</td>
<td>65 FR 20754</td>
<td>(c)(45)</td>
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<td>Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.</td>
<td>12/20/95</td>
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<td>65 FR 20754</td>
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Environmental Protection Agency

§52.1031

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued
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<td>Reasonably Available Control Technology For Facilities That Emit Nitrogen Oxides.</td>
<td>8/3/94</td>
<td>December 26, 1995</td>
<td>60 FR 66755 (c)(41)</td>
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<td>Conformity of General Federal Actions.</td>
<td>7/9/98</td>
<td>1/10/01</td>
<td>66 FR 1875 (c)(48)</td>
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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)))

$52.1031$ EPA-approved Maine Regulations

Effective Date Note: At 67 FR 35441, May 29, 2002, §52.1031, Table 52.1031 was amended by adding new entries to existing state citations for Chapter 134, effective July 19, 2002. For the convenience of the user, the added text is set forth as follows:

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

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<th>Adopted date by State</th>
<th>Approved date by EPA</th>
<th>Federal Register citation</th>
<th>52.1020</th>
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<td>134 .........</td>
<td>Reasonably Available control technology for facilities that emit volatile organic compounds.</td>
<td>4/11/01</td>
<td>5/20/02</td>
<td>67 FR 35441 (c)(51)</td>
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| 134 ......... | Reasonably Available control technology for facilities that emit volatile organic compounds. | 4/26/01 | 7/2/01 | 67 FR 35441 (c)(51) |...... | VOC RACT determination for Pratt & Whitney.
§ 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). 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
§ 52.1070 Identification of plan.

(a) Title of plans:
(1) “Plan for Implementation of Ambient Air Quality Standards in Cumberland, Maryland-Keyser, West Virginia, Interstate Air Quality Control Region.”
(2) “Plan for Implementation of Ambient Air Quality Standards in the Central Maryland Intrastate Air Quality Control Region.”
(3) “Plan for Implementation of Ambient Air Quality Standards in the Metropolitan Baltimore Intrastate Air Quality Control Region.”
(4) “Plan for Implementation of Ambient Air Quality Standards in the Maryland portion of the National Capital Interstate Air Quality Control Region.”
(5) “Plan for Implementation of Ambient Air Quality Standards in the Southern Maryland Intrastate Air Quality Control Region.”
(6) “Plan for Implementation of Ambient Air Quality Standards in the Eastern Shore Intrastate Air Quality Control Region.”
(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 SO2 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
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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 .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.

(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 AQCRs); 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 AQCRs) 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) 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.
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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.


(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, .05H, .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(3)(2), 10.18.05.02(A), and 10.18.05.03(3)(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 AQCR’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
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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(1), .04J(1)f, .04J(1)g, .04J(1)h, .04J(1)i(1), .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 9/18/80 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 a period 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.

(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 10.18.09.05A(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.

(56) 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.

(57) 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.

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

(59) 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.

(60) 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.

(61) 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.

(62) 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.

(63) 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.

(64) 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.

(65) 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.

(66) 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.

(67) 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.

(68) 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.

(69) 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.

(70) An amendment to Code of Maryland Air Regulation (COMAR)
(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.


(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

(i) Incorporation by reference.

(ii) Additional information.
(A) Letter from the Maryland Department of Environment dated 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.

(iii) Incorporation by reference.
(A) Letter of March 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.

(v) Incorporation by reference.
(A) Letter of June 30, 1987 from George P. Ferreri, Director, Maryland Air Management Administration to Thomas J. Maslany, EPA Region III, clarifying information with respect 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), 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 26.11.03.05 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.


(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...

(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 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.

(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 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 NO2, and requiring
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sources to conduct an NO₂ 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 Environment dated March 27, 1992 submitting revisions to the Maryland State Implementation Plan.

(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 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.


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


(ii) Additional material.


(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, adopted by the Secretary of Health and Hygiene on June 10, 1987, effective August 10, 1987:

1. Amendments to COMAR 26.11.06.06B, pertaining to control of Volatile organic compounds from installations.

2. Addition of new section COMAR 26.11.06.06E, exemptions.


(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–.02, .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.
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(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)(vi), 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.
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(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, 26.11.19.02A, 26.11.19.02B, 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(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.


(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.


(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).

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on 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(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.


(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.


(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).

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

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

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

(ii) 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 Appendices A and B contained in Supplement 1.

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

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

(v) Amendments to COMAR 26.11.19.07F(3) and (4), pertaining to compliance determinations for petroleum solvent dry cleaning installations.

(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:

(i) 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.

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

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

(B) The following revisions to the Maryland Regulations submitted on September 18, 1991 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:

(i) 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.

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

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

(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).

(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.
(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.
(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.

(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.
   (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.
   (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.

(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 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 “T.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 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, COMAR 26.11.

(B) Addition of new COMAR 26.11.01.01B(20-1) and new COMAR 26.11.01.01B(31-1); 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(20-1) and COMAR 26.11.01.01B(31-1); 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:


(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.”


(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,” “multi-stage 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.
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(3) Addition of new COMAR 26.11.19.23C. Coating Standards and General Conditions.


(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:

(i) 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 16, 1995 and effective on June 5, 1995, including the following:


(vii) Amendment to COMAR 26.11.19.17.C(3), pertaining to limits for temperature and pH.

(viii) 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:


(vi) Addition of new COMAR 26.11.19.18.F Control of VOC Emissions from the Use of Specialty Inks.


(xi) Addition of new COMAR 26.11.19.18.C(2), replacing previous §C(2).
(xiv) Addition of new COMAR 26.11.19.18.I Record Keeping, replacing the previous §I.
(xxi) 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, including the following:
(A) Remainder of July 12, 1995 Maryland State submittals pertaining to COMAR 26.11.19.21, .17, .18, and .19.
(B) 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:
(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.
(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.
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(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.”


(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 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 Material: 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 State Implementation Plan, 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.

(ii) Additional Material: Remainder of March 31, 1998 Maryland State submittal pertaining to COMAR 26.11.13 the definition of “gasoline.”

(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 the control of VOC emissions from sources that store and handle JP-4 jet fuel, effective on May 8, 1995.
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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:


(iii) 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 compound regulations in Maryland’s air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.


(ii) Additional Material.

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


(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.

(i) Amendments to COMAR 26.11.06.06.A, Applicability.

(ii) Amendments to COMAR 26.11.06.06.B, Control of VOC from Installations.

(3) Deletion of COMAR 26.11.13.04.C(4), Effective Date of Stage I Requirement for Certain Sources.
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 26.11.20.03, 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.
(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.
(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.
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(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:


(ii) 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 24, 1998, including the following:


(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.”

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(iv) 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.”


(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:


(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) 26.11.09.01 and 26.11.09.01, and limited approval of revisions to COMAR 26.11.09.08, submitted on June 8, 1993 and July 11, 1996 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 NOX Emissions from Major Stationary Sources and amendments to COMAR 26.11.09.01, Definitions.

(B) COMAR 26.11.09.08, Control of NOX 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 NOX 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 NOX 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, agreeing to meet certain conditions by no later than 12 months after July 22, 1999.

(i) Incorporation by reference.

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(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:

(i) COMAR 11.14.08.01 through COMAR 11.14.08.02, inclusive.
(ii) COMAR 11.14.08.03A.
(iii) COMAR 11.14.08.03A(1).
(iv) COMAR 11.14.08.03A(2) except the word “federal,” in the first line.
(v) COMAR 11.14.08.03A(3).
(vi) COMAR 11.14.08.03A(4) except the last two sentences of COMAR 11.14.08.06B(2).
(vii) Amendments to COMAR 11.14.08.06B(3).
(viii) Amendments to COMAR 11.14.08.06C.
(ix) Amendments to COMAR 11.14.08.06D.
(x) Amendments to COMAR 11.14.08.10C.
(xi) Deletion of COMAR 11.14.08.10C(1), C(1)(a) through C(1)(c), inclusive, and C(2).
(xii) Renumbering COMAR 11.14.08.03B.
(xiii) Renumbering COMAR 11.14.08.03C 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).
(xiv) The addition of a new COMAR 11.14.08.11 except the phrase “and, to the extent allowed by federal law, a vehicle owned by the federal government” in section COMAR 11.14.08.11A.
(xv) Amendments to COMAR 11.14.08.12A.
(xvi) Deletion of COMAR 11.14.08.12A(1) through .12A(6), inclusive.
(xvii) Amendments to COMAR 11.14.08.12B.
(xviii) Amendments to COMAR 11.14.08.29A.
(xix) Amendments to COMAR 11.14.08.30D.
(xx) Amendments to COMAR 11.14.08.32A.
(xxi) Amendments to COMAR 11.14.08.32B.
(xxii) Amendments to COMAR 11.14.08.42.

(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:

(i) Amendments to COMAR 11.14.08.03B.
(ii) The addition of a new COMAR 11.14.08.03C.
(iii) Amendments to COMAR 11.14.08.03B(4).
(iv) Amendments to COMAR 11.14.08.06D(7).
(v) Renumbering COMAR 11.14.08.09A to .09B, .09B to .09C, .09D and .09E to .09F, and .09G to .09G.
(vi) The addition of a new COMAR 11.14.08.09A, A(1) and A(3).
(vii) Amendments to COMAR 11.14.08.09B(1), B(1)(a), B(2)(b), B(3), B(3)(a), B(3)(b) and B(4).
(viii) Amendments to COMAR 11.14.08.09E.
(ix) 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).
(II) 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 except the phrase “and, to the extent allowed by federal law, a vehicle owned by the federal government” in section COMAR 11.14.08.11A.
(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.
(20) Amendments to COMAR 11.14.08.29A.
(21) Amendments to COMAR 11.14.08.30.
(22) Amendments to COMAR 11.14.08.32A.
(23) Amendments to COMAR 11.14.08.32B.
(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:

(i) Amendments to COMAR 11.14.08.02B.
(ii) Amendments to COMAR 11.14.08.03B(4), B(4)(a), B(4)(b), B(4)(c), B(4)(d) and B(4).
(iii) Deletion of COMAR 11.14.08.03C.
(iv) Addition of a new COMAR 11.14.08.03C and .03D.
(v) Amendments to COMAR 11.14.08.06A.
(vi) Amendments to COMAR 11.14.08.06A(2).
(vii) Amendments to COMAR 11.14.08.06A(3)(k), (g), and (r).
(viii) Renumbering COMAR 11.14.08.06A(3)(s) and (t) to COMAR 11.14.08.06A(3)(s) and (t), respectively.
(ix) The addition of a new COMAR 11.14.08.06A(3).
(x) Amendment of COMAR 11.14.08.06D.
(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)(1).
(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.
(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
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(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.


(147) Revisions to the Maryland State Implementation Plan submitted on March 11, 1999, by the Maryland Department of the Environment:

(i) Incorporation by reference.


(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).


(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), .09A(5), .10C (introductory paragraph), .11A (introductory paragraph), .11A(5).
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.

(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 Material.—Remainder of the 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.


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.
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(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, 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.


(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), .02A(1)(a), .02A(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.

(153) Revisions to the Maryland State Implementation Plan submitted on
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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 26.11.01.04C(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)(c)(i) and 04B(2)(c)(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.


(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 (NOX) 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 NOX Reduction and Trading Program.

(B) Revisions to COMAR 26.11.29, NOX Reduction and Trading Program and COMAR 26.11.30, Policies and Procedures Relating to Maryland’s NOX 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 NOX Reduction and Trading Program.

(155) Revisions to the Maryland Regulations for NOX 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 NOX RACT regulations.

(B) The Maryland NOX 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 Material.—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
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(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.


(ii) Additional Material.—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 Material.—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), 1996 edition of CFR, 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.B.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.B.33 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 Material.—Remainder of the November 16, 2000 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 amendment to COMAR 26.11.01.B.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.B.33 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 Material.—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 the Maryland Regulation, COMAR 26.11.19.29, Control of Volatile Organic Compounds From Distilled Spirits Facilities.

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(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) Letter dated February 5, 2001 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.10 to repeal Regulation 26.11.10.01, Petroleum Refineries.

(B) The following revisions to COMAR 26.11.10, effective December 25, 2000:

(1) Addition of COMAR 26.11.10.01B(1) through .01B(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.

(163) Revisions to the Maryland State Implementation Plan 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 .01B(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).
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(3) 26.11.01.B(24) through .01.B(36), except for .01.B(25).
(4) 26.11.01.B(38) through .01.B(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 26.11.01.01.B(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.


(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.


(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 NOx 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 NOx RACT requirements.

(B) Consent Order between the Maryland Department of the Environment and Constellation Power Source Generation, Inc. dated April 16, 2001.

(C) NOx RACT Averaging Plan Proposal submitted by Constellation Power Source Generation, Inc. dated November 6, 2000.
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(i) Additional Material.—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.


(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.


(ii) Additional Materials—Remainder of the State submittals pertaining to the revisions listed in paragraphs (c)(170)(i)(B) and (C) of this section.

(37 FR 10870, May 31, 1972)

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 on GPO Access.

EFFECTIVE DATE NOTES: 1. At 67 FR 36812, May 28, 2002, §52.1070 was amended by adding paragraphs (c)(171) and (c)(172), effective July 29, 2002. For the convenience of the user, the added text is set forth as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(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 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(e) from the 1999 edition to the 2000 edition of the CFR.

(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 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) 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)(171)(i)(B) and (C) of this section.
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listed in paragraphs (c)(172)(i)(B) and (C) of this section.

2. At 67 FR 39857, June 11, 2002, §52.1070 was amended by adding paragraph (c)(173), effective Aug. 12, 2002. For the convenience of the user, the added text is set forth as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(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], 26.11.06.02A(1)(i) [revised] and 26.11.06.02A(1)(j) [added].

2) COMAR 26.11.07.01B(5) [added], 26.11.07.01B(5)(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.

3. At 67 FR 44062, July 1, 2002, §52.1070 was amended by revising paragraph (c)(173), added on June 11, 2002 (67 FR 39856) and effective on August 12, 2002, for the convenience of the user, the revised text is set forth as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(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.

§ 52.1071 Classification of regions.

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

Air quality control region

Particulate matter

Sulfur oxides

Nitrogen dioxide

Carbon monoxide

Ozone

Cumberland-Keyser Interstate ................................................................. I I I III III

Central Maryland Intrastate ................................................................. II I I I I

Metropolitan Baltimore Intrastate ......................................................... I I I I I

National Capital Interstate ................................................................. I I I I I

Southern Maryland Intrastate ............................................................. III I I I I

Eastern Shore Intrastate ..................................................................... II III III III


§ 52.1072 Conditional approval.

(a)–(c) [Reserved]

(d) Revisions to the Maryland State Implementation Plan pertaining to Maryland’s major VOC source RACT and minor VOC source requirements, COMAR 26.11.19.02G and COMAR 26.11.06.06, submitted on April 5, 1991, June 8, 1993, and July 12, 1995 by the Maryland Department of the Environment are conditionally approved.
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Maryland must meet the following conditions by no later than 12 months after the publication of the final conditional rulemaking. These conditions are: Maryland certify that it has submitted case-by-case RACT proposals for all sources subject to the RACT requirements; or demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions, as defined in the final rulemaking notice.

(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) Conditional limited approval of revisions to the Maryland State Implementation Plan, pertaining to Maryland's major VOC source RACT and minor VOC source requirements, COMAR 26.11.19.02G and COMAR 26.11.06.06, submitted on April 5, 1991, June 8, 1993, and July 12, 1995 by the Maryland Department of the Environment.

§ 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, .05H, .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.

§ 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.

§ 52.1075 1990 base year emission 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, 1985. This submittal consists of the 1980 base year stationary, area, off-road mobile and
§ 52.1075

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 Washington Metropolitan Statistical Area, submitted by Secretary, Maryland Department of 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).

(d) 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 (NOx).

(e) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventory for the Baltimore ozone nonattainment area submitted by Secretary, Maryland Department of Environment 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 (NOx).

(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 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 in the area for the following pollutants: volatile organic compounds (VOC), and oxides of nitrogen (NOx).

(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 Secretary, Maryland Department of 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 Secretary, Maryland Department of 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.

§ 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) EPA is approving the State of Maryland’s post-1996 (ROP) plan SIP revision for the Washington area which was submitted on December 24, 1997, and supplemented on May 20, 1999, and the transportation control measures in Appendix H of the May 20, 1999 submittal.

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

(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, and August 31, 2001 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 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.
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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; to revise the SIP and motor vehicle emission budgets using MOBILE6 within one year after it is issued; 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

<table>
<thead>
<tr>
<th>Control Strategy SIP</th>
<th>Year</th>
<th>VOC (TPD)</th>
<th>NOx (TPD)</th>
<th>Date of Adequacy Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attainment Demonstration</td>
<td>2005</td>
<td>2.6</td>
<td>5.6</td>
<td>April 27, 2001 (See 66 FR 18928, published on April 12, 2001).</td>
</tr>
</tbody>
</table>

(1) We are only approving the attainment demonstration and its current budgets because Maryland has provided an enforceable commitment to revise the budgets using the MOBILE6 model within one year of EPA’s release of that model. Therefore, we are limiting the duration of our approval of the current budgets only until such time as the revised budgets are found adequate. Those revised budgets will be more appropriate than the budgets we are approving for conformity purposes for the time being.

(2) Similarly, EPA is only approving the 2005 attainment demonstration and its current budgets because Maryland has provided an enforceable commitment to submit new budgets as a revision to the attainment SIP consistent with any new measures submitted to fill any shortfall, if the new additional control measures affect on-road motor vehicle emissions. Therefore, EPA is limiting the duration of its approval of the current budgets only until such time as any such revised budgets are found adequate. Those revised budgets will be more appropriate than the budgets EPA is approving for conformity purposes for the time being.

(j)(1) EPA approves revisions to the Maryland State Implementation Plan for post-1996 rate of progress plans for milestone years 1999, 2002 and 2003 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, and August 20, 2001 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; to revise the SIP and motor vehicle emission budgets using MOBILE6 within one year after it is issued; and to perform a mid-course review by December 31, 2003.

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

(1) EPA approves the following mobile budgets of the Baltimore area attainment plan:
§ 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...
§§ 52.1111–52.1112  40 CFR Ch. I (7–1–02 Edition)

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 23333, May 16, 1994]

§§ 52.1111–52.1112 [Reserved]

§ 52.1113 General requirements.

(a) The requirements of §51.116(c) of this chapter are not met, since sections 10.03.35.11I and 10.03.35.10A of the Maryland Regulations governing the control of Air Pollution could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulations 10.03.35.11I and 10.03.35.10A are disapproved.

(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.


§§ 52.1114–52.1115 [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 allowable 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)).

§ 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.


§ 52.1118 Approval of bubbles in non-attainment 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.


(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]


§ 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 26, 1972 by the Governor.
§ 52.1120

(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—Variance, 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 specific provisions 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.


(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 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

(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 to Regulation 310 CMR 7.05(4) “Ash Content of Fuels” for the Pioneer Valley Air Pollution Control District, 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 Metropolitan Boston Air Pollution Control District, submitted on July 20, 1978 by the Commissioner 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 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.

(23) A revision to Regulation 310 CMR 7.07, Open Burning, submitted on September 28, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(24) 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.


(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.


(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.


(38) A variance of Regulation 310 CMR 7.05(1)(d)(2) “Sulfur Control of Fuels and Control Thereof” for the Metropolitian 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
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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) 1A 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
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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)(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.


(i) Incorporation by reference.


(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.


(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.


(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.


(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 non-regulatory portions of the state submittals.

(73) 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.


(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, 1986.

(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.


(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.
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(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.
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(ii) Additional materials. (A) Non-regulatory 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) Non-regulatory 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) Non-regulatory 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) Non-regulatory 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.

  (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

(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.


(i) Incorporation by reference.
(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, 1985.
(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) Letters from the Massachusetts Department of Environmental Quality Engineering dated June 27, 1984 submitting 310 CMR 7.00: Appendix B.
(B) Amendment to 310 CMR 7.18(2)(b) submitted on June 7, 1991.


(i) Incorporation by reference.
(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.


(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.


(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 on May 17, 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.


(i) Incorporation by reference.


(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.
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(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.


(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 March 31, 1994 submitting a revision to the Massachusetts State Implementation Plan.

(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.


(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.


(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.
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(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.


(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 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
§ 52.1120 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); 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 7.18(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 51.353;

(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.

(EPA is also approving this SIP revision under section 110(k), for its strengthening effect on the plan.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(i) Incorporation by reference.


(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.

(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...
§52.1120 40 CFR Ch. I (7–1–02 Edition)

[25x20]VerDate Aug<1,>2002 04:54 Aug 23, 2002 Jkt 197140 PO 00000 Frm 00086 Fmt 8010 Sfmt 8010 Y:\SGML\197140T.XXX pfrm12 PsN: 197140T

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, NOX 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.


(i) Incorporation by reference.


(B) Regulation, 310 CMR 7.19, “Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NOX)” as adopted by the Commonwealth of Massachusetts on June 29, 1994 and effective on July 1, 1994.

(120) [Reserved]

(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.


(ii) Additional materials.

(A) Nonregulatory portions of the submittal.


(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.
(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.
(B) Amendments to 310 CMR 7.27, NOX 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, NOX 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.


(D) Table of Unit Allocations.
(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.
(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 November 15, 1994 and March 29, 1995 submitting revisions to the Massachusetts State Implementation Plan.
(128)–(129) [Reserved]
(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.”

[37 FR 10871, May 31, 1972]
§ 52.1121 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Particulate matter</td>
</tr>
<tr>
<td>Metropolitan Boston Intrastate</td>
<td>I</td>
</tr>
<tr>
<td>Merrimack Valley-Southern New Hampshire Interstate</td>
<td>I</td>
</tr>
<tr>
<td>Metropolitan Providence Interstate</td>
<td>I</td>
</tr>
<tr>
<td>Central Massachusetts Intrastate</td>
<td>I</td>
</tr>
<tr>
<td>Hartford-New Haven-Springfield Interstate</td>
<td>I</td>
</tr>
<tr>
<td>Berkshire Intrastate</td>
<td>III</td>
</tr>
</tbody>
</table>


§ 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 source covered by CTGs issued by the previous January.

(b) The above requirements for continued satisfaction of Part D are fulfilled by Massachusetts Regulation 310 CMR 7.02(2)(d) submitted on March 30, 1979 are disapproved because the RI do not satisfy the requirements of §51.161.


§ 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.

(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

§ 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.)

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date of adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deerfield Specialty Papers, Inc.</td>
<td>Monroe Bridge</td>
<td>5.1.2</td>
<td>Oct. 17, 1972</td>
</tr>
<tr>
<td>Hollingsworth &amp; Vose Co. Pepperell Paper Co.</td>
<td>East Walpole</td>
<td>5.1.2</td>
<td>June 29, 1972</td>
</tr>
<tr>
<td>Stevens Paper Mills, Inc.</td>
<td>Peppermint</td>
<td>5.1.2</td>
<td>Nov. 29, 1972</td>
</tr>
<tr>
<td>Tileston and Hollingsworth Co.</td>
<td>Westfield</td>
<td>5.1.2</td>
<td>July 27, 1972</td>
</tr>
<tr>
<td>All sources in Berkshire APCD.</td>
<td>Hyde Park</td>
<td>5.1.2</td>
<td>Nov. 21, 1972</td>
</tr>
</tbody>
</table>

(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; UnRoyal 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.

(b)(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).

§ 52.1126

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.


Harodite Finishing Corporation, Dighton—(conditioned upon prior removal of rain caps 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 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).

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.

Wellesley College, Wellesley.

National Tanning and Trading, Peabody.

General Tire, Reading.

General Foods Corporation, Atlantic Gelatin, Woburn.
§ 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.

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
<th>SO₂</th>
<th>PM₁₀</th>
<th>NO₂</th>
<th>CO</th>
<th>O₃</th>
</tr>
</thead>
<tbody>
<tr>
<td>AQCR 42: Hartford-New Haven-Springfield Interstate Area (See 40 CFR 81.26)</td>
<td>(a)</td>
<td>(b)</td>
<td>(a)</td>
<td>(a)</td>
<td>(a)</td>
<td>(d)</td>
</tr>
<tr>
<td>AQCR 117: Berkshire Intrastate Area (See 40 CFR 81.141)</td>
<td>(a)</td>
<td>(b)</td>
<td>(a)</td>
<td>(a)</td>
<td>(a)</td>
<td>(d)</td>
</tr>
<tr>
<td>AQCR 118: Central Mass Intrastate Area (See 40 CFR 81.142)</td>
<td>(a)</td>
<td>(b)</td>
<td>(a)</td>
<td>(a)</td>
<td>(a)</td>
<td>(c)</td>
</tr>
<tr>
<td>AQCR 119: Metropolitan Boston Intrastate Area (See 40 CFR 81.19)</td>
<td>(a)</td>
<td>(b)</td>
<td>(a)</td>
<td>(a)</td>
<td>(a)</td>
<td>(c)</td>
</tr>
<tr>
<td>AQCR 120: Metropolitan Providence Interstate Area (See 40 CFR 81.31)</td>
<td>(a)</td>
<td>(b)</td>
<td>(a)</td>
<td>(a)</td>
<td>(a)</td>
<td>(c)</td>
</tr>
</tbody>
</table>

[a] Air quality levels presently below primary standards or area is unclassifiable.
[b] Air quality levels presently below secondary standards or area is unclassifiable.

[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 on GPO Access.

§ 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 §61.19 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 to 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...
§ 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. 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 (NOₓ) to be used in transportation conformity in the Springfield, Massachusetts serious ozone nonattainment area.

(b) 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...
§ 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.
§ 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.

(b) Any other affected entity shall at a minimum eliminate 33% percent of such parking during the hours of 7 a.m. to 10 a.m. by January 1, 1976; 66 2/3 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 shall, 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

(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 that 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
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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 available 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 of additional new commercial parking spaces equal
§ 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...
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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 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:
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(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) 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) 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.

§ 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.

(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
§ 52.1147 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 NOTES: (1) FOR FEDERAL REGISTER citations affecting §52.1147, see the
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List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

(2) The compliance dates given in paragraphs (b) (1) through (3) of §52.1147 were deferred indefinitely at 40 FR 1127, Jan. 6, 1975.

§§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.


[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.
§ 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. 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]
(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 (b) through (v) are hereby incorporated and made a part of the applicable State plan for the State of Massachusetts.

[40 FR 26410, June 19, 1978]

§ 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>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>Date submitted by State</th>
<th>Date approved by EPA</th>
<th>Federal Register citation</th>
<th>52.1120(c)</th>
<th>Comments/unapproved sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>310 CMR 7.00</td>
<td>Definitions</td>
<td>2/14/85; 2/21/86; 2/25/86; 6/23/86</td>
<td>9/25/85; 8/31/87</td>
<td>50 FR 38604; 52 FR 32792</td>
<td>64</td>
<td>Motor vehicle fuel.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11/5/86; 12/10/86</td>
<td>11/19/87</td>
<td>52 FR 44395</td>
<td>74</td>
<td>Two new definitions and one amended definition.</td>
</tr>
<tr>
<td></td>
<td>Statutory authority; legend; preamble; definitions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>310 CMR 7.00</td>
<td>Definitions</td>
<td>7/18/88</td>
<td>5/4/89</td>
<td>54 FR 19184</td>
<td>78</td>
<td>Includes bulk plant and terminal, gasoline market.</td>
</tr>
<tr>
<td>310 CMR 7.00</td>
<td>Definitions</td>
<td>1/30/91</td>
<td>10/8/92</td>
<td>57 FR 46312</td>
<td>96</td>
<td>Definitions of no-build alternative, project area, project roadway, and tunnel ventilation system.</td>
</tr>
<tr>
<td>310 CMR 7.00</td>
<td>Definitions</td>
<td>05/17/90, 06/07/91</td>
<td>12/14/92</td>
<td>57 FR 58996</td>
<td>97</td>
<td>Added “motor vehicle fuel,” “motor vehicle fuel dispensing facility,” “substantial modification,” and “vapor collection and control system.”</td>
</tr>
<tr>
<td>310 CMR 7.00</td>
<td>Definitions</td>
<td>8/17/89; 6/7/91</td>
<td>1/11/93</td>
<td>58 FR 3495</td>
<td>93</td>
<td>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.</td>
</tr>
</tbody>
</table>
Environmental Protection Agency

§ 52.1167

310 CMR 7.00 Definitions ................................................................. 6/22/87

310 CMR 7.00 Definitions ................................................................. 12/27/89

310 CMR 7.00 Definitions ................................................................. 6/7/91

310 CMR 7.00 Definitions ................................................................. 10/4/94

310 CMR 7.00 Definitions ................................................................. 11/5/93

310 CMR 7.00 Definitions ................................................................. 2/1/95

310 CMR 7.00 Definitions ................................................................. 7/30/93

310 CMR 7.00 Definitions ................................................................. 7/30/96

310 CMR 7.00 Definitions ................................................................. 2/17/93

310 CMR 7.00 Definitions ................................................................. 11/19/93

310 CMR 7.00 Definitions ................................................................. 3/29/95

310 CMR 7.00 Definitions ................................................................. 12/18/93

310 CMR 7.00 Definitions ................................................................. 9/11/00

310 CMR 7.00 Definitions ................................................................. 4/14/00

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310 CMR 7.00 Definitions ................................................................. 8/28/72

310 CMR 7.00 Definitions ................................................................. 9/9/82

310 CMR 7.00 Definitions ................................................................. 11/25/86

310 CMR 7.00 Definitions ................................................................. 4/30/89

310 CMR 7.00 Definitions ................................................................. 5/13/89

310 CMR 7.00 Definitions ................................................................. 1/10/84

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310 CMR 7.00 Definitions ................................................................. 1/22/85

310 CMR 7.00 Definitions ................................................................. 2/22/85

310 CMR 7.00 Definitions ................................................................. 2/22/85

310 CMR 7.00 Definitions ................................................................. 2/22/85

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<table>
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<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>Date submitted by State</th>
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<th>Federal Register citation</th>
<th>52.1120(c)</th>
<th>Comments/unapproved sections</th>
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<tbody>
<tr>
<td>310 CMR 7.02(12)(a)(b).</td>
<td>Organic material, bulk plants and terminals handling organic material.</td>
<td>12/31/78</td>
<td>9/16/80</td>
<td>45 FR 61293</td>
<td>30</td>
<td>Approved for secondary seals or equivalent weather roofs.</td>
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<tr>
<td>310 CMR 7.02(12)(b).</td>
<td>Stage I vapor recovery</td>
<td>5/20/77</td>
<td>5/25/78</td>
<td>43 FR 22356</td>
<td>15</td>
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<tr>
<td>310 CMR 7.02(12)(d).</td>
<td>Test Methods applicable to 310 CMR 7.02(12)</td>
<td>2/14/85</td>
<td>9/25/85</td>
<td>50 FR 38804</td>
<td>64</td>
<td>Tank trucks.</td>
</tr>
<tr>
<td>310 CMR 7.02(12)(e).</td>
<td>Gasoline Volatility</td>
<td>7/18/88</td>
<td>5/4/89</td>
<td>54 FR 19184</td>
<td>72</td>
<td>Requires EPA approved test methods or EPA approved alternatives.</td>
</tr>
<tr>
<td>310 CMR 7.05</td>
<td>Sulfur-in-fuel</td>
<td>12/28/78</td>
<td>10/18/80</td>
<td>45 FR 48131</td>
<td>29</td>
<td>Correction notice.</td>
</tr>
<tr>
<td>310 CMR 7.07(1)(b).</td>
<td>Sulfur content of fuels and control thereof for Central APCD.</td>
<td>6/25/76</td>
<td>2/15/77</td>
<td>42 FR 9176</td>
<td>10</td>
<td>Approves burning of 2.2% until 7/1/78 for 100 mBtu sources listed in 52.1126.</td>
</tr>
<tr>
<td>Date</td>
<td>Date</td>
<td>FR Number</td>
<td>Sulfur Content of Fuels and Control Thereof for Central APCD.</td>
<td>Approvals or Extensions</td>
<td></td>
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<tr>
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<tr>
<td>3/29/76</td>
<td>5/19/77</td>
<td>42 FR 25730</td>
<td></td>
<td>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.</td>
<td></td>
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<tr>
<td>5/25/76</td>
<td></td>
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</tr>
<tr>
<td>6/25/76</td>
<td>6/21/78</td>
<td>43 FR 26573</td>
<td></td>
<td>10 Extends expiration date to 6/21/78.</td>
<td></td>
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<tr>
<td>8/22/77</td>
<td>7/16/79</td>
<td>44 FR 41180</td>
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<tr>
<td>3/2/79</td>
<td>9/10/80</td>
<td>45 FR 59578</td>
<td></td>
<td>24 Permanent extension for certain sources to burn 2.2% under specified conditions.</td>
<td></td>
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<tr>
<td>3/20/80</td>
<td>9/17/81</td>
<td>46 FR 46133</td>
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<tr>
<td>3/29/76</td>
<td></td>
<td></td>
<td></td>
<td>24 Approves the burning of 2.2% at Fitchburg Paper (55 Meter stacks only) for James River, Massachusetts, Inc., year round.</td>
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<td>5/25/76</td>
<td></td>
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<td>6/25/76</td>
<td>6/17/80</td>
<td>45 FR 40987</td>
<td></td>
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<tr>
<td>8/22/77</td>
<td>5/19/77</td>
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310 CMR
7.05(1)(c).
Sulfur content of fuels and control thereof for Merrimack Valley.

<table>
<thead>
<tr>
<th>Date</th>
<th>Date</th>
<th>FR Number</th>
<th>Sulfur Content of Fuels and Control Thereof for Metropolitan Boston APCD.</th>
<th>Approvals or Extensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/28/76</td>
<td>7/12/77</td>
<td>42 FR 35630</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>12/30/76</td>
<td>12/28/76</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/28/76</td>
<td>7/12/77</td>
<td>42 FR 35630</td>
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<tr>
<td>8/22/77</td>
<td>6/21/78</td>
<td>43 FR 26573</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/30/76</td>
<td>5/21/79</td>
<td>44 FR 29453</td>
<td></td>
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<tr>
<td>7/17/75</td>
<td>5/12/75</td>
<td>40 FR 56889</td>
<td></td>
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<tr>
<td>9/16/75</td>
<td>4/1/77</td>
<td></td>
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<tr>
<td>4/20/78</td>
<td>11/30/78</td>
<td>43 FR 56040</td>
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<td>12/28/78</td>
<td>5/21/79</td>
<td>44 FR 29453</td>
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<tr>
<td>4/25/80</td>
<td>1/27/81</td>
<td>46 FR 8476</td>
<td></td>
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<tr>
<td>11/25/80</td>
<td>8/11/81</td>
<td>46 FR 40688</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/14/81</td>
<td>12/16/81</td>
<td>46 FR 61123</td>
<td></td>
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<tr>
<td>11/27/79</td>
<td>12/15/80</td>
<td>45 FR 82251</td>
<td></td>
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<tr>
<td>9/24/81</td>
<td>12/15/81</td>
<td>46 FR 61118</td>
<td></td>
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<tr>
<td>12/7/83</td>
<td>9/25/84</td>
<td>49 FR 37592</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/22/77</td>
<td>2/1/77</td>
<td>42 FR 5957</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/22/76</td>
<td>8/22/77</td>
<td>43 FR 26573</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/27/77</td>
<td>1/3/79</td>
<td>44 FR 29453</td>
<td></td>
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</table>

310 CMR
7.05(1)(d).
Sulfur content of fuels and control thereof for Metropolitan Boston APCD.

<table>
<thead>
<tr>
<th>Date</th>
<th>Date</th>
<th>FR Number</th>
<th>Sulfur Content of Fuels and Control Thereof for Pioneer Valley APCDs.</th>
<th>Approvals or Extensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/22/77</td>
<td>2/1/77</td>
<td>42 FR 5957</td>
<td></td>
<td>9 Approves 2.2% except for sources listed in 52.1125.</td>
</tr>
<tr>
<td>7/22/76</td>
<td>8/22/77</td>
<td>43 FR 26573</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/27/77</td>
<td>1/3/79</td>
<td>44 FR 29453</td>
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<td></td>
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</tbody>
</table>

310 CMR
7.05(1)(e).
Sulfur content of fuels and control thereof for Pioneer Valley APCDs.
<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>Date submitted by State</th>
<th>Date approved by EPA</th>
<th>Federal Register citation</th>
<th>52.1120(c)</th>
<th>Comments/unapproved sections</th>
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<tbody>
<tr>
<td>310 CMR 7.05(1)(f)</td>
<td>Sulfur content of fuels and control thereof for Southeastern APCD.</td>
<td>12/30/76</td>
<td>9/2/77</td>
<td>42 FR 44235</td>
<td>12</td>
<td>Approves burning of 2.2% for sources listed in 52.1126, all others must continue to burn 1%. Extends expiration date from 5/1/78 to 7/1/79.</td>
</tr>
<tr>
<td>310 CMR 7.05(4)</td>
<td>Ash content of fuels for Pioneer Valley for APCD</td>
<td>1/3/79</td>
<td>5/21/79</td>
<td>44 FR 29453</td>
<td>22</td>
<td>Permanent extension to burn 2.2%.</td>
</tr>
<tr>
<td>310 CMR 7.07</td>
<td>Open burning</td>
<td>12/9/77</td>
<td>9/29/78</td>
<td>43 FR 44841</td>
<td>16</td>
<td>Two revisions with conditions to permit open burning of brush cane, driftwood and forest debris for 2 months of the year.</td>
</tr>
<tr>
<td>310 CMR 7.08</td>
<td>Incinerators</td>
<td>8/28/72</td>
<td>10/28/72</td>
<td>37 FR 23085</td>
<td>4</td>
<td>Approves open burning (as in (c) 16) from 1/15 to 5/1 in certain areas of the State.</td>
</tr>
</tbody>
</table>
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; (i)2.e; (i)2.g; (i)2.d; (i)5.a; (i)5.c; (i)5.d; (i)10; (h)13; (i)1.b; (i)1.g; (i)2.c; (i)2.d; and (k)3.

310 CMR 7.09 ....... MWC NOx requirements ........................................ 1/11/99 9/2/99 64 FR 48098 119 Only approved NOx 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)5, (f)6, (g)1, (g)2, (g)3, (g)4, (h)2.a, (h)2.b, (h)2.d, (i)1.e, (i)2.g, (i)2.h, (i)4, (i)5.a, (i)5.c, (i)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 7.10 ....... Dust and odor .......................................................... 8/28/72 10/28/72 37 FR 23085 4

310 CMR 7.11 ....... 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 7.12 ...... Inspection Certificate Record Keeping and Reporting. 6/28/80; 9/30/92; 7/15/94

310 CMR 7.13(2) .. U Applicability and Handling Requirements ............ 8/17/89 1/11/93 58 FR 3495 93 Approval of 310 CMR 7.18(1), (a), (c), (d) and (e).

310 CMR 7.14(2) .. U Compliance with Emission Limitations ................. 8/27/82; 6/7/91 119 Adds an exemption for coatings used in small amounts, and a section on daily weighted averaging.
<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>Date submitted by State</th>
<th>Date approved by EPA</th>
<th>Federal Register citation</th>
<th>S2.1120(c)</th>
<th>Comments/unapproved sections</th>
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<tbody>
<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Generic VOC bubble for surface coaters</td>
<td>6/24/80</td>
<td>7/12/82</td>
<td>47 FR 30060</td>
<td>47</td>
<td>Adds metal coils.</td>
</tr>
<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Generic VOC bubble for surface coaters</td>
<td>7/21/81</td>
<td>6/2/82</td>
<td>47 FR 23927</td>
<td>48</td>
<td>Adds miscellaneous metal parts and products and graphic arts-rotogravure and flexography.</td>
</tr>
<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Compliance with emission limitations</td>
<td>3/6/89</td>
<td>54 FR 9213</td>
<td>53</td>
<td>Adds metal furniture.</td>
<td></td>
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<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Metal furniture surface coating</td>
<td>12/31/88</td>
<td>9/16/80</td>
<td>45 FR 61293</td>
<td>30</td>
<td>Testing requirements for plan approvals issued under 310 CMR 7.18(17).</td>
</tr>
<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Metal furniture surface coating</td>
<td>8/17/89</td>
<td>11/11/93</td>
<td>58 FR 3495</td>
<td>93</td>
<td>Replacement of 310 CMR 7.18(3).</td>
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<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Metal can surface coating</td>
<td>12/31/78</td>
<td>5/16/79</td>
<td>45 FR 61293</td>
<td>30</td>
<td>Adds test methods.</td>
</tr>
<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Large appliances surface coating</td>
<td>12/31/78</td>
<td>9/16/80</td>
<td>45 FR 61293</td>
<td>30</td>
<td>Replacement of 310 CMR 7.18(5).</td>
</tr>
<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Magnet wire insulation surface coating</td>
<td>12/31/78</td>
<td>5/16/79</td>
<td>45 FR 61293</td>
<td>30</td>
<td>Replacement of 310 CMR 7.18(6).</td>
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<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Automobile surface coating</td>
<td>12/31/78</td>
<td>5/16/79</td>
<td>45 FR 61293</td>
<td>30</td>
<td>Replacement of 310 CMR 7.18(7).</td>
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<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Solvent metal degreasing</td>
<td>12/31/78</td>
<td>9/16/80</td>
<td>45 FR 61293</td>
<td>30</td>
<td>Conditional approval requiring controls for small solvent metal degreasers.</td>
</tr>
<tr>
<td>310 CMR 7.18(2)(b)</td>
<td>Solvent Metal Degreasing</td>
<td>8/13/83</td>
<td>11/9/83</td>
<td>48 FR 51480</td>
<td>53</td>
<td>Approves public education program for small degreasers and removes conditional approval.</td>
</tr>
</tbody>
</table>

[See NOTES at end of Table]
<table>
<thead>
<tr>
<th>Section</th>
<th>Action</th>
<th>Date of Action</th>
<th>Amount</th>
<th>Notes</th>
</tr>
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<tbody>
<tr>
<td>310 CMR 7.18(8)</td>
<td>Approval of 310 CMR 7.18(8), (8)(d), (8)(d1), (8)(e), (8)(f) and (8)(g)</td>
<td>8/17/89</td>
<td>1/11/93</td>
<td>58 FR 3495</td>
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<tr>
<td>310 CMR 7.18(8)</td>
<td>Approval of 310 CMR 7.18(8), (8)(a), (8)(a1), (8)(a2), (8)(a3), (8)(a4), (8)(a5), (8)(a6), (8)(b), (8)(b1), (8)(b2), (8)(b3), (8)(b4), (8)(b5), (8)(b6), (8)(b7), (8)(b8), (8)(b9), (8)(b10), (8)(b11), (8)(b12), (8)(b13), (8)(c), (8)(c1), (8)(c2), (8)(c3), (8)(c4), (8)(c5), (8)(c6), (8)(c7), (8)(c8), (8)(c9), (8)(d2), (8)(d3)</td>
<td>6/7/91</td>
<td>6/30/93</td>
<td>58 FR 34911</td>
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<td>310 CMR 7.18(9)</td>
<td>Approval of 310 CMR 7.18(9).</td>
<td>12/31/78</td>
<td>5/16/79</td>
<td>9/16/80</td>
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<tr>
<td>310 CMR 7.18(10)</td>
<td>Approval of 310 CMR 7.18(2)(b).</td>
<td>6/24/80</td>
<td>7/12/82</td>
<td>47 FR 23927</td>
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<tr>
<td>310 CMR 7.18(11)</td>
<td>Approval of 310 CMR 7.18(11), (11)(b), (11)(c), (11)(d) and (11)(e).</td>
<td>7/21/81</td>
<td>3/10/82</td>
<td>6/2/82</td>
</tr>
<tr>
<td>310 CMR 7.18(12)</td>
<td>Approval of 310 CMR 7.18(12).</td>
<td>7/21/81</td>
<td>3/10/82</td>
<td>6/2/82</td>
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<tr>
<td>310 CMR 7.18(13)</td>
<td>Approval of 310 CMR 7.18(13)(a) 8. has been deleted.</td>
<td>8/17/89</td>
<td>1/11/93</td>
<td>58 FR 3495</td>
</tr>
<tr>
<td>310 CMR 7.18(14)</td>
<td>Approval of 310 CMR 7.18(14).</td>
<td>3/6/81</td>
<td>3/8/82</td>
<td>47 FR 9836</td>
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<tr>
<td>310 CMR 7.18(15)</td>
<td>Approval of 310 CMR 7.18(15).</td>
<td>3/6/81</td>
<td>3/8/82</td>
<td>47 FR 9836</td>
</tr>
</tbody>
</table>

Notes:
- Approves and adds to 310 CMR 7.18(2)(b).
- Adds test methods and removes extended compliance schedule.
- Replaces 310 CMR 7.18(9).
- Adds an exemption.
- Revises a reference.
### Table 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>Date submitted by State</th>
<th>Date approved by EPA</th>
<th>Federal Register citation</th>
<th>52.1120(c) Comments/unapproved sections</th>
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<tr>
<td>310 CMR 7.18(16)</td>
<td>U Vinyl Surface Coating</td>
<td>8/17/89; 6/7/91</td>
<td>1/11/93</td>
<td>58 FR 3495</td>
<td>93 Replacement of 310 CMR 7.18(16).</td>
</tr>
<tr>
<td>310 CMR 7.18(17)</td>
<td>RACT</td>
<td>9/9/82</td>
<td>11/9/83</td>
<td>48 FR 51480</td>
<td>53 All 100 ton per year sources not covered by a CTG.</td>
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<tr>
<td></td>
<td>RACT</td>
<td>3/6/89</td>
<td>54 FR 9213</td>
<td></td>
<td>80 Enforceability of plan approvals issued under 310 CMR 7.18(17).</td>
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<tr>
<td></td>
<td></td>
<td>6/20/89</td>
<td>2/21/90</td>
<td>55 FR 5990</td>
<td>79 RACT Compliance Plan Conditional Approval for Monsanto Chemical Company in Indian Orchard dated 6/20/89.</td>
</tr>
<tr>
<td>RACT</td>
<td>5/13/91</td>
<td>12/14/92</td>
<td>57 FR 58893</td>
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<td>91 RACT amendment for Enving.</td>
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<td>RACT</td>
<td>5/22/92</td>
<td>7/28/94</td>
<td>59 FR 38374</td>
<td></td>
<td>93 Approval of 310 CMR 7.18(17), (17)(a), (17)(b), (17)(c), (17)(d), (17)(e) and (17)(f).</td>
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<td>RACT</td>
<td>7/19/93</td>
<td>1/6/95</td>
<td>60 FR 2017</td>
<td></td>
<td>99 RACT Approval for S. Bent &amp; Bros.</td>
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<tr>
<td>RACT</td>
<td>3/31/94</td>
<td>3/6/95</td>
<td>60 FR 12125</td>
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<td>100 RACT Approval for Nichols &amp; Stone Co.</td>
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### TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

<table>
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<tr>
<th>State citation</th>
<th>Title/subject</th>
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<th>Date approved by EPA</th>
<th>Federal Register citation</th>
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<th>Comments/unapproved sections</th>
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<tbody>
<tr>
<td>310 CMR 7.19</td>
<td>NOx RACT</td>
<td>5/12/86</td>
<td>11/25/86</td>
<td>51 FR 42565</td>
<td>71</td>
<td>Mission Hill Extension Family Development facility, in the Boston Housing Authority, Boston, MA to burn 2.2% until May 25, 1989.</td>
</tr>
<tr>
<td>310 CMR 7.19</td>
<td>NOx RACT</td>
<td>7/15/94</td>
<td>9/2/99</td>
<td>64 FR 48098</td>
<td>119</td>
<td>NOx RACT regulations.</td>
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<tr>
<td>310 CMR 7.19</td>
<td>NOx RACT</td>
<td>12/2/96</td>
<td>9/2/99</td>
<td>64 FR 48098</td>
<td>119</td>
<td>Facility specific NOx RACT for Monsanto Company's Indian Orchard facility.</td>
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<tr>
<td>310 CMR 7.19</td>
<td>NOx RACT</td>
<td>4/16/99</td>
<td>9/2/99</td>
<td>64 FR 48098</td>
<td>119</td>
<td>Facility specific NOx RACT for Turners Falls Limited Partnership/Indeck Energy Services Turners Falls, Inc., in Montague.</td>
</tr>
<tr>
<td>310 CMR 7.19</td>
<td>NOx RACT</td>
<td>4/16/99</td>
<td>9/2/99</td>
<td>64 FR 48098</td>
<td>119</td>
<td>Facility specific NOx RACT for Medusa Minerals Company in Lee.</td>
</tr>
<tr>
<td>310 CMR 7.19 (2)(d)</td>
<td>Generic NOx bubbling and trading for RACT sources</td>
<td>3/29/95</td>
<td>8/8/96</td>
<td>61 FR 41338</td>
<td>112</td>
<td>Adds credit creation option for NOx RACT sources.</td>
</tr>
<tr>
<td>310 CMR 7.19 (2)(g)</td>
<td>Generic NOx bubbling and trading for RACT sources</td>
<td>3/29/95</td>
<td>8/8/96</td>
<td>61 FR 41338</td>
<td>112</td>
<td>Adds credit use option for NOx RACT sources.</td>
</tr>
<tr>
<td>310 CMR 7.19 (14)</td>
<td>Generic NOx bubbling for RACT sources</td>
<td>3/29/95</td>
<td>8/8/96</td>
<td>61 FR 41338</td>
<td>112</td>
<td>Adds quantification, testing, monitoring, record keeping, reporting, and emission control plan requirements for averaging NOx RACT sources.</td>
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<tr>
<td>310 CMR 7.24(5)(b)2</td>
<td>Revision to gasoline volatility testing regulation</td>
<td>10/16/89</td>
<td>4/19/90</td>
<td>55 FR 14832</td>
<td>83</td>
<td>Revisions to regulatory language.</td>
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<td>310 CMR 7.24(3)</td>
<td>Distribution of motor vehicle fuel</td>
<td>2/17/93</td>
<td>9/3/1999</td>
<td>64 FR 48304</td>
<td>c(117)</td>
<td>Amends distribution of motor fuel requirements, applicability, recordkeeping and testing requirements.</td>
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<tr>
<td>310 CMR 7.24(6)</td>
<td>“Dispensing of Motor Vehicle Fuel” (Stage II)</td>
<td>05/17/90</td>
<td>12/14/92</td>
<td>57 FR 58996</td>
<td>97</td>
<td>Previous version of rule approved as strengthening the Massachusetts SIP. Revised rule being approved as meeting the Clean Air Act requirements.</td>
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<tr>
<td>310 CMR 7.24(6)</td>
<td>Dispensing of motor vehicle fuel</td>
<td>2/17/93</td>
<td>9/3/1993</td>
<td>58 FR 48318</td>
<td>98</td>
<td>Rule revised to include annual compliance testing and certification.</td>
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<tr>
<td>310 CMR 7.24(6)</td>
<td>Dispensing Motor Vehicle Fuel</td>
<td>08/09/00</td>
<td>12/18/00</td>
<td>65 FR 78976</td>
<td>116</td>
<td>Rule revised to include annual compliance testing and certification.</td>
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<td>310 CMR 7.24(8)</td>
<td>Marine Volatile Organic Liquid Transfer</td>
<td>10/17/97</td>
<td>4/11/00</td>
<td>65 FR 19326</td>
<td>115</td>
<td>Rule revised to include annual compliance testing and certification.</td>
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<td>Full CIP</td>
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<td>310 CMR 7.25</td>
<td>Best available controls for consumer and commercial products.</td>
<td>11/18/94</td>
<td>12/19/95</td>
<td>60 FR 65242</td>
<td>Includes architectural &amp; industrial maintenance coatings.</td>
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<tr>
<td>310 CMR 7.25</td>
<td>Best Available Controls for Consumer and Commercial Products.</td>
<td>7/30/96</td>
<td>4/11/00</td>
<td>65 FR 1927</td>
<td>115 Definition of “waterproofing sealer” revised.</td>
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<td>310 CMR 7.27</td>
<td>NOx Allowance Program</td>
<td>12/19/97</td>
<td>6/29/99</td>
<td>64 FR 29569</td>
<td>(c)(118) Approval of NOx cap and allowance trading regulations</td>
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<tr>
<td>310 CMR 7.28</td>
<td>NOx Allowance Trading Program</td>
<td>January 12/27/00</td>
<td>65 FR 81747</td>
<td>124 adding paragraphs 7.27(b)(m), 7.27(b)(o), 7.27(11)(e), 7.27(11)(p) and 7.27(15)(e).</td>
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<tr>
<td>310 CMR 7.30</td>
<td>Massport/Logan Airport Parking Freeze</td>
<td>12/26/00</td>
<td>March 12, 2001</td>
<td>66 FR 14319</td>
<td>101 Applies to the parking of motor vehicles on Massport property.</td>
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<tr>
<td>310 CMR 7.31</td>
<td>City of Boston/East Boston Parking Freeze</td>
<td>12/26/00</td>
<td>March 12, 2001</td>
<td>66 FR 14319</td>
<td>101 Applies to the parking of motor vehicles within the area of East Boston.</td>
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<tr>
<td>310 CMR 7.33</td>
<td>City of Boston/South Boston Parking Freeze</td>
<td>7/30/93</td>
<td>10/15/96</td>
<td>61 FR 53633</td>
<td>111 Applies to the parking of motor vehicles within the area of South Boston, including Massport property in South Boston.</td>
<td></td>
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<tr>
<td>310 CMR 7.38</td>
<td>Tunnel vent certification regulation</td>
<td>1/30/93</td>
<td>10/8/92</td>
<td>57 FR 46312</td>
<td>96 Tunnel ventilation certification regulation for Boston metropolitan area.</td>
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<tr>
<td>310 CMR 7.40</td>
<td>Low emission vehicle</td>
<td>11/15/93</td>
<td>2/1/95</td>
<td>60 FR 6030</td>
<td>103 Substitute for CFFP.</td>
<td></td>
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<tr>
<td>310 CMR 7.50</td>
<td>Variances, regulations for control of air pollution in the six MA APCDs.</td>
<td>9/14/74</td>
<td>10/8/76</td>
<td>41 FR 44955</td>
<td>7 Correction.</td>
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<tr>
<td>310 CMR 7.51</td>
<td>Hearings relative to orders and approvals</td>
<td>9/14/74</td>
<td>2/4/77</td>
<td>42 FR 6812</td>
<td>4 Changes significant harm and alert levels.</td>
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<tr>
<td>310 CMR 7.52</td>
<td>Enforcement provisions</td>
<td>8/28/72</td>
<td>10/28/72</td>
<td>37 FR 23085</td>
<td>4 Revises Requirements for Inspections and Enforcement of I/M Program.</td>
<td></td>
</tr>
<tr>
<td>310 CMR 8</td>
<td>Regulations for the prevention and/or abatement of air pollution episode and air pollution incident emergencies.</td>
<td>2/22/72</td>
<td>10/28/72</td>
<td>37 FR 23085</td>
<td>1 Changes significant harm and alert levels.</td>
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<tr>
<td>310 CMR 60.02</td>
<td>Regulations for the enhanced Motor Vehicle Inspection and Maintenance Program.</td>
<td>12/30/76</td>
<td>9/2/77</td>
<td>42 FR 44235</td>
<td>12 Revises Requirements for Inspections and Enforcement of I/M Program.</td>
<td></td>
</tr>
<tr>
<td>540 CMR 4.00</td>
<td>Periodic Annual Staggered Safety and Emissions Inspection of Motor Vehicles.</td>
<td>5/14/99</td>
<td>11/15/00</td>
<td>65 FR 68900</td>
<td>122 Revises Requirements for Inspections and Enforcement of I/M Program.</td>
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<td></td>
</tr>
</tbody>
</table>

**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 49545, 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 on GPO Access.
§ 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.

§ 52.1168a 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)).

§ 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 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.

Subpart X—Michigan

§ 52.1170 Identification of plan.

(a) Title of plan: “Implementation Plan for the Control of Suspended Particulates Sulfur Oxides, Carbon Monoxide, Hydrocarbons, Nitrogen Oxides, and Photochemical Oxidants in the State of Michigan.”

(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 SO2 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.
Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on October 23, 1973.

Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on December 13, 1973.

Air Quality Maintenance Area identifications were submitted on June 27, 1974, by the State of Michigan Department of Natural Resources.

Air Quality Maintenance Area identifications were submitted on October 18, 1974, by the State of Michigan Department of Natural Resources.

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.

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.

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.

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.

On October 12, 1979, the State submitted comments and commitments in response to USEPA’s notice of proposed rulemaking.

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.

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.

On March 31, 1980, the State submitted revisions to the conditional approval schedules for total suspended particulates.

On July 25, 1979, the State submitted the official ozone attainment plan as part of the State Implementation Plan.

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).

On November 8, 1979, the State submitted revisions to the ozone attainment plan.

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.

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 (SO2) 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 SO2 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 (SO2) 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 Consent Order 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.

(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

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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. 609(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.


(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.


(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.

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]


(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 18, 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]


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(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.


(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 non-attainment 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 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.


(i) Incorporation by reference.


(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 SO2 SIP. Consent Order No. 12–1984 provides a 3-year compliance date extension (January 1,
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(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.

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.


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.


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.

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—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. 11–1987, 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 (WACPCD) Air Pollution Control Ordinance as approved by WACPCD on September 19, 1985.


(i) Incorporation by reference.


(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.

(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.


(7) R 336.1610 Existing coating lines; emission of volatile organic compounds from existing 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).


(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)).
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(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. 39–1993 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.

(G) 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 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.


(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 non-attainment 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 6A.

(C) Consent Order 6–1993 effective October 12, 1994 issued by the MDNR. This order 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.
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 #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.


(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.

(102) On November 12, 1993, the State of 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.

(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.
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(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 NOX and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2007 for NOX 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.


(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.


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.

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. 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.

(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 non-attainment 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
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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 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 degreasers, 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) R 336.1612 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.


(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.


(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.


(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 non-attainment 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 6 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.

[37 FR 10873, May 31, 1972]  
EDITORIAL NOTE: For Federal Register citations affecting §52.1170, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 67 FR 43549, June 28, 2002, §52.1170 was amended by adding paragraph (c)(116), effective Aug. 27, 2002. For the convenience of the user, the added text is set forth as follows:

§52.1170 Identification of plan.

* * * * *

(c) * * *


(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.


(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.

§52.1171 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan Detroit-Port Huron Intrastate</td>
<td>I</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Metropolitan Toledo Interstate</td>
<td>I</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>I</td>
</tr>
<tr>
<td>South Central Michigan Intrastate</td>
<td>I</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate</td>
<td>I</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Central Michigan Intrastate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Upper Michigan Intrastate</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>


§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 submittal of 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 oxygen furnaces (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.

(§ 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, References 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) 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).

EDITORIAL NOTE: At 59 FR 40828, Aug. 10, 1994 the following paragraph (c) was added to §52.1174.

(c) 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

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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(b)(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 NOx and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories (including interim years) to the year 2005 for NOx 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, NOx RACT, and RVP reduction to 7.8 psi. The redesignation request and maintenance plan
meets 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 (NOX) 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 NOX 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, Shiawassee, and Van Buren.

(m) Approval—On November 24, 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 NOX and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2007 for NOX 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 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.

(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 as a revision to the Michigan Ozone State Implementation Plan for the above mentioned counties.

(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 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 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\textsubscript{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\textsubscript{X} emissions for the year 2010. This approval only changes the VOC and NO\textsubscript{X} transportation conformity MVEB for Muskegon County.

[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 on GPO Access.

§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.
§52.1175  

(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 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, 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, 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.

(vi) 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 regard 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 4 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.

(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.

(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.

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<tr>
<th>Source Location</th>
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§ 52.1176

MICHIGAN—Continued

[See footnotes at end of table]

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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

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<thead>
<tr>
<th>Source Location</th>
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[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 on GPO Access.

§ 52.1176 Review of new sources and modifications. [Reserved]

§§ 52.1177–52.1178 [Reserved]

§ 52.1179 Control strategy: Carbon monoxide.

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 section 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

[64 FR 35023, June 30, 1999]
§ 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(b) through (w) 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 from sources located in the State of Michigan shall be submitted to the Michigan Department of Natural Resources, Air Quality Division, P.O. Box 30028, Lansing, Michigan 48909.


§ 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.


§ 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 ensure 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]

§ 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, 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 non-attainment or maintenance areas at
§ 52.1219 Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

[61 FR 66609, 66611, Dec. 18, 1996]

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 non-attainment 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. Willliams, Commissioner, Minnesota Air Pollution Control Agency.

(i) Incorporation by reference.


(ii) Additional material.


(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.


§ 52.1220 Identification of plan.

(a) Title of plan: “Implementation Plan to Achieve National Ambient Air Quality Standards.”

(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–22 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.
§ 52.1220

(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.


(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.


(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.


(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.
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(D) An administrative order for Harvest States Cooperatives dated January 26, 1993, submitted February 3, 1993, for the facility at 935 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.


(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.


(ii) Additional materials.


(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 PMC 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 enclosure 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 (AQR) 131.

(i) Incorporation by reference.
(A) For Continental Nitrogen and Resources Corporation, located in Rosemount, Dakota County, Minnesota:


(B) For Northern States Power Company, Inver Hills Generating Facility, located in Dakota County, Minnesota:


(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.

(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:
(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.

(38) 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.

(38) On December 22, 1992 and September 30, 1994, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for sulfur dioxide for the St. Paul Park area of Air Quality Control Region (AQCR) 131.

(i) Incorporation by reference.
(A) For Ashland Petroleum Company, located in St. Paul Park, Minnesota:


(i) Additional material.

(A) A letter from Charles Williams to Valdas Adamkus dated December 22, 1992, with enclosures providing technical support (e.g., computer modeling) for the revision to the administrative order for Ashland Petroleum Company.

(B) A letter from Charles Williams to Valdas Adamkus dated September 30, 1994, with enclosures, submitting Amendment One to the administrative order for Ashland Petroleum Company.

(3) [Reserved]

(4) 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.


(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.
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(A) Minnesota rules Part 7009.9000, as created and published in the (Minnesota) Register, November 13, 1995, number 477, effective November 20, 1995.


(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) Approval—On December 31, 1998, the Minnesota Pollution Control Agency submitted a request for a revision to the Minnesota sulfur dioxide (SO₂) State Implementation Plan (SIP) for Marathon Ashland Petroleum LLC (Marathon). The site-specific SIP revision for Marathon was submitted in the form of an Administrative Order (Order), and referred to as Amendment Four.

(i) Incorporation by reference.

(A) For Marathon Ashland Petroleum, LLC, located in St. Paul Park, Minnesota:


(ii) Additional material.

(A) A letter from Peder A. Larson to David Ulrich, dated December 31, 1998, submitting Amendment Four for Marathon Ashland Petroleum, LLC.

(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
Environmental Protection Agency

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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 non-attainment 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) [Reserved]

(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 (SO₂) in the city of Rochester. The state also submitted on that date a request to redesignate the Rochester nonattainment area to attainment of the SO₂ National Ambient Air Quality Standards. The state’s maintenance plan is complete and the submittals meet the SO₂ 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) On December 20, 2000, the State of Minnesota submitted a site-specific State Implementation Plan (SIP) revision for the control of emissions of sulfur dioxide (SO₂) for Koch Petroleum
Group, L.P., located in the Pine Bend Area of Rosemount, Dakota County, Minnesota. Specifically, EPA is approving into the SO\textsubscript{2} SIP Amendment No. 4 to the Administrative Order previously approved in paragraph (c)(35) of this section.

(i) Incorporation by reference.


(58) [Reserved]

On September 1, 1999, the State of Minnesota submitted a site-specific State Implementation Plan (SIP) revision for the Northern States Power Company (NSP) Riverside Plant, located in Minneapolis, Hennepin County, Minnesota. Specifically, EPA is approving into the SO\textsubscript{2} SIP only those portions of the NSP Riverside Plant Title V Operating Permit cited as “Title I condition: State Implementation Plan for SO\textsubscript{2}.” In this same action, EPA is removing from the state SO\textsubscript{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.

(59) On May 2, 2001, the State of Minnesota submitted a site-specific State Implementation Plan (SIP) revision for the control of emissions of sulfur dioxide (SO\textsubscript{2}) for Koch Petroleum Group, L.P., located in the Pine Bend Area of Rosemount, Dakota County, Minnesota. Specifically, EPA is approving into the SO\textsubscript{2} SIP Amendment No. 5 to the Administrative Order previously approved in paragraph (c)(35) and revised in paragraph (c)(57) of this section.

(i) Incorporation by reference.


[37 FR 10874, May 31, 1972]

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 on GPO Access.

Effective Date Notes: 1. At 67 FR 31965, May 13, 2002, §52.1220 was amended by adding paragraph (c)(58), effective July 12, 2002. For the convenience of the user, the added text is set forth as follows:

§52.1220 Identification of plan.

* * * * *

(c) * * *

(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.


2. At 67 FR 35439, May 20, 2002, §52.1220 was amended by removing and reserving paragraphs (c)(38) and (c)(49) and adding paragraph (c)(55), effective July 19, 2002. For the convenience of the user, the added text is set forth as follows:

§52.1220 Identification of plan.

* * * * *

(c) * * *

(38) [Reserved]

(49) [Reserved]

(55) On February 6, 2000, the State of Minnesota submitted a site-specific revision to the Minnesota Sulfur Dioxide (SO\textsubscript{2}) SIP for Marathon Ashland Petroleum, LLC (Marathon Ashland), located in the cities of St.
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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 SO₂ NAAQS 40 CFR pt.50 and Minnesota State Implementation Plan (SIP)." In this same action, EPA is removing from the state SO₂ 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.

§ 52.1221 Classification of regions.
The Minnesota plan was evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
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<td>III</td>
<td>III</td>
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<td>III</td>
<td>III</td>
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<td>III</td>
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<td>III</td>
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§ 52.1222 EPA-approved Minnesota State regulations.
The following table identifies the State regulations submitted to and approved by EPA as revisions to the Minnesota State Implementation Plan (SIP). This table is for informational purposes only and does not have any independent regulatory effect. This table also does not include administrative orders that have been approved into the SIP. To determine regulatory requirements for a specific situation consult the plan identified in §52.1220. To the extent that this table conflicts with §52.1220, §52.1220 governs.

**TABLE 52.1222.—EPA APPROVED REGULATIONS**

<table>
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<td>Definitions and Abbreviations.</td>
<td>7005.0100–0110</td>
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§ 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

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Table 52.1222—EPA APPROVED REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Rule description</th>
<th>Minnesota rule numbers</th>
<th>Contents of SIP</th>
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<th>Relevant ¶\ in § 52.1220</th>
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<tr>
<td>Liquid Petroleum and VOT Storage Vessels</td>
<td>7011.1500–1515</td>
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<td>Stationary Internal Combustion Engine</td>
<td>7011.2300</td>
<td>Entire rule</td>
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<td>CEMS</td>
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<td>Emission Inventory</td>
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<td>Motor Vehicles</td>
<td>7023.1010–7023.1105</td>
<td>All rules except Part 7023.1010, Subp. 35(B), Part 7023.1030, Subp. 11(B,C), and Part 7023.1055, Subp. 1 (E)(2)</td>
<td>November 29, 1999</td>
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<tr>
<td>Open Burning</td>
<td>Portions of Chapter 17 and 88 of MN Statutes</td>
<td>All submitted portions of Sections 17.135, 88.01, 88.02, 88.03, 88.16, 88.17, and 88.171</td>
<td>1993</td>
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</tbody>
</table>

1 Recodifications affect essentially all rules but are shown only for substantively revised rules.
2 “Existing” sources are sources other than those subject to a new source performance standard.

[60 FR 27413, May 24, 1995, as amended at 64 FR 58347, Oct. 29, 1999]
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.


§ 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.

(b) No action. USEPA takes no action on the alternative test method provision of Rule 7005.2910.

(2) 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.


§§ 52.1231–52.1232 [Reserved]

§ 52.1233 Operating permits.

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.

[60 FR 21451, May 2, 1995]
§ 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(b) through (w) 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 from sources located in the State of Minnesota shall be submitted to the Minnesota Pollution Control Agency, Division of Air Quality, 520 Lafayette Road, St. Paul, Minnesota 55155.


§ 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: the counties of the Twin cities seven county Metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington), and Wright.
(b) 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.


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.
Environmental Protection Agency

§52.1270

(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 4 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 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., Washington, DC 20460.

(c) EPA approved regulations.
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<td>01/09/94</td>
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<td>09/21/96</td>
<td>07/15/97</td>
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<td>01/09/94</td>
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<td>Section 7</td>
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<td>Provisions for Unsets, Startups, and Shutdowns</td>
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<td>01/09/94</td>
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<td>01/09/94</td>
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<td>01/09/94</td>
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Subsection 2 Other Limitations and Subsection 3 NSPS have not been Federally approved.
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<td>Emission Reduction Schedule</td>
<td>01/09/94</td>
<td>05/02/95 60 FR 21442</td>
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<td>XIII</td>
<td>Exclusions, Variances, and General Permits</td>
<td>01/09/94</td>
<td>05/02/95 60 FR 21442</td>
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<td>XIV</td>
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<td>01/09/94</td>
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<td>05/31/72 37 FR 10875</td>
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<td>11/13/89 54 FR 47211</td>
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§ 52.1271 EPA-approved State Source specific requirements.

EPA-APPROVED MISSISSIPPI SOURCE-SPECIFIC REQUIREMENTS

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(e) [Reserved]

§ 52.1271 Classification of regions.

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

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<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
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§ 52.1272 Approval status.

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 or Part D, Title I, of the Clean Air Act as amended in 1977.


§ 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.


§ 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.


§ 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 SO2 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 SO2 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.
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(B) Letter of April 1, 1986 from Mississippi Department of Natural Resources.

(ii) Additional material—none.

(20) PM\textsubscript{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.


(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\textsubscript{10} Requirements

(D) Section 5.5 Control Strategy for the Development of Emission Regulations for PM\textsubscript{10}

(E) Section 6.9 Control Regulations for PM\textsubscript{10} Revisions

(F) Chapter 9.0 Air Monitoring

(G) Section 14.1.4 Health Effects of the PM\textsubscript{10} Plan Revisions

(H) Section 14.3.4 Economic Effects of the PM\textsubscript{10} Plan Revisions

(I) Section 14.5.4 Social Effects of the PM\textsubscript{10} Plan Revisions

(J) Section 14.6.4 Air Quality Effects of the PM\textsubscript{10} Revisions

(21) Revisions to APC–S–5 of the Mississippi Air Pollution Control Act which were submitted on July 16, 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 (PRO-GRAM).

(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 1.

(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.

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(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–2, effective January 9, 1994.

(ii) Other material. None.

Subpart AA—Missouri
§ 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 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 VII 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, 1999.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC; or at EPA Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., Washington, DC 20460.

(c) EPA-approved regulations.
### §52.1320 EPA-APPROVED MISSOURI REGULATIONS—Continued

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<td>The state has rescinded this rule.</td>
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<td>10–2.100</td>
<td>Open Burning Restrictions</td>
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<td>43/95, 60 FR 16806 (correction). Section (1)(A) is not a part of the SIP.</td>
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#### Chapter 3—Air Pollution Control Regulations for the Outstate Missouri Area

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#### Chapter 4—Air Quality Standards and Air Pollution Control Regulations for Springfield-Greene County Area

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<tr>
<td>10–4.080</td>
<td>Incinerators</td>
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<td>3/18/80, 45 FR 17145</td>
<td>The state has rescinded this rule.</td>
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<tr>
<td>10–4.090</td>
<td>Open Burning Restrictions</td>
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<td>8/31/84, 49 FR 34484.</td>
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<tr>
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### Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area

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<td>10–5.080</td>
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<td>10–5.300</td>
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<td>10–5.330</td>
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<td>Control of Emissions From Rotogravure and Flexographic Printing Facilities.</td>
<td>3/30/92</td>
<td>8/30/93, 58 FR 45451.</td>
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<td>10–5.390 ..........</td>
<td>Control of Emissions From Manufacture of Paints, Varnishes, Lacquers, Enameles, and Other Allied Surface Coating Products.</td>
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<td>08/14/01 66 FR 42607.</td>
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Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri

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<td>Ambient Air Quality</td>
<td>4/18/88</td>
<td>7/31/89, 54 FR 31524</td>
<td>The state adopted and submitted a revised ozone standard and a lead standard which EPA never acted on.</td>
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<tr>
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<td>Construction Permits Required</td>
<td>11/30/99</td>
<td>03/25/02, 67 FR 13575</td>
<td>Section 9, pertaining to hazardous air pollutants, is not part of the SIP.</td>
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<td>Explanation</td>
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<td>10–6.065 ..........</td>
<td>Operating Permits ..........</td>
<td>5/30/00</td>
<td>3/23/01, 66 FR 16139</td>
<td>The state rule has sections (4)(A), (4)(B), and (4)(H)-Basic State Operating Permits. EPA has not approved those sections. Section (6), Part 70 Operating Permits, has been approved as an integral part of the operating permit program and has not been approved as part of the SIP.</td>
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<td>Submission of Emission Data, Emission Fees, and Process Information.</td>
<td>12/30/01</td>
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<td>Section (5), Emission Fees, has not been approved as part of the SIP.</td>
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<td>10–6.220 ..........</td>
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<tr>
<td>10–6.280 ..........</td>
<td>Compliance Monitoring Usage</td>
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<tr>
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<td>Conformity of General Federal Actions to State Implementation Plans.</td>
<td>9/31/96</td>
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<tr>
<td>10–6.350 ..........</td>
<td>Emissions Limitations and Emissions Trading of Oxides of Nitrogen.</td>
<td>8/30/00</td>
<td>12/28/00, 65 FR 82888</td>
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<td>10–6.400 ..........</td>
<td>Restriction of Particulate Matter From Industrial Processes.</td>
<td>09/30/01</td>
<td>11/30/01.</td>
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### EPA-APPROVED MISSOURI REGULATIONS—Continued

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<tr>
<th>Missouri citation</th>
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<tr>
<td>50-2.120</td>
<td>MVI-2 Form</td>
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<td>50-2.130</td>
<td>Violations of Laws or Rules</td>
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<td>Fuel Tank</td>
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<tr>
<td>50-2.350</td>
<td>Applicability of Motor Vehicle Emission Inspection.</td>
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<td>50-2.360</td>
<td>Emission Fee</td>
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<tr>
<td>50-2.370</td>
<td>Inspection Station Licensing</td>
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<tr>
<td>50-2.403</td>
<td>Missouri Analyzer System (MAS) Display and Program Requirements.</td>
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<td>Test Record Specifications</td>
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<td>50-2.405</td>
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<td>Procedures for Conducting Only Emission Tests.</td>
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#### Kansas City Chapter 8—Air Quality

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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

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<td>Only Section 2A is approved by EPA.</td>
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<tr>
<td>VII</td>
<td>Stack Emission Test Method</td>
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<td>Only Section 2A-25 is approved by EPA.</td>
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<td>IX</td>
<td>Incinerator</td>
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<td>Only Sections 2A-34 through 38 are approved by EPA.</td>
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<tr>
<td>XX</td>
<td>Test Methods and Tables</td>
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<td>Only Sections 2A-51, 55, and 56 are approved by EPA.</td>
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#### St. Louis City Ordinance 64749

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<tr>
<th>Section</th>
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<tr>
<td>7</td>
<td>Definitions</td>
<td>4/27/00</td>
<td>10/26/00, 65 FR 64158</td>
<td>The phrase “other than liquids or gases” in the Refuse definition has not been approved.</td>
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</table>
(d) EPA-approved state source-specific permits and orders.

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### EPA-APPROVED STATE SOURCE-SPECIFIC PERMITS AND ORDERS

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<tr>
<th>Name of source</th>
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<th>State effective date</th>
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<tbody>
<tr>
<td>Gusdorf Operating Permit 11440 Lackland Road St Louis County, MO.</td>
<td>Permit Nos: 04682–04693.</td>
<td>4/29/80 (St Louis County).</td>
<td>10/15/84, 49 FR 40164.</td>
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</tr>
<tr>
<td>Doe Run Lead Smelter Herculaneum, MO.</td>
<td>Consent Order .............</td>
<td>7/2/93</td>
<td>5/5/95, 60 FR 22334.</td>
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</tr>
<tr>
<td>Doe Run Lead Smelter Herculaneum, MO.</td>
<td>Consent Order (Modification)</td>
<td>4/28/94</td>
<td>5/5/95, 60 FR 22334</td>
<td>In a notice published on 8/15/97 at 62 FR 43647, EPA required implementation of the contingency measures.</td>
</tr>
<tr>
<td>Doe Run Resource Recycling Facility near Buck, MO.</td>
<td>Consent Order .............</td>
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<tr>
<td>St Louis University St. Louis University Medical Waste Incinerator Permit Matter No. 00–01–004.</td>
<td>9/22/92</td>
<td>4/22/98, 63 FR 19823.</td>
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<tr>
<td>St. Joseph Light &amp; Power SD.</td>
<td>Consent Decree .............</td>
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<td>11/15/01, 66 FR 57391.</td>
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</table>
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<tr>
<th>Name of source</th>
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</thead>
<tbody>
<tr>
<td>Doe Run, Herculaneum, MO.</td>
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<tr>
<td>Springfield City Utilities James River Power Station SO2</td>
<td>Consent Agreement</td>
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(e) EPA approved nonregulatory provisions and quasi-regulatory measures.

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<th>Name of nonregulatory SIP provision</th>
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<th>State submittal date</th>
<th>EPA approval date</th>
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<tbody>
<tr>
<td>Kansas City and Outstate Air Quality Control Regions Plan.</td>
<td>Kansas City and Outstate.</td>
<td>1/24/72</td>
<td>5/31/72, 37 FR 10875.</td>
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<tr>
<td>Implementation Plan for the Missouri portion of the St. Louis Interstate Air Quality Control Region.</td>
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<tr>
<td>CO air quality data base</td>
<td>St. Louis</td>
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<tr>
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<tr>
<td>Amendments to Air Conservation Law</td>
<td>Statewide</td>
<td>7/12/72</td>
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<tr>
<td>Air monitoring plan</td>
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<td>10/26/72, 37 FR 20089.</td>
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<tr>
<td>Amendments to Air Conservation Law</td>
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<tr>
<td>Transportation control strategy</td>
<td>Kansas City</td>
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<td>6/22/73, 38 FR 16566.</td>
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<td>Analysis of ambient air quality data and recommendation to not designate the area as an air quality maintenance area.</td>
<td>Kansas City</td>
<td>4/11/74</td>
<td>3/27/86, 41 FR 8962.</td>
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<tr>
<td>Recommendation to designate air quality maintenance areas.</td>
<td>St. Louis, Columbia, Springfield.</td>
<td>5/6/74</td>
<td>9/9/75, 40 FR 41950.</td>
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<tr>
<td>Plan to attain the NAAQS</td>
<td>Kansas City St. Louis</td>
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<tr>
<td>Schedule for I/M program and commitment regarding difficult transportation control measures (TCMs).</td>
<td>St. Louis</td>
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<td>3/16/81, 46 FR 16895.</td>
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<tr>
<td>Lead SIP</td>
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<td>4/27/81, 46 FR 23412, 7/19/84, 49 FR 29218.</td>
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<td>Report on recommended I/M program</td>
<td>St. Louis</td>
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<td>8/27/81, 46 FR 43139.</td>
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<tr>
<td>Report outlining commitments to TCMs, analysis of TCMs, and results of CO dispersion modeling.</td>
<td>St. Louis</td>
<td>2/12/81, 4/28/81</td>
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<td>1982 CO and ozone SIP</td>
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<tr>
<td>Name of nonregulatory SIP provision</td>
<td>Applicable geographic or non-attainment Area</td>
<td>State submittal date</td>
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<td>Visibility protection plan</td>
<td>Hercules Glades and Mingo Wildlife Area.</td>
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<td>2/10/86, 51 FR 4916.</td>
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<td>Construction permit fees including Chapter 643 RSMo.</td>
<td>Statewide</td>
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<td>1/9/90, 55 FR 7.35.</td>
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<td>PSD NOx requirements including a letter from the state pertaining to the rules and analysis.</td>
<td>Statewide</td>
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<td>Ozone maintenance plan</td>
<td>Kansas City</td>
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<td>Small business assistance plan</td>
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<td>Part D lead plan</td>
<td>Bixby</td>
<td>7/2/93, 6/30/94</td>
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<tr>
<td>Transportation conformity plans includ-ing a policy agreement and a letter committing to implement the state rule consistent with the Federal transportation conformity rule.</td>
<td>St. Louis, Kansas City.</td>
<td>2/14/95</td>
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<tr>
<td>CO Maintenance Plan</td>
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<tr>
<td>Implementation plan for the Missouri inspection, maintenance program near Buck, MO.</td>
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<tr>
<td>Doe Run Resource Recycling Facility near Buck, MO.</td>
<td>Dent Township in Iron County.</td>
<td>5/17/00</td>
<td>10/18/00, 65 FR 62298.</td>
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<tr>
<td>Doe Run Resources Corporation Pri-mary Lead Smelter, 2000 Revision of Lead SIP.</td>
<td>Herculaneum, MO</td>
<td>01/09/01</td>
<td>4/16/02, 67 FR 18502.</td>
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<tr>
<td>Doe Run Resources Corporation Pri-mary Lead Smelter, 2000 Revision of Lead SIP.</td>
<td>Glover, MO</td>
<td>06/15/01</td>
<td>4/16/02, 67 FR 18502.</td>
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[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 on GPO Access.
§ 52.1321 Classification of regions.

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

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<th>Pollutant</th>
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<tbody>
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<td></td>
<td>Particulate matter</td>
</tr>
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<td>Metropolitan Kansas City Interstate ---------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Southwest Missouri Intrastate</td>
<td>I</td>
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<tr>
<td>Southeast Missouri Intrastate</td>
<td>III</td>
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<tr>
<td>Northern Missouri Intrastate</td>
<td>II</td>
</tr>
<tr>
<td>Metropolitan St. Louis Interstate</td>
<td>I</td>
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</table>


§ 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 NO2 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. (Non-regulatory)

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-X11 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.
§ 52.1322

(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 SO₂ 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 settleable acid and alkaline mist 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 SO₂ 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 non-attainment 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 Restricted 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 the following regulations:

(18) 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 SO₂ 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 settleable acid and alkaline mist 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 SO₂ 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 non-attainment 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 Restricted 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 the following regulations:
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 5, 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 10–6.060, Start-up Shutdown and Malfunction Conditions; and revisions to Rule 10 CSR 10–6.020, Definitions and Amended Start-up, Shutdown and Malfunction Provisions in Rules 10 CSR 10–2.030, 10–3.050, 10–3.060, 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
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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 in 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 29, 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 non-attainment 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
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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 2-2.180, 3.090, 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 2-6.030, Sampling Methods for Air Pollution Sources, and 10 CSR 2-6.040, Reference Methods.

(48) Revised rules 10 CSR 2-2.040, 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 2-5.330 “Control of Emissions from Industrial Surface Coating Operations,” limiting emissions from surface coating of plastic parts and new Rule 10 CSR 2-5.370 “Control of Emissions from the Application of Deadeners and Adhesives” on January 24, 1984; and new Rule 10 CSR 2-5.390, “Control of Emissions from Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products” and an amendment to 10 CSR 2-6.020, “Definitions” on April 10, 1984. (Approval action was deferred on 10 CSR 2-5.370.)

(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 2-5.380, “Motor Vehicle Emissions Inspections”, published in the Missouri Register January 3, 1982;


(ii) Additional material. (A) I/M Implementation Schedule.

(B) 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 2-2.130, 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 2-2.180, 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.


(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 2-6.130, 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 2-2.170, 3.110, 4.160, and 5.260, all entitled
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“Rules for Controlling Emission During Periods of High Air Pollution Potential.”

(55) [Reserved]


(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 non-attainment 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.


(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.

(A) 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

(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 an ozone attainment demonstration for Kansas City, which will be addressed in a future action.

(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.
(F) Revision to Rule 10 CSR 10–2.210, Control of Emissions from Solvent Metal Cleaning, effective December 12, 1987.

(66) The Missouri Department of Natural Resources submitted revisions to its state implementation plan to incorporate PM₁₀ 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 PM₁₀ 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.

(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.

(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.

(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.


(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.


(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.
   (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 NOx 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 NOx 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 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) 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.

(ii) Additional material.


(i) Incorporation by reference.

(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.
(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...

(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.


(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.


(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.


(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 non-attainment 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.
Environmental Protection Agency

§ 52.1322

(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.


(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
§ 52.1322 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.

(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.
(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 NOx waiver and the NOx 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.

(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.

(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.

(B) 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.

(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.

(ii) Additional material.

(B) Missouri [Rule 10 CSR 10–3.070], entitled Restriction of Particulate Matter From Becoming Airborne, effective September 28, 1990.

(C) Missouri [Rule 10 CSR 10–4.050], entitled Preventing Particulate Matter From Becoming Airborne, effective September 28, 1990.

(D) Missouri [Rule 10 CSR 10–5.100], entitled Preventing Particulate Matter From Becoming Airborne, effective September 28, 1990.
§ 52.1322—(Reserved)

(103) Revisions to the Missouri plan were submitted by the Governor on March 20, 1997.

(i) Incorporation by reference.


(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 2-3, Definitions for “New equipment,” and “Trade waste”; and Section 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: 18.03—Definitions, subsections (13) “Incinerators” and (15) “Multiple Chamber Incinerators”; and 18.91—Incinerators, effective August 31, 1972.


(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.


(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.


(108) On August 12, 1997, the Missouri Department of Natural Resources (MDNR) submitted a new rule which consolidated the SO₂ 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 From Direct Heating Sources; 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...
Environmental Protection Agency

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.

(110) On May 28, 1998, the Missouri Department of Natural Resources submitted revisions to the construction permits rule.

(i) Incorporation by reference.

(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 Out-state Open Burning Rule and add sampling methods to Missouri’s Sampling Method Rule, respectively.

(i) Incorporation by reference:

§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...
§ 52.1323  
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 subsections (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.


(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.

[37 FR 10876, May 31, 1972]
§ 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 record-keeping is lacking (§51.230(e) of this chapter).

(ii) Authority to make emission data available to the public is lacking 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 record-keeping 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 record-keeping is lacking (§51.230(e) of this chapter).

(4) Independence Health Department:

(i) Authority to require record-keeping 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 record-keeping 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.


§§ 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.

<table>
<thead>
<tr>
<th>Source Location</th>
<th>Regulation involved</th>
<th>Adopted date</th>
<th>Effective date</th>
<th>Final compliance date</th>
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### Missouri—Continued

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<th>Adopted date</th>
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<tr>
<td>Union Electric Labadie power plant</td>
<td>Labadie, MO</td>
<td>10 CSR 10–5,090 and 10 CSR 10–5,030</td>
<td>June 20, 1979</td>
<td>July 20, 1979</td>
<td>Mar. 1, 1984</td>
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<tr>
<td>Associated Electric Cooperative, Inc., Thomas Hill Power Plant—Unit 1</td>
<td>Randolph County, MO</td>
<td>10 CSR 10–3,060 and 10 CSR 10–3,080</td>
<td>June 17, 1981</td>
<td>Jan. 12, 1982</td>
<td>June 1, 1984</td>
</tr>
<tr>
<td>American Oil Co. (AMOCO)</td>
<td>Sugar Creek, MO</td>
<td>10 CSR 10–2,200</td>
<td>Feb. 18, 1981</td>
<td>Oct. 1, 1981</td>
<td>June 1, 1982</td>
</tr>
<tr>
<td>St. Joe Lead Co</td>
<td>Herculaneum, MO</td>
<td>§203.050.1(5) RSM01978</td>
<td>Aug. 31, 1980</td>
<td>Immediately</td>
<td>Oct. 27, 1984</td>
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<tr>
<td>AMAX Lead Co</td>
<td>Boss, MO</td>
<td>......do ......do ......do ......do</td>
<td>Apr. 27, 1985</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(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.

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
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<td>Columbia Water &amp; Light Department</td>
<td>Columbia</td>
<td>§–VI</td>
<td>Apr. 25, 1973</td>
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<td>Union Electric: Electric generating facility</td>
<td>Labadie</td>
<td>X</td>
<td>Mar. 28, 1974</td>
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<td>Do</td>
<td>Portage des Sioux</td>
<td>X</td>
<td>July 25, 1974</td>
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<tr>
<td>International Multifoods Corp.: Mechanical sifters</td>
<td>North Kansas City</td>
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<td>Aug. 31, 1976</td>
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<td>Meremac Mining Co., furnace and cooler Nos. 1 through 5</td>
<td>Pea Ridge</td>
<td>II (10 CSR 10–3,050)</td>
<td>Feb. 23, 1977</td>
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<td>Missouri Portland Cement Co., clinker cooler No. 1</td>
<td>Sugar Creek</td>
<td>II (10 CSR 10–2,030) V (10 CSR 10–2,060)</td>
<td>June 22, 1977</td>
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<td>Tamko Asphalt Products, Inc., asphalt saturating line</td>
<td>Joplin</td>
<td>V (10 CSR 10–3,060)</td>
<td>July 26, 1977</td>
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<td>University of Missouri power plant</td>
<td>Columbia</td>
<td>10 CSR 10–3,060</td>
<td>Feb. 21, 1979</td>
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<td>Noranda Aluminum, Inc</td>
<td>New Madrid</td>
<td>10 CSR 10–3,050</td>
<td>Feb. 23, 1977</td>
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<td>Associated Electric Cooperative, Inc., Units 1 and 2</td>
<td>......do</td>
<td>110 CSR 10–3,050</td>
<td>Apr. 18, 1979</td>
</tr>
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</table>

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]
§ 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]

§ 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]

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.


3. The Governor submitted the Air Quality Maintenance Area identification to the Administrator on June 24, 1974.


5. Sulfur oxides control strategy and compliance schedule for the American Smelting and Refining Company submitted May 21, 1975, by the Governor.


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—SO2; 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 SO2 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 non-attainment to attainment for sulfur dioxide (SO2).

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.

§ 52.1370  

(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.  
(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.  
(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.

(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 (SO2) 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.  
(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 material 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 submitting 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.
(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.
(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.

(ii) Additional material.
(A) Revisions to the Montana Air Quality Rules, Subchapter 9, Prevention of Significant Deterioration of Air Quality (PSD) effective on July 12, 1990.


(i) Incorporation by reference.
(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.


(i) Incorporation by reference.

(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.
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(G) Amendments to the ARM, Subchapter 16 (Combustion Device Tax Credit), sections 16.8.1601 and 16.8.1602, effective December 27, 1985.


(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.


(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.

(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.
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(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 1426, concerning pellet stoves.

(D) Missoula County Rule 1401 (7), effective June 28, 1991, which addresses sanding and chip sealing standards and street sweeping andflushing 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)(l), 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 No-

(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 Co-
lumbia Falls City Council, which deline-
ates responsibilities and authorities be-
tween the MDHES and Flathead
County.

(B) Board order issued on November
15, 1991, by the Montana Board of
Health and Environmental Sciences ap-
proving the Flathead County Air Pollu-
tion Control Program.

(C) Flathead County Board of Com-
misioners 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

(ii) Additional material.

(A) Montana Department of Health
and Environmental Sciences Air Qual-
ity Permit # 2667-M, with a final modi-
fication date of January 24, 1992, for
Plum Creek Manufacturing, Inc. Co-
lumbia Falls Operations.

(B) Montana Smoke Management
Plan, effective April 28, 1988, which ad-
resses prescribed burning require-
ments.

(C) Federal tailpipe standards, which
provide an ongoing benefit due to fleet
turnover.

(32) On November 6, 1992, Stan Ste-
phens, the Governor of Montana, sub-
mitted a SIP revision to the Implemen-
tation Plan for the Control of Air Pol-
lution. This revision establishes and re-
quires 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 im-
plementation of an oxygenated fuel
program, as adopted June 9, 1992.

(ii) Additional materials.

(A) Letter dated November 6, 1992,
from Governor Stan Stephens submit-
ting 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 Pollu-
tion Control Board, which delineates
the responsibilities and authorities be-
tween 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, adopt-
ing Rule 1429 establishing and imple-
menting an oxygenated fuels program.

(33) The Governor of Montana sub-
mitted 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

(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 re-
sponsibilities 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 ap-
proving the Lincoln County Air Pollu-
tion 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 amend-
ments 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 Bu-
reaeau, 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.

(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 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 PM10 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 PM10 and CO contingency measure selection process.

(C) Missoula City-County Rule 1401(7), effective November 19, 1993, which addresses PM10 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 PM10 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, 1991, 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 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 PM10 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 PM10 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 March 18, 1994 by the Montana Board of Health and Environmental Sciences approving the amendments to the Butte/Silver Bow Air Pollution Control Program regarding the PM10 contingency measure.

(B) Butte/Silver Bow Ordinance No. 468, effective May 20, 1994, which addresses PM10 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 SIP revision meeting the requirements for the primary SO2 NAAQS State Implementation Plan (SIP) for the East Helena, Montana nonattainment area with a letter dated March 30, 1994. The submittal was to satisfy those SO2 nonattainment area SIP requirements due for East Helena on May 15, 1992.

(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 SO2 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 SO2 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
The Governor of Montana submitted a PM\textsubscript{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, submittal also contains the Kalispell Contingency Measure Plan. The August 26, 1994, submittal also contains the Columbia Falls PM\textsubscript{10} contingency measures and minor revisions to the attainment and maintenance demonstrations for the moderate PM\textsubscript{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; Montana Mokko; Pack and Company, Inc.; Pack Concrete; and Plum Creek Inc. (Evergreen).

(B) Stipulations signed 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).

(C) Board Order issued on September 17, 1993, 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.

(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 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\textsubscript{10} moderate nonattainment area SIP.

(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\textsubscript{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.
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(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.


(G) Missoula City-County Air Pollution Control Program Chapter XVI, Amendments and Revisions, effective September 16, 1994.

(i) Incorporation by reference


(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


(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


(44) The Governor of Montana submitted PM10 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 PM10 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]


(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.”; (d) Section 4(B) of exhibit A; (e) Section 4(D) of exhibit A; and (f) 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:

(i) Paragraphs 1 and 22 of the stipulation;

(ii) Section 2(A)(11)(d) of exhibit A;

(iii) Sections 3(A)(1) and (2) of exhibit A;

(iv) Sections 3(B)(1), (2) and (3) of exhibit A;

(v) 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.”;

(vi) Sections 4(B), (C), and (E) of exhibit A;

(vii) Section 6(B)(3) of exhibit A; and

(viii) 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 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,
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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.


(i) Incorporation by reference.


(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.

(48) 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 13, 1972, and Stack Heights and Dispersion Techniques Rule, ARM 16.8.1204–1206, effective June 13, 1986, remain part of the SIP. In addition, the Governor submitted Yellowstone County’s Local Regulation No. 002—Open Burning.

(i) Incorporation by reference.

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(f)), effective 9/9/97; section
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

(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 Haback, 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.

(i) 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.
(2) The words, "an equivalent procedure" in the second and third sentences in section 2(A)(28) of exhibit A;

(3) The words, "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, "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) 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) [Reserved]

(53) The Governor of Montana submitted minor revisions to Asarco’s control strategy in the East Helena Lead SIP on November 27, 2000.

(1) Incorporation by reference.


(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.

(1) 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.

[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 on GPO Access.

§ 52.1371 Classification of regions.

The Montana Emergency Episode Avoidance Plan was revised with a February 9, 2001 submittal by the Governor. The February 9, 2001 Emergency Episode Avoidance Plan classified the Air Quality Control Regions (AQCR) as follows:

<table>
<thead>
<tr>
<th>Air quality control regions (AQCR)</th>
<th>Pollutant</th>
<th>Particulate matter</th>
<th>Sulfur oxide</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
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<tr>
<td>Billings Intrastate AQCR 140</td>
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<td>III</td>
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<td>III</td>
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<tr>
<td>Miles City Intrastate AQCR 143</td>
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<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Missoula Intrastate AQCR 144</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>

[64 FR 68038, Dec. 6, 1999, as amended at 66 FR 31550, June 12, 2001]

§ 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.


EFFECTIVE DATE NOTE: At 67 FR 31550, May 9, 2002, §52.1373 was amended by adding paragraph (c), effective July 8, 2002. For the convenience of the user, the added text is set forth as follows:

§ 52.1373 Control strategy: Carbon monoxide.

(c) Revisions to the Montana State Implementation Plan, Carbon Monoxide Redesignation 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.
§ 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 unnecessary 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
§ 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.

[b 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 of significant deterioration of air quality. The provisions of §52.21 (b) through (w) are hereby incorporated by reference 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.


§ 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 S02 SIP that have been disapproved.

(i) The following paragraph and portions of sections of the stipulation and exhibit A 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:

(A) Paragraph 20 of the stipulation;
(B) The following phrase from section 3(B)(2) of exhibit A: “or in the flare”;
(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 Exxon Company, USA, 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 Western Sugar Company, 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”;
(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 the 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:

(A) 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
Environmental Protection Agency

§ 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), (d), and (e) of this section with an EPA approval date prior to July 1, 1998, was approved for incorporation by reference in the applicable implementation plan for Nebraska. The State of Montana agrees to make the appropriate changes.

[54 FR 43411, 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.

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 172(c)(2) for Missoula and section 172(c)(3) for Billings and Great Falls.

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 July 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by the 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 SIP as of July 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Office of Federal Register, 800 North Capitol Street, N.W., Suite 700, Washington, D.C.; or at the EPA Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., Washington, DC 20460.

(c) EPA-approved regulations.

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<th>State effective date</th>
<th>EPA approval date</th>
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<td>129-1</td>
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<td>129-16</td>
<td>Stack Heights; Good Engineering Practice (GEP)</td>
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<td>Construction Permits—When Required</td>
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<td>Particulate Emissions: Limitations and Standards (Exceptions Due to Breakdowns of Scheduled Maintenance: See Chapter 34)</td>
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<td>Controls for Transferring, Conveying, Railcar and Truck Loading at Rock Processing Operations in Cass County</td>
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<td>Nitrogen Oxides (Calculated as Nitrogen Dioxide); Emissions Standards for Existing Stationary Sources</td>
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<td>Dust; Duty to Prevent Escape of</td>
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<td>Compliance; Time Schedule for</td>
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<td>Control Regulations; Circumvention, When Excepted Compliance; Responsibility</td>
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**TITLE 115—RULES OF PRACTICE AND PROCEDURE**

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<td>Adoption of State Regulations with Exceptions</td>
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<td>Residential Exemptions</td>
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<td>Signature Required; Guarantee</td>
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<td>New or Modified Facilities</td>
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<td>Article IV—Waste Incinerators Division 3. Design</td>
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<td>(d) EPA-approved state source-specific permits.</td>
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EPA-APPROVED NEBRASKA SOURCE-SPECIFIC PERMITS

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<tr>
<td>Gould, Inc</td>
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<td>11/9/85</td>
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(e) EPA-approved nonregulatory provisions and quasi-regulatory measures.

### EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS

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<th>Applicable geographic or non-attainment area</th>
<th>State submittal date</th>
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<td>5/31/72, 37 FR 10842.</td>
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<td>Confirmation That the State Does Not Have Air Quality Control Standards Based on Attorney General’s Disapproval.</td>
<td>Statewide</td>
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<td>Request for Two-Year Extension to Meet the Primary NO\textsubscript{X} Standard.</td>
<td>Omaha</td>
<td>1/24/72</td>
<td>7/27/72, 37 FR 15080.</td>
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<td>Clarification of Section 11 of the State’s Plan.</td>
<td>Statewide</td>
<td>2/16/72</td>
<td>7/27/72, 37 FR 15080.</td>
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<td>Letters Clarifying the Application of the States Emergency Episode Rule.</td>
<td>Omaha</td>
<td>10/2/72</td>
<td>5/14/73, 38 FR 12696.</td>
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<td>Analysis of Ambient Air Quality in Standard Metropolitan Statistical Areas and Recommendations for Air Quality Maintenance Areas.</td>
<td>Omaha, Lincoln, Sioux City.</td>
<td>5/9/74</td>
<td>6/2/75, 40 FR 23746.</td>
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<td>Air Monitoring Plan</td>
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<td>10/6/81, 46 FR 49122.</td>
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<td>Plan for Intergovernmental Consultation and Coordination and for Public Notification.</td>
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<td>8/9/82</td>
<td>7/5/83, 48 FR 30631.</td>
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<td>Lead Plan</td>
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<td>11/20/83, 48 FR 53697.</td>
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<td>Omaha.</td>
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<td>Lead Nonattainment Plan</td>
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<td>11/17/83</td>
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<td>Revised Lead Nonattainment Plan</td>
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<td>8/3/87, 52 FR 28694.</td>
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<td>Small Business Assistance Program</td>
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<td>8/30/93, 58 FR 45452.</td>
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<tr>
<td>Letter from City of Omaha Regarding Authority to Implement Section 112() and Letter from the State Regarding Rule Omissions and PSD Program Implementation.</td>
<td>Omaha, Lincoln</td>
<td>9/13/95</td>
<td>2/14/96, 61 FR 5725.</td>
<td>State submittal dates are dates of letters.</td>
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</table>
### § 52.1421 Classification of regions.

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

<table>
<thead>
<tr>
<th>Name of nonregulatory SIP provision</th>
<th>Applicable geographic or non-attainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
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</table>
§ 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).

(3) When an appropriate number of verifiable exceedances of the 24-hour standard occur, calculated according to section 2.0 of the PM\textsubscript{10} SIP Development Guideline, or when an exceedance of the annual PM\textsubscript{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\textsubscript{10} standards, whichever comes first, determine whether measures in the existing SIP will assure timely attainment and maintenance of the PM\textsubscript{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\textsubscript{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\textsubscript{10} standards, the inventory will be completed as part of the PM\textsubscript{10} SIP for that area on a schedule consistent with that outlined in paragraphs 3, 4, and 5. If the PM\textsubscript{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\textsubscript{10} air quality standards.

§ 52.1423 PM\textsubscript{10} State implementation plan development in group II areas.

The state of Nebraska committed to conform to the PM\textsubscript{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\textsubscript{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\textsubscript{10} SIP development, the State of Nebraska commits to perform the following PM\textsubscript{10} monitoring and SIP development activities for these Group II areas:

(1) Gather ambient PM\textsubscript{10} data, at least to the extent consistent with minimum EPA requirements and guidance.

(2) Analyze and verify the ambient PM\textsubscript{10} data and report 24-hour exceedances of the National Ambient Air Quality Standard for PM\textsubscript{10} to the Regional Office within 45 days of each exceedance.

(b) We request that the total suspended particulate nonattainment areas in Omaha and Weeping Water (all

<table>
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<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
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<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
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<td>Lincoln-Beatrice-Fairbury Intrastate</td>
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<td>Metropolitan Sioux City Interstate</td>
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<td>Nebraska Intrastate</td>
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</table>

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.

<table>
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<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date adopted</th>
<th>Variance expiration date</th>
<th>Final compliance date</th>
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<tr>
<td>ASARCO, Inc</td>
<td>Omaha, NE</td>
<td>Nebraska DEC Second Amended Administrative Order No. 753</td>
<td>Nov. 12, 1986</td>
<td>Not applicable</td>
<td>Feb. 1, 1988</td>
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§ 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.


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.
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(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. (Non-regulatory)

(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 non-attainment 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.


(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 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.

(34) 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.


(35) 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.

(ii) Additional material.

(A) None.

(37) Revised Title 129 of Nebraska Air Pollution Control rules and regulations pertaining to PM\textsubscript{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.


(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\textsubscript{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 Environmental 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\textsubscript{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 revisions to the State Implementation Plan (SIP) to create a Class II operating permit program, Part D NSR rule changes, SO\textsubscript{2} rule corrections, and the use of enhanced monitoring.

(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\textsubscript{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.


(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, 23, 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, 22–30; 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(1).

(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.


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 on GPO Access.

§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]
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[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 below.

EPA is retaining §52.21 (b) through (w) 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 28599, July 23, 1984]

Subpart DD—Nevada

§ 52.1470 Identification of plan.

(a) Title of plan: "Air Quality Implementation Plan for the State of Nevada."

(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.

(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.

(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 18, 1973, by the Governor.

(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.

(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, 1973 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, 2.9.4–2.9.7, 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, 3.1.8 & d–1, 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, 7.2.1–7.2.4, 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, 10.2.1.2;


(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;
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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.

(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.

(ii) 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:


(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:


(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; 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.

(15) Redesignation of the Clark-Moapa 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, 010.025, 010.057, 010.065, 010.066, 010.102, 010.106, 010.107B, 010.108, 010.112, 010.116, 010.117, 010.136, 010.148, 010.149, 010.151, 010.166, 010.167, and 010.175; Source Registration and Operation, Sections 030.000, 030.005, 030.010, 030.015, 030.025, 030.030, 030.112, 030.115 (1 and 5B), 030.120, 030.125, 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.

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(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.


(vii) Lake Tahoe Basin Nonattainment Area Plan.

(viii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

(A) Previously approved on August 27, 1981 and now deleted without replacement Section 9, Rules 9.2 to 9.3.

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 15—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:


(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:

Article 1—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, 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).

(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.

(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
Environmental Protection Agency

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.

(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.


(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, 1.78, 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, 15.14.3.2, 15.14.4, 15.14.4.1, 15.14.4.3 (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.

(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.


(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-1), and (3)–(5)), 445.843, and 445.846 (paragraphs (1), (3), and (4)).

(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).
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(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.


(33) On January 11, 1985, the following amendments to the plan were submitted by the State.
   (i) Incorporation by reference.
   (ii) Additional material.

(34) Program elements were submitted on June 28, 1994 by the Governor’s designee.
   (i) Incorporation by reference.

(35) Program elements were submitted on July 5, 1995 by the Governor’s designee.
   (i) Incorporation by reference.

(36) On January 17, 1997, regulations for the following Health District were submitted by the Governor’s designee.
   (i) Incorporation by reference.
      (A) Clark County Air Pollution Control District.

(37) Section 58 revised on December 21, 1995.
§ 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. 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 O₃.

(2) Las Vegas Valley for O₃.

(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 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 O₃.

(2) Las Vegas Valley for O₃.

§ 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.


§ 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]


§ 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.

(c) Regulation for control of fugitive sulfur oxides emissions (Nevada Intrastate Region). (1) The owner or operator of the Kennecott Copper Company smelter located in White Pine County,
(2) (i) If the owner or operator of the smelter subject to this paragraph is not in compliance with the provisions of paragraph (c)(1) of the section the following compliance schedule shall apply:

(a) 30 days after the effective date of this regulation. Let contracts or issue purchase orders for hoods and flues for control of fugitive sulfur oxides emissions or provide evidence that such contracts have been let.  
(b) July 1, 1975. Initiate on-site construction and/or installation of emission control equipment.  
(c) July 1, 1976. Complete on-site construction and/or installation of emission control equipment.  
(d) January 1, 1977. Achieve final compliance with requirements of paragraph (c)(1) of this section.  
(ii) The owner or operator of the smelter subject to the requirements of this paragraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iii) If the source subject to this paragraph is presently in compliance with the requirements of paragraph (c)(1) of this section, the owner or operator of such source may certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. If such certification is acceptable to the Administrator, the applicable requirements of this paragraph shall not apply to the certifying source. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(3) The owner or operator of the smelter subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after January 1, 1977. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirements of this paragraph for the affected source.

(d) Regulation for control of sulfur dioxide emissions (Nevada Intrastate Region). (1) The owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Region shall comply with all the requirements of this paragraph, except as provided in paragraph (e) of this section.

(ii) The limitation specified in paragraph (d)(2)(i) of this section shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxides control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.
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(3) (i) The owner or operator of the smelter to which this paragraph is applicable shall, no later than 30 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with paragraph (d)(2) of this section as expeditiously as practicable but not later than July 31, 1977.

(ii) The compliance schedule submitted to the Administrator pursuant to paragraph (d)(3)(i) of this section shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to, the following:

(a) Submittal of final control plan to the Administrator for meeting the requirements of paragraph (d)(2) of this section.

(b) Letting of necessary contracts or process changes, or issuance of orders for the purchase of component parts, to accomplish emission control or process modification;

(c) Initiation of on-site construction or installation of emission control equipment or process modification;

(d) Completion of on-site construction or installation of emission control equipment or process modification;

(e) Full compliance with the requirements of paragraph (d)(2) of this section.

(iii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iv) Notice must be given to the Administrator at least 10 days prior to conducting a performance test to afford him the opportunity to have an observer present.

(v) If the source subject to this paragraph is currently in compliance with the requirement of paragraph (d)(2) of this section, the owner or operator of such source may certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. If such certification is acceptable to the Administrator, the applicable requirements of this paragraph (d)(3) of this section shall not apply to the certifying source. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(4)(i) The owner or operator of the smelter to which this paragraph is applicable shall install, calibrate, maintain, and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which emits 5 percent or more of the total potential (without emission controls) hourly sulfur oxides emissions from the source. For the purpose of this paragraph, “continuous monitoring” means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack in each 15-minute period.

(ii) Within nine months after the effective date of this paragraph, and at other such times in the future as the Administrator may specify, the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this part.

(iii) Within nine months after the effective date of this paragraph, and at other such times in the future as the Administrator may specify, the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this part.

(iv) The Administrator shall be notified at least ten (10) days in advance of the start of the field test period required in Appendices D and E to this part to afford the Administrator the opportunity to have an observer present.

(v) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m² (50 ft.²) or at a point no closer to the wall than 0.914 m (3 ft.) if the cross sectional area is 4.647 m² (50 ft.²) or more. The monitor sample point shall
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be in an area of small spatial concentration gradient and shall be representative of the concentration in the duct.

(vi) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) Six-hour average sulfur dioxide emission rates shall be calculated in accordance with paragraph (d)(5) of this section, and recorded daily.

(viii) The owner or operator of the smelter subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed as pounds of sulfur dioxide emitted per six hour period. A 6-hour average value calculated pursuant to paragraph (d)(5) of this section shall be reported as of each hour for the preceding 6-hour period. Results shall be summarized monthly and shall be submitted to the Administrator within fifteen (15) days after the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(ix) The continuous monitoring and recordkeeping requirements of this paragraph shall become applicable nine months after the effective date of this regulation.

(5) (i) Compliance with the requirements of paragraph (d)(2) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (d)(4) of this section. For all stacks equipped with the measurement system(s) required by paragraph (d)(4) of this section, a 6-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour for the preceding six hours, in the following manner:

(a) Divide each 6-hour period into 24 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of sulfur dioxide concentration and stack gas flow rate measurements (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow readings equally spaced over the 15-minute period. In the later case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average (lbs SO2/hr) from all 24 emission rate measurements in each 6-hour period for each stack.

(d) Total the average sulfur dioxide emission rates for all affected stacks.

(ii) Notwithstanding the requirements of paragraph (d)(5)(i) of this section, compliance with the requirements of paragraph (d)(2) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by paragraph (d)(4) of this section, a 6-hour average sulfur dioxide emission rate (lbs SO2/hr) shall be determined as follows:

(a) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other conditions as the Administrator may specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three 6-
hour periods for each stack. Each 6- hour period will consist of three consecutive 2-hour periods. Measurements of emissions from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in part 60 of this chapter. The minimum sampling volume for each two hour test shall be 40 ft\(^3\) corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in part 60 of this chapter and by traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 4 as described in part 60 of this chapter except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(f) The gas sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(g) For each two hour test period, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft\(^3\) hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft\(^3\) at standard conditions, dry basis). The emission rate in lb/hr-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests.

(h) The sum total of sulfur dioxide emissions from the smelter premises in lb/hr is determined by adding together the emission rates (lb/hr) from all stacks equipped with the measurement system(s) required by paragraph (d)(4) of this section.

(e) Alternate regulation for control of sulfur dioxide emissions (Nevada Intrastate Region). (1) The owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Air Quality Control Region may apply to the Administrator for approval to meet the requirements of this paragraph. Upon such approval, granted pursuant to paragraph (e)(3) of this section, the requirements of paragraph (d) shall not be applicable during the period of such approval, and all requirements of this paragraph shall apply.

(2) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Act, part 51 or §52.01 of this chapter.

(i) The term “supplementary control system” means any system which limits the amount of pollutant emissions during periods when meteorological conditions conducive to ground-level concentrations in excess of national standards exist or are anticipated.

(ii) The term “ambient air quality violation” means any single ambient concentration of sulfur dioxide that exceeds any National Ambient Air Quality Standard for sulfur dioxide at any point in a designated liability area, as specified in paragraph (e)(8) of this section.

(iii) The term “isolated source” means a source that will assume legal responsibility for all violations of the applicable national standards in its designated liability area, as specified in paragraph (e)(8) of this section.

(iv) The term “designated liability area” means the geographic area within which emissions from a source may significantly affect the ambient air quality.

(3)(i) The application for permission to comply with this paragraph shall be submitted to the Administrator no later than sixty (60) days following the effective date of this paragraph and shall include the following:

(a) A short description of the type and location of the smelter; the process, equipment, raw materials and fuels used; the stacks employed; and emissions to the atmosphere from various points on the smelter premises.

(b) A general description and the location of other sources of air pollution and of the uses of land, and the topography in the vicinity of the smelter.

(c) A summary of all ambient air quality data in the vicinity of the smelter collected by or under contract to smelter.

(d) A description of the methods of constant emission reduction that are or will be applied and the degree of
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emission reduction achieved or expected due to their application.

(e) A description of the investigations that the owner or operator has made, and the results thereof, as to the availability of constant emission reduction methods that would meet the requirements of paragraph (d)(2) of this section and a discussion of the reasons why any potentially available methods cannot reasonably be used.

(f) A specific description of the research, investigations, or demonstrations that the owner or operator will conduct or support for the purpose of developing constant emission reduction technology applicable to the smelter. Such description shall include the resources to be committed, qualifications of the participants, a description of the facilities to be utilized and milestone dates.

(g) A detailed description of all other measures the owner or operator will apply, in addition to those described in paragraph (e)(3)(i)(d) of this section, to provide for attainment and maintenance of the air quality standards. These measures include but need not be limited to supplementary control systems, tall stacks and other dispersion techniques. Each measure to be applied shall be described in sufficient detail to allow the Administrator to determine its effectiveness in reducing ambient concentrations.

(h) A written commitment by the owner or operator of the source subject to this paragraph agreeing to assume liability for all violations of National Ambient Air Quality Standards within the designated liability area.

(i) Such other pertinent information as the Administrator may require.

(1) Upon receipt of the information specified in paragraph (e)(3)(i) of this section, and after making a determination of its adequacy, the Administrator promptly shall, after thirty (30) days notice, conduct a public hearing on the application submitted by the owner or operator. The Administrator shall make available to the public the information contained in the application. Within thirty (30) days after the hearing, the Administrator shall notify the owner or operator of the smelter and other interested parties of his decision as to whether to grant or deny the application. If he denies the application, he will set forth his reasons. If he approves the application the owner or operator shall comply with all provisions of paragraph (e) of this section and need not comply with provisions of paragraph (d) of this section except as provided in paragraph (e)(16) of this section.

(iii) Approval of the application to abide by the provisions of paragraph (e) will be granted if it can be satisfactorily demonstrated to the Administrator that control measures in addition to the available constant emission controls are required and if the specific measures submitted pursuant to paragraph (e)(3)(i)(g) of this section will provide for the attainment and maintenance of the National Ambient Air Quality Standards.

(4)(i) The owner or operator of the smelter subject to this paragraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of:

(a) 2,600 parts per million-maximum 6-hour average, from any single absorption sulfuric acid producing facility designed for the removal of sulfur dioxide, as determined by the method specified in paragraph (e)(6)(i) or (iii) of this section, and

(b) 29,000 pounds per hour (13,154 kg/hr) maximum 6-hour average, as determined by the method specified in paragraph (e)(6)(ii) or (iv) of this section.

Such limitation shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxides control and removal equipment but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation.

(ii) All emissions from the converters, with the exception of the uncaptured fugitive emissions, shall be processed through a facility for the removal of sulfur dioxide which meets the requirements of paragraph (e)(4)(i)(a) of this section.

(5) (i) The owner or operator of the smelter to which this paragraph is applicable shall install, calibrate, maintain and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack
which emits 5 percent or more of the total potential (without emission controls) hourly sulfur oxide emissions from the source. For the purpose of this paragraph, “continuous monitoring” means taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack in each 15-minute period.

(ii) No later than the date specified in paragraph (e)(14)(i)(b)(5) of this section and at such other times in the future as the Administrator may reasonably specify, the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this part.

(iii) No later than the date specified in paragraph (e)(14)(i)(b)(5) of this section and at such other times in the future as the Administrator may reasonably specify, the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this part.

(iv) The Administrator shall be notified at least 10 days in advance of the start of the field test period required in Appendices D and E to this part to afford the Administrator the opportunity to have an observer present.

(v) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m² (50 ft²) or at a point no closer to the wall than 0.914 m (3 ft) if the cross sectional area is 4.647 m² (50 ft²) or more. The monitor sample point shall be an area of small spatial concentration gradient and shall be representative of the concentration in the duct.

(vi) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer’s recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) Six-hour average sulfur dioxide concentration and emission rates shall be calculated in accordance with paragraph (e)(6) of this section and recorded daily.

(viii) The owner or operator of the smelter subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed in the units prescribed by the emission limitations in paragraph (e)(4) of this section. Six-hour average values calculated pursuant to paragraphs (e)(6)(i) and (ii) of this section shall be reported as of each hour for the preceding six hours. The results shall be summarized monthly and shall be submitted to the Administrator within fifteen (15) days of the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(6)(i) Compliance with the requirements of paragraph (e)(4)(i)(a) of this section shall be determined using the continuous measurements system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (e)(5) of this section. For the stack(s) equipped with the measurement system(s) required by paragraph (e)(5) of this section and serving the sulfur dioxide removal device a 6-hour average sulfur dioxide concentration shall be calculated as of the end of each clock hour for the preceding six hours, in the following manner:

(a) Divide each 6-hour period into twenty-four 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration measurement for each 15-minute period. These measurements may be obtained either by continuous integration of all measurements (from the respective affected facility) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-
minute period and the readings shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average of all 24 concentration measurements in each 6-hour period.

(ii) Compliance with the requirements of paragraph (e)(4)(1)(b) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (e)(5) of this section. For all stacks equipped with the measurement system(s) required by paragraph (e)(5) of this section, a 6-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour for the preceding six hours, in the following manner:

(a) Divide each 6-hour period into twenty-four 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of sulfur dioxide concentrations and stack gas flow rate measurements for each 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow rate readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average (lbs SO₂/hr) of all 24 emission rate measurements in each 6-hour period for each stack.

(d) Total the average sulfur dioxide emission rates for all affected stacks.

(iii) Notwithstanding the requirements of paragraph (e)(6)(i) of this section, compliance with the requirements of paragraph (e)(4)(1)(a) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For each stack serving any process designed for the removal of sulfur dioxide a 6-hour average sulfur dioxide concentration shall be determined as follows:

(a) The test of each stack emission concentration shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which such will be operated and under such other conditions as the Administrator may specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentration shall be conducted during three 6-hour periods of each stack. Each 6-hour period will consist of three consecutive 2-hour periods. Measurements of emissions from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in part 60 of this chapter. The minimum sampling volume for each two hour test shall be 40 ft³ corrected to standard conditions, dry basis.

(e) The velocity of the total effluent from each stack evaluated shall be determined by using Method 2 as described in part 60 of this chapter and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in part 60 of this chapter. Moisture content can be considered to be zero.

(f) The gas sample shall be extracted at a rate proportional to gas velocity at the sampling point.

(g) The sulfur dioxide concentration in parts per million-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests.

(iv) Notwithstanding the requirements of paragraph (e)(6)(ii) of this section, compliance with the requirements of paragraph (e)(4)(1)(b) of this section shall also be determined by using the methods described below at such times as...
(a) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other conditions as the Administrator shall specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in part 60 of this chapter. The analytical, and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three consecutive 2-hour periods for each stack. Measurements need not necessarily be conducted simultaneously of emissions from all stacks on the smelter premises.

(d) In using Method 8, Traversing shall be conducted according to Method 1 as described in part 60 of this chapter. The minimum sampling volume for each 2-hour test shall be 40 ft$^3$ corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in part 60 of this chapter and by traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in part 60 of this chapter. Moisture content shall be determined by use of Method 4 as described in part 60 of this chapter except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(f) The gas sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(g) For each 2-hour test period, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft$^3$/hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft$^3$ at standard conditions, dry basis). The emission rate in lbs/hr-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests.

(h) The sum total of sulfur dioxide emissions from the smelter premises in lbs/hr is determined by adding together the emission rates (lbs/hr) from all stacks equipped with the measurement system(s) required by paragraph (e)(5) of this section.

(i) Such measures will be limited to those specified in the application submitted pursuant to paragraph (e)(3)(i)(g) of this section.

(ii) Sulfur oxides emissions shall be curtailed whenever the potential for violating any National Ambient Air Quality Standard for sulfur dioxide is indicated at any point in a designated liability area by either of the following:

(a) Air quality measurement.

(b) Air quality prediction.

(8)(i) For the purposes of this paragraph the designated liability area shall be a circle with a radius of fifteen (15) statute miles (24 km) with the center point of such circle coinciding with the tallest stack serving the affected facility. The owner or operator of the smelter subject to this paragraph may submit a detailed report which justifies redefining the designated liability area specified by the Administrator. Such a justification shall be submitted with the application submitted pursuant to paragraph (e)(3)(i) of this section and shall describe and delineate the requested designated liability area and discuss in detail the method used and the factors taken into account in the
development of such area. Upon receipt and evaluation of such report, and after the public hearing described in paragraph (e)(3)(ii) of this section, the Administrator shall issue his final determination.

(ii) If new information becomes available which demonstrates that the designated liability area should be redefined, the Administrator shall consider such and if appropriate, after notice and comment, redefine the designated liability area.

(9) (i) The owner or operator of the smelter subject to the paragraph shall submit with the application submitted pursuant to paragraph (e)(3)(i) of this section, a detailed plan for the establishment of a supplementary control system and/or such other measures as may be proposed. Such plan shall describe all air quality and emission monitoring and meteorological equipment to be used, including instruments installed pursuant to paragraph (e)(5) of this section for continuously monitoring and recording sulfur dioxide emissions and stack gas flow rate, the methods that will be used to determine emission rates to be achieved in association with various meteorological and air quality situations, and the general plan of investigations to be followed in developing the system and the operational manual.

(ii) Such plan shall include detailed specifications of any modifications to existing equipment including new stacks, stack extensions, stack heating systems or any process changes to be applied.

(iii) The monitoring described in the detailed plan submitted in accordance with this subparagraph and the appropriate recordkeeping requirements of paragraph (e)(12) of this section shall commence and become applicable as of the date specified in paragraph (e)(14)(i)(b)(5) of this section.

(10) The owner or operator of the smelter subject to this paragraph shall submit to the Administrator a comprehensive report of a study which demonstrates the capability of the supplementary control system, in conjunction with any other control measures, to reduce air pollution levels. The report shall describe a study conducted during a period of at least 120 days during which the supplementary control system was being developed and operated and shall be submitted no later than the date specified in paragraph (e)(14)(i)(b)(6) of this section. The report shall:

(i) Describe the emission monitoring system and the air quality monitoring network.

(ii) Describe the meteorological sensing network and the meteorological prediction program.

(iii) Identify the frequency, characteristics, times of occurrence and durations of meteorological conditions associated with high ground-level concentrations.

(iv) Describe the methodology (e.g., disperser modeling and measured air quality data) by which the source determines the degree of control needed under each meteorological situation.

(v) Describe the method chosen to vary the emission rate, the basis for the choice, and the time required to effect a sufficient reduction in the emission rate to avoid violations of National Ambient Air Quality Standards.

(vi) Contain an estimate of the frequency that emission rate reduction is required to prevent National Ambient Air Quality Standards from being exceeded and the basis for the estimate.

(vii) Include data and results of objective reliability tests. “Reliability,” as the term is applied here, refers to the ability of the supplementary control system to protect against violations of the National Ambient Air Quality Standards.

(viii) Demonstrate that the supplementary control system and other measures expected to be employed after the date specified in paragraph (e)(14)(i)(b)(6) of this section will result in attainment and maintenance of National Ambient Air Quality Standards.

(11) The owner or operator of the smelter subject to this paragraph shall submit to the Administrator an operational manual for the supplementary control system. Such manual shall be submitted no later than the date specified in paragraph (e)(14)(i)(b)(6) of this section and is subject to the approval of the Administrator as satisfying the specific requirements of this paragraph. Such approval shall not relieve the owner or operator of the smelter.
subject to this paragraph from its assumed liability for violations of any National Ambient Air Quality Standards for sulfur oxides in the designated liability area. Prior to making his final decision, the Administrator shall, after reasonable notice, provide an opportunity of not less than forty-five (45) days for public inspection and comment upon the manual. Such manual shall:

(i) Specify the number, type, and location of ambient air quality monitors, instack monitors and meteorological instruments to be used.

(ii) Describe techniques, methods, and criteria to be used to anticipate the onset of meteorological situations associated with ground-level concentrations in excess of National Ambient Air Quality Standards and to systematically evaluate and, as needed, improve the reliability of the supplementary control system.

(iii) Describe the criteria and procedures that will be used to determine the degree of emission control needed for each class of meteorological and air quality situations.

(iv) Specify maximum emission rates which may prevail during all probable meteorological and air quality situations, which rates shall be such that National Ambient Air Quality Standards will not be exceeded in the designated liability area. Such emission rates shall be determined by in-stack monitors. Data from such monitors shall be the basis for determining whether the emission rate provisions of the approved operational manual are adhered to.

(v) Describe specific actions that will be taken to curtail emissions when various meteorological conditions described in paragraph (c)(11)(i) of this section exist or are predicted and/or when specified air quality levels occur.

(vi) Identify the company personnel responsible for initiating and supervising the actions that will be taken to curtail emissions. Such personnel must be responsible, knowledgeable and able to apprise the Administrator of the status of the supplementary control system at any time the source is operating.

(vii) Be modified only if approval by the Administrator is first obtained.

(12) The owner or operator of the smelter subject to this paragraph shall:

(i) Maintain, in a usable manner, records of all measurements and reports prepared as part of the supplementary control system described in the approved operational manual. Such records shall be retained for at least two years.

(ii) Submit, on a monthly basis, the hour by hour measurements made of air quality, emissions and meteorological parameters, and all other measurements made on a periodic basis, as part of the approved supplementary control system.

(iii) Submit a monthly summary indicating all places, dates, and times when National Ambient Air Quality Standards for sulfur oxides were exceeded and the concentrations of sulfur dioxide at such times.

(iv) Notify the Administrator of any violation of National Ambient Air Quality Standards within 24 hours of the occurrence of such violation.

(v) Submit a monthly summary report describing and analyzing how the supplementary control system was operated as related to the approved operations manual and how the system will be improved, if necessary, to prevent violations of the National Ambient Air Quality Standards for sulfur oxides or to prevent any other conditions which are not in accordance with the approved operational manual.

(13)(i) The owner or operator of the smelter subject to this paragraph shall participate in a research program to develop and apply constant emission reduction technology adequate to attain and maintain the national standards. Such program shall be carried out in accordance with the plan submitted pursuant to paragraph (e)(3)(i)(f) of this section.

(ii) The owner or operator of the smelter subject to this paragraph shall submit annual reports on the progress of the research and development program required by paragraph (e)(13)(i) of this section. Each report shall also include, but not be limited to, a description of the projects underway, information on the qualifications of the personnel involved, information on the funds and personnel that have been committed, and an estimated date for
the installation of the constant emission reduction technology necessary to attain and maintain the National Ambient Air Quality Standards.

(14) (i) The owner or operator of the smelter subject to this paragraph shall comply with the compliance schedules specified below:

(a) Compliance schedule for meeting the emission reduction requirements of paragraph (e)(4) of this section:

(1) No later than thirty (30) days after the date of approval to meet the requirements of this paragraph—let contracts or issue purchase orders for emission control systems or process modifications or provide evidence that such contracts have been let.

(2) No later than thirty (30) days after the date of approval to meet the requirements of this paragraph—let contracts or issue purchase orders for ambient air quality monitors, meteorological instruments, and other component parts necessary to establish a supplementary control system.

(3) No later than ninety (90) days after approval to meet the requirements of this paragraph—let contracts or issue purchase orders, or provide evidence that such contracts have been let, for any stack extensions or modifications of equipment approved pursuant to paragraph (e)(3) of this section.

(4) November 1, 1975. Complete installation of air quality and emission monitors and meteorological equipment.

(5) January 1, 1976. Complete installation of any stack extensions or modifications of equipment approved pursuant to paragraph (e)(3) of this section.

(6) May 1, 1976. Submit to the Administrator the comprehensive report on the supplementary control system required by paragraph (e)(10) of this section, and submit to the Administrator for his approval the operational manual required by paragraph (e)(11) of this section.

(7) January 1, 1977. The National Ambient Air Quality Standards for sulfur dioxide shall not be violated in the designated liability area.

(ii) Any owner or operator subject to the requirements of this subparagraph shall certify to the Administrator within five (5) days after the deadline for each increment of progress whether or not the required increment of progress has been met.

(iii) Notice must be given to the Administrator at least ten (10) days prior to conducting a performance test to afford him the opportunity to have an observer present.

(iv) If the source subject to this paragraph is presently in compliance with any of the increments of progress set forth in this paragraph, the owner or operator of such source shall certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(v) The owner or operator of the smelter subject to this paragraph may submit to the Administrator proposed alternative compliance schedules. Each such proposed compliance schedule shall be submitted with the application submitted pursuant to paragraph
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(e)(3)(i) of this section. No such compliance schedule may provide for final compliance after January 1, 1977. If approved by the Administrator, such schedule shall replace the compliance schedule set forth in this paragraph.

(vi) Any such compliance schedule submitted to the Administrator shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to, the increments specified in the appropriate compliance schedule set forth in paragraphs (e)(14)(i) (a) and (b) of this section.

(15) (i) The Administrator shall annually review the supplementary control system and shall deny continued use of the supplementary control system if he determines that:

(a) The review indicates that constant emission control technology has become available or that other factors which may bear on the conditions for use of a supplementary control system have changed to the extent that continued use of the supplementary control system would no longer be deemed approvable within the intent of paragraph (e)(3) of this section; or

(b) The source owner or operator has not demonstrated good faith efforts to follow the stated program for developing constant emission reduction procedures; or

(c) The source owner or operator has not developed and employed a control program that is effective in preventing violations of National Ambient Air Quality Standards.

(ii) Prior to denying the continued use of a supplementary control system pursuant to paragraph (e)(15)(i) of this section, the Administrator shall notify the owner or operator of the smelter subject to this paragraph of his intent to deny such continued use, together with:

(a) The information and findings on which such intended denial is based.

(b) Notice of opportunity for such owner or operator to present, within thirty (30) days, additional information or arguments to the Administrator prior to his final determination.

(iii) The Administrator shall notify the owner or operator of the smelter subject to this paragraph of his final determination within thirty (30) days after the presentation of additional information or arguments, or thirty (30) days after the final date specified for such presentation if no presentation is made. If the continued use of the supplementary control system is denied, the final determination shall set forth the specific grounds for such denial.

(16) Upon denial of the continued use of a supplementary control system pursuant to paragraph (e)(15) of this section all the requirements of paragraph (d) of this section shall be immediately applicable to the owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Region and compliance therewith shall be achieved in accordance with such schedule as the Administrator shall order.

(17) The owner or operator of the smelter subject to this paragraph shall be in violation of a requirement of an applicable implementation plan and subject to the penalties specified in section 113 of the Clean Air Act if:

(i) An increment of the compliance schedules set forth in paragraph (e)(14) of this section is not met by the date specified; or

(ii) The total sulfur dioxide concentration determined according to paragraph (e)(6) (i) or (iii) of this section exceeds the emission limitation set forth in paragraph (e)(4)(i)(a) of this section; or

(iii) The total sulfur dioxide emission rate determined according to paragraph (e)(6) (i) or (iv) of this section exceeds the emission limitation set forth in paragraph (e)(4)(i)(b) of this section; or

(iv) Any National Ambient Air Quality Standards for sulfur oxides are violated in the designated liability area; or

(v) Operations of the supplementary control system are not conducted in accordance with the approved operational manual; or

(vi) Such owner or operator fails to submit any of the information required by this paragraph.

[40 FR 5511, Feb. 6, 1975, as amended at 51 FR 40676, Nov. 7, 1986]
§ 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.

2. The following rules are disapproved because they relax the emission limitation on particulate matter.


§ 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.

§ 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.

§ 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.

§§ 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.

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date of adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mohave Generating Station, Southern California Edison Co.</td>
<td>Laughlin</td>
<td>Clark County, Section 16</td>
<td>Jan. 11, 1973.</td>
</tr>
</tbody>
</table>
§ 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) Section 25, Rules 25.1–25.1.4.

[49 FR 10259, Mar. 20, 1984]

§ 52.1484 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(b) through (w) 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.


§ 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).

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\textsubscript{2} emission limitations, including the percentage reduction and pounds per million BTU in the following requirements:

(A) SO\textsubscript{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\textsubscript{2} measured at the outlet flue gas stream after the baghouse to the total pounds of SO\textsubscript{2} measured at the inlet flue gas stream to the lime spray dryer during the previous 90 boiler-operating-days.

(B) SO\textsubscript{2} emissions shall not exceed \hspace{1em}.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\textsubscript{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\textsubscript{2} percentage reduction emission limitation above shall be determined using continuous SO\textsubscript{2} monitor data taken from the inlet flue gas stream to the lime spray dryer compared to continuous SO\textsubscript{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\textsubscript{2} monitor data taken from the outlet flue gas stream after each baghouse. The continuous SO\textsubscript{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\textsubscript{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 FPDCs 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 FPDC technology (together with or without the
§ 52.1488

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-NOX 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\textsubscript{2}, opacity and NO\textsubscript{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\textsubscript{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\textsubscript{2} and opacity emission limits shall apply:

(I) SO\textsubscript{2}: SO\textsubscript{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\textsubscript{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:
The percent SO\textsubscript{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 SO₂ 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 SO₂ 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 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.

§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.

§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]
§ 52.1520 Identification of plan.
(a) Title of plan: “State of New Hampshire Implementation Plan.”
(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 total suspended particulates and sulfur dioxide in Berlin were submitted by the Governor of New Hampshire on September 19, 1973.
(13) 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.
(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, 1204.14, and 1204.21.

(21) Operating permits with compliance schedules for VOC sources were submitted May 5, 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 Air 200, PART Air 206.
- CHAPTER Air 300, PARTS Air 301–305.
- 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.


(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.
5. James River Corp.Cascade Division, Gorham.
7. ATC Petroleum, Newington.

(27) Amendments to Regulation Air 1204.02(c), defining “equivalent” to include “solids-applied basis” and 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 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.

(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,

(c) Certification from the State of New Hampshire dated April 26, 1985.


(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.


(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.


(41) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on February 12, 1991.

(i) Incorporation by reference.


(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
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Hampshire Air Resources Division on November 21, 1989.

(i) Incorporation by reference.


(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.


(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 120: Parts Env-A 1201–205; Part Env-A 307; Section Env-A 309.05; and Part Env-A 210.
- Chapter Env-A 300: Parts Env-A 301–303.
- Chapter Env-A 400: Part Env-A 400.04; 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 1204.03–11 and 1204.13–19; Part Env-A 1205; Sections Env-A 1206.01–03 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.


(i) Incorporation by reference.


(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.


(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
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—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.


(i) Incorporation by reference.


(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.


(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(c) PAMS requirements.

(i) Incorporation by reference.


(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
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of the Boston-Lawrence-Worcester serious ozone nonattainment area.

(i) Incorporation by reference.


(i) Incorporation by reference.


(B) New Hampshire NOx RACT Order ARD-97-001, concerning Public Service Company of New Hampshire in Bow, effective on April 14, 1997.

(C) New Hampshire NOx RACT Order ARD-95-011, concerning Hampshire Chemical Corporation, effective on May 6, 1997.


(55)–(56) [Reserved]


(i) Incorporation by reference.

(A) Regulation Chapter Env-A 3200 NOx 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 NOx Budget Trading Program as a revision to the New Hampshire State Implementation Plan.

(B) New Hampshire NOx RACT Order ARD-97-001, concerning Public Service Company of New Hampshire in Bow, effective on April 14, 1997.

(58) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on November 25, 1992.

(i) Incorporation by reference.


(ii) Additional materials.


(B) Nonregulatory portions of the submittal.


(i) Incorporation by reference.


(ii) Additional material.


(60) [Reserved]

(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.
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(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.

(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.

(65) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on August 16, 1999.
   (i) Incorporation by reference.
   (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.

   (i) Incorporation by reference.
   (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.
   (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.

[37 FR 10879, May 31, 1972]

EDITORIAL NOTE: For Federal Register citations affecting § 52.1520, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 52.1521 Classification of regions.

The New Hampshire plan was evaluated on the basis of the following classifications:
§ 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.

§ 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.

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>SO₂</th>
<th>PM₁₀</th>
<th>NOₓ</th>
<th>CO</th>
<th>O₃</th>
</tr>
</thead>
<tbody>
<tr>
<td>NH portion Androscoggin Valley Interstate (See 40 CFR 81.110)</td>
<td>(∙)</td>
<td>(∙)</td>
<td>(∙)</td>
<td>(∙)</td>
<td>(∙)</td>
</tr>
<tr>
<td>Central NH Intrastate AQCR 1129-1</td>
<td>(∙)</td>
<td>(∙)</td>
<td>(∙)</td>
<td>(∙)</td>
<td>(∙)</td>
</tr>
<tr>
<td>Merrimack Valley-Southern New Hampshire Interstate</td>
<td>(∙)</td>
<td>(∙)</td>
<td>(∙)</td>
<td>(∙)</td>
<td>(∙)</td>
</tr>
</tbody>
</table>

[a] Air quality levels presently below primary standards or area is unclassifiable.
[b] Air quality levels presently below secondary standards or area is unclassifiable.

§ 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.

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date of adoption</th>
<th>Effective date</th>
<th>Final compliance date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Markem Corporation</td>
<td>Keene, NH</td>
<td>No. 1204.05</td>
<td>Feb. 10, 1984</td>
<td>Feb. 19, 1981</td>
<td>July 1, 1985</td>
</tr>
</tbody>
</table>
Environmental Protection Agency

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(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.

(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 of the State, unless otherwise noted.

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Effective date</th>
<th>Final compliance date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brown Co:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

§ 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>
<thead>
<tr>
<th>Title/subject</th>
<th>State citation</th>
<th>Date adopted State</th>
<th>Date approved EPA</th>
<th>Federal Register citation</th>
<th>52.1520</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organizational Rules: Definitions.</td>
<td>CH Air 100</td>
<td>12/17/81</td>
<td>3/15/83</td>
<td>48 FR 10830</td>
<td>(c)(22)</td>
<td>Sections Air 101.01–03; 27, 31, 50, 52, 77, 79, 80, 97 and parts Air 102 and 103 are not part of the approved SIP.</td>
</tr>
<tr>
<td></td>
<td>Env-A 100</td>
<td>7/21/83</td>
<td>2/01/84</td>
<td>49 FR 3989</td>
<td>(c)(28)</td>
<td>Approved Section Air 101.74, Def. of process weight.</td>
</tr>
<tr>
<td></td>
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<td>11/16/89</td>
<td>6/13/91</td>
<td>56 FR 27197</td>
<td>(c)(43)</td>
<td>Approved Sections Env-A 101.79, Def. of Reasonable Available Control Technology and Env-A 101.98, Def. of Volatile Organic Compound.</td>
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<tr>
<td></td>
<td></td>
<td>12/24/90</td>
<td>8/14/92</td>
<td>57 FR 36605</td>
<td>(c)(45)</td>
<td>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.</td>
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<tr>
<td>Procedural Rules</td>
<td>CH Air 200</td>
<td>12/17/81</td>
<td>3/15/83</td>
<td>48 FR 10830</td>
<td>(c)(22)</td>
<td>Parts Air 201–204 and Parts Air 206–210 are not part of the approved SIP.</td>
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<tr>
<td></td>
<td>Env-A 200</td>
<td>10/21/82</td>
<td>4/21/83</td>
<td>48 FR 17077</td>
<td>(c)(24)</td>
<td>Section Air 205.10 added.</td>
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<td></td>
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<td>12/24/90</td>
<td>8/14/92</td>
<td>57 FR 36605</td>
<td>(c)(45)</td>
<td>Parts Env-A 206 and 208 and Sections Env-A 209.01–04 are not part of the approved SIP.</td>
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<tr>
<td>Ambient Air Quality Standards</td>
<td>CH Air 300</td>
<td>12/17/81</td>
<td>3/15/83</td>
<td>48 FR 10830</td>
<td>(c)(22)</td>
<td>Part Air 304 is not part of the approved SIP.</td>
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<tr>
<td></td>
<td>Env-A 300</td>
<td>12/24/90</td>
<td>8/14/92</td>
<td>57 FR 36605</td>
<td>(c)(45)</td>
<td>Part Env-A 304 is not part of the approved SIP.</td>
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<td>Particulate matter</td>
<td>Env-A 303</td>
<td>4/21/89</td>
<td>8/19/94</td>
<td>59 FR 42768</td>
<td>(c)(40)</td>
<td>303.01</td>
</tr>
<tr>
<td>Sulfur Content Limits in Fuels</td>
<td>CH Air 400</td>
<td>12/17/81</td>
<td>3/15/83</td>
<td>48 FR 10830</td>
<td>(c)(22)</td>
<td>Section Air 402.02 is not part of the approved SIP.</td>
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<td></td>
<td></td>
<td>2/20/75</td>
<td>3/23/84</td>
<td>49 FR 11094</td>
<td>(c)(26)</td>
<td>Section Air 402.02 added, raising allowable sulfur-in-oil limit for but 10 sources.</td>
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<tr>
<td></td>
<td></td>
<td>10/20/83</td>
<td>8/07/84</td>
<td>49 FR 31415</td>
<td>(c)(29)</td>
<td>Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for 5 source excluded at (c)(26) above.</td>
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<td>12/15/83</td>
<td>8/01/84</td>
<td>49 FR 30695</td>
<td>(c)(31)</td>
<td>Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for 2 sources excluded at (c)(26) above.</td>
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<tr>
<td></td>
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<td>4/17/86</td>
<td>2/02/87</td>
<td>52 FR 3117</td>
<td>(c)(35)</td>
<td>Revision restricting emission limits for Dartmouth College.</td>
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<td>1/17/85</td>
<td>4/15/87</td>
<td>52 FR 12164</td>
<td>(c)(36)</td>
<td>Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for James River Corp.—Cascade.</td>
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<tr>
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<td>9/09/85</td>
<td>12/14/87</td>
<td>52 FR 47392</td>
<td>(c)(38)</td>
<td>Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for James River Corp.—Groveton.</td>
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<tr>
<td>Title/subject</td>
<td>State citation</td>
<td>Date adopted State</td>
<td>Date approved EPA</td>
<td>Federal Register citation</td>
<td>52.1520</td>
<td>Explanation</td>
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<td>Env-A 400</td>
<td></td>
<td>12/24/90</td>
<td>8/14/92</td>
<td>57 FR 36605</td>
<td>(c)(45)</td>
<td>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.</td>
</tr>
<tr>
<td>Statewide Permit System</td>
<td>CH Air 600</td>
<td>12/17/81</td>
<td>3/15/83</td>
<td>48 FR 10830</td>
<td>(c)(22)</td>
<td>Part Air 609 repealed at (c)(16).</td>
</tr>
<tr>
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<td>Env-A 600</td>
<td>12/24/90</td>
<td>8/14/92</td>
<td>57 FR 36606</td>
<td>(c)(45)</td>
<td>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.</td>
</tr>
<tr>
<td>Statewide Permit System</td>
<td>Env-A 600</td>
<td>5/21/92</td>
<td>7/27/91</td>
<td>FR 39104</td>
<td>(c)(66)</td>
<td>Part Env-622 (formally 610) Adopted NSR CAA requirements Adopted plantwide definition Adopted CAA sections 173(a)(4) &amp; (5).</td>
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<tr>
<td>Permit Fee System</td>
<td>CH Air 700</td>
<td>12/17/81</td>
<td>3/15/83</td>
<td>48 FR 10830</td>
<td>(c)(22)</td>
<td>Revisions to Sections Air 704.01–02 and Air 706.01–02.</td>
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<td>Env-A 700</td>
<td>12/24/90</td>
<td>8/14/92</td>
<td>57 FR 36605</td>
<td>(c)(45)</td>
<td>Part Env-A 803 is not part of the approved SIP.</td>
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<tr>
<td></td>
<td>CH Air 800</td>
<td>12/24/90</td>
<td>8/14/91</td>
<td>56 FR 40253</td>
<td>(c)(41)</td>
<td>Sections Env-A 802.09–10 added.</td>
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<tr>
<td></td>
<td>Env-A 800</td>
<td>11/16/89</td>
<td>6/13/91</td>
<td>56 FR 27197</td>
<td>(c)(43)</td>
<td>Part Env-A 804 added; Revision to Section Env-A 802.07.</td>
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<tr>
<td></td>
<td>CH Air 800</td>
<td>12/24/90</td>
<td>8/14/92</td>
<td>57 FR 36605</td>
<td>(c)(45)</td>
<td>Part Env-A 803 is not part of the approved SIP.</td>
</tr>
<tr>
<td>Testing Requirements</td>
<td>CH Air 800</td>
<td>1/17/92</td>
<td>5/25/93</td>
<td>58 FR 29974</td>
<td>(c)(47)</td>
<td>Part Env-A 805 Capture Efficiency Test Procedures</td>
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<td>Purpose</td>
<td>CH air 800, Part Env-A 801.</td>
<td>11/13/92</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds testing and monitoring procedures.</td>
</tr>
<tr>
<td>Testing and Monitoring for Stationary Sources: General Requirements.</td>
<td>CH air 800, Part Env-A 802.</td>
<td>11/13/92</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds testing and monitoring procedures.</td>
</tr>
<tr>
<td>VOC Testing</td>
<td>CH air 800, Part Env-A 803.</td>
<td>8/21/95</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds testing and monitoring procedures.</td>
</tr>
<tr>
<td>Capture Efficiency</td>
<td>CH air 800, Part Env-A 804.</td>
<td>8/21/95</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds testing and monitoring procedures.</td>
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<td>Continuous Emission Monitoring.</td>
<td>CH air 800, Part Env-A 805.</td>
<td>11/13/92</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds testing and monitoring procedures.</td>
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<tr>
<td>Testing for Diesel Engines and Motor Vehicles.</td>
<td>CH air 800, Part Env-A 806.</td>
<td>11/13/92</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds testing and monitoring procedures.</td>
</tr>
<tr>
<td>Approval of Alternate Methods</td>
<td>CH air 800, Part Env-A 807.</td>
<td>11/13/92</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds testing and monitoring procedures.</td>
</tr>
<tr>
<td>Owner or Operator Obligations</td>
<td>CH Air 900</td>
<td>12/17/81</td>
<td>3/15/83</td>
<td>48 FR 10830</td>
<td>(c)(22)</td>
<td>Sections Env-A 901.021–022 and 901.05 added; Revision to Section Env-A 901.02.</td>
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<tr>
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<td>Env-A 900</td>
<td>11/16/89</td>
<td>6/13/91</td>
<td>56 FR 27197</td>
<td>(c)(43)</td>
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<tr>
<td></td>
<td>CH Air 900</td>
<td>12/24/90</td>
<td>8/14/92</td>
<td>57 FR 36605</td>
<td>(c)(45)</td>
<td></td>
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<tr>
<td>Recordkeeping requirements</td>
<td>CH Air 900, Part Env-A 901, section Env-A 901.06.</td>
<td>11/13/92</td>
<td>4/9/97</td>
<td>62 FR 17092</td>
<td>(c)(49)</td>
<td>Adds NOX recordkeeping requirements.</td>
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<td>Recordkeeping and Reporting by Sources.</td>
<td>CH Air 900, Part Env-A 901, sections 901.01, 901.03, 901.09.</td>
<td>11/13/92</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds recordkeeping and reporting requirements.</td>
</tr>
<tr>
<td>Recordkeeping and Reporting by Sources.</td>
<td>CH air 900, Part Env-A 901, sections 901.02, 901.04, 901.05, and 901.08.</td>
<td>8/21/95</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds recordkeeping and reporting requirements.</td>
</tr>
<tr>
<td>Malfunctions and Breakdowns of Air Pollution Control Equipment.</td>
<td>CH air 900, Part Env-A 902.</td>
<td>11/13/92</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds recordkeeping and reporting requirements.</td>
</tr>
<tr>
<td>Compliance Schedules</td>
<td>CH air 900, Part Env-A 903.</td>
<td>11/13/92</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds recordkeeping and reporting requirements.</td>
</tr>
<tr>
<td>Prevention, Abatement, and Control of Open Source Air Pollution.</td>
<td>CH Air 1000 ...</td>
<td>12/17/81</td>
<td>3/15/83</td>
<td>48 FR 10830</td>
<td>(c)(22)</td>
<td>Part Air 1002 is not part of the approval SIP.</td>
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<tr>
<td>Open-Air Burning</td>
<td>CH Air 1001 ...</td>
<td>5/19/89</td>
<td>8/19/94</td>
<td>59 FR 42768</td>
<td>(c)(40)</td>
<td>1001.02</td>
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<td>Prevention, Abatement, and Control of Stationary Source Air Pollution Part.</td>
<td>CH Air 1200 ...</td>
<td>6/17/82</td>
<td>3/15/83</td>
<td>48 FR 10830</td>
<td>(c)(22)</td>
<td>Section Air 1201.07 and Part Air 1206 are not part of the approved SIP.</td>
</tr>
<tr>
<td>Malfunctions and Breakdowns of Air Pollution Control Equipment.</td>
<td>Env-A 1000 ...</td>
<td>12/24/90</td>
<td>8/14/92</td>
<td>57 FR 36605</td>
<td>(c)(45)</td>
<td>Part Env-A 1002 is not part of the approval SIP.</td>
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<tr>
<td>Prevention, Abatement, and Control of Stationary Source Air Pollution.</td>
<td>Env-A 1200 ...</td>
<td>1/17/92</td>
<td>5/25/93</td>
<td>58 FR 29974</td>
<td>(c)(47)</td>
<td>Part Env-A Sections 1204.02; 1204.04; 1204.05 through 1204.08; 1204.14 through 1204.15.</td>
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<tr>
<td>Prevention, Abatement and Control of Stationary Source Air Pollution.</td>
<td>Env-A 1200 ...</td>
<td>11/16/89</td>
<td>6/13/91</td>
<td>56 FR 27197</td>
<td>(c)(43)</td>
<td>Revisions to Sections Env-A 1204.01–16; Section Env-A 1204.19 added.</td>
</tr>
<tr>
<td></td>
<td>Env–A 1200 ...</td>
<td>12/24/90</td>
<td>8/14/92</td>
<td>57 FR 36605</td>
<td>(c)(45)</td>
<td>Section Env-A 1206.03 is not part of the approved SIP.</td>
</tr>
<tr>
<td></td>
<td>Env–A 1200 ...</td>
<td>1/17/92</td>
<td>1/19/93</td>
<td>58 FR 4904</td>
<td>(c)(46)</td>
<td>Revisions to Section Env–A 1204.12.</td>
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TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS ¹—NEW HAMPSHIRE—Continued

<table>
<thead>
<tr>
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<th>State citation</th>
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<th>Federal Register citation</th>
<th>52.1520</th>
<th>Explanation</th>
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<tr>
<td>Nitrogen oxides emission limits.</td>
<td>CH Air 1200, Part Env-A 1211.</td>
<td>5/20/94</td>
<td>4/9/97</td>
<td>62 FR 17092</td>
<td>(c)(49)</td>
<td>Adds NOₓ RACT requirements.</td>
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<tr>
<td>Stationary Sources of Volatile Organic Compounds.</td>
<td>CH air 1204, Part Env-A 1204 (except 1204.09).</td>
<td>8/21/95</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>Adds VOC RACT requirements. Limited approval only of Env-A 1204.27</td>
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<tr>
<td>Source Specific Order ..........</td>
<td>Order ARD–94–001.</td>
<td>5/5/95</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>VOC RACT for L.W. Packard.</td>
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<td>Source specific order ..........</td>
<td>Order ARD–95–001.</td>
<td>5/10/95</td>
<td>4/9/97</td>
<td>62 FR 17092</td>
<td>(c)(52)</td>
<td>Source specific NOₓ RACT order for Groveton Paperboard Corp., in Groveton, NH.</td>
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<tr>
<td>Source specific order ..........</td>
<td>Order ARD–95–002.</td>
<td>9/12/95</td>
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<td>62 FR 17093</td>
<td>(c)(50)</td>
<td>Source specific NOₓ RACT order for Plymouth Cogeneration Ltd. Partnership, in Plymouth, NH.</td>
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<td>Source specific order ..........</td>
<td>Order ARD–95–003.</td>
<td>9/19/95</td>
<td>4/9/97</td>
<td>62 FR 17093</td>
<td>(c)(50)</td>
<td>Source specific NOₓ RACT order for Waterville Valley Ski Area Ltd., in Waterville Valley, NH.</td>
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<tr>
<td>Source Specific Order ..........</td>
<td>Order ARD–95–010.</td>
<td>9/10/96</td>
<td>3/10/98</td>
<td>63 FR 11600</td>
<td>(c)(51)</td>
<td>VOC RACT for Kalwall, Manchester.</td>
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<tr>
<td>Source specific order ..........</td>
<td>Order ARD–97–001.</td>
<td>04/14/97</td>
<td>5/13/98</td>
<td>63 FR 26460</td>
<td>(c)(54)</td>
<td>Source specific NOₓ RACT order for Public Service of New Hampshire in Bow, NH.</td>
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<tr>
<td>Source specific order ..........</td>
<td>Order ARD–97–001.</td>
<td>05/06/97</td>
<td>5/13/98</td>
<td>63 FR 26460</td>
<td>(c)(54)</td>
<td>Source specific NOₓ RACT order for Hampshire Chemical Corporation in Nashua, NH.</td>
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<tr>
<td>Source specific order ..........</td>
<td>Order ARD–97–003.</td>
<td>9/24/97</td>
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<td>63 FR 26460</td>
<td>(c)(54)</td>
<td>Source specific NOₓ RACT order for Crown Vantage in Berlin, NH.</td>
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<tr>
<td>Source specific order ..........</td>
<td>Order ARD–98–001.</td>
<td>7/17/98</td>
<td>11/14/00</td>
<td>65 FR 68082</td>
<td>(c)(64)</td>
<td>Source-specific NOₓ RACT order and discrete emission reduction protocols for Public Service of New Hampshire.</td>
</tr>
<tr>
<td>Conformity of General Federal Actions.</td>
<td>CH Env-A 1500, Part Env-A 1502.</td>
<td>4/19/96</td>
<td>8/16/99</td>
<td>64 FR 44420</td>
<td>(c)(63)</td>
<td>None.</td>
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<td>NOₓ Budget Trading Program</td>
<td>Part Env-A 3200</td>
<td>7/27/98</td>
<td>11/14/00</td>
<td>65 FR 68082</td>
<td>(c)(57)</td>
<td>Approval of OTC NOₓ budget and allowance trading program.</td>
</tr>
</tbody>
</table>
Roadside Diesel Opacity Inspection Program Rules.

NHCAR, Part Sal-C 5800.

| 11/17/98 | 1/10/01 | 66 FR 1871 | (c)(59) |


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.

§ 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 .89; 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 1100: Part Env-A 1102

• Chapter Env-A 1200: Sections Env-A 1206.03

• Chapter Env-A 1300: Parts Env-A 1301–1305


§ 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 New Hampshire), the State 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 New Hampshire), the State 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.
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.

[65 FR 71066, Nov. 29, 2000]

§ 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,
§ 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 nonattainment area, and the New Hampshire portion of the Boston-Lawrence-Worcester serious 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.


§ 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 nonattainment area, and the New Hampshire portion of the Boston-Lawrence-Worcester serious area.


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.


(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
§ 52.1570

Environmental Protection Agency

27, 1976 from the New Jersey Department of Environmental Protection.

(13) An administrative order directed to Hunt-Wesson Foods, Inc. in Bridge-
ton, Cumberland County and issued pursuant to the New Jersey Administra-
tive Code (N.J.A.C.) 7:27-9.5(a), dated June 15, 1976, and technical sup-
port for this order received by EPA on April 27, 1976, both from the New Jer-
sey Department of Environmental Protection.

(14) Revision to the Permits and Certi-
ficates 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 admin-
istrative 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 pro-
visions of the New Jersey Administra-
tive Code (N.J.A.C.) 7:27-9.1 et seq., Sulfur in Fuel, for 18 facilities; and supple-
mental technical information submitted in a November 22, 1976 let-
ter. The extended “variances” including all their terms and conditions are
made a part of the New Jersey State Implementation Plan. The facilities af-
<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Sulfur in fuel oil limitation (percent by weight)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlantic City Electric Deepwater Station. E. I. du Pont de Ne-mours &amp; Co.</td>
<td>Salem City, Salem County.</td>
<td>2.0</td>
</tr>
<tr>
<td>Manning Mills, Inc ...</td>
<td>Salem City, Salem County.</td>
<td>2.0</td>
</tr>
<tr>
<td>Atlantic City Electric B. L. England Station. Hunt Wesson Foods, Inc.</td>
<td>Salem City, Salem County.</td>
<td>2.5</td>
</tr>
<tr>
<td>Kerr Glass Manufacturing Corp.</td>
<td>Salem City, Cumberland County.</td>
<td>2.5</td>
</tr>
<tr>
<td>Owens Illinois, Inc. Kimble Products Division, Leone Industries ....</td>
<td>Vineland City, Cumberland County.</td>
<td>2.5</td>
</tr>
<tr>
<td>Owens Illinois, Inc ........</td>
<td>Bridgeton City, Cumberland County.</td>
<td>2.5</td>
</tr>
<tr>
<td>Progresso Food Corp ...</td>
<td>Vineland City, Cumberland County.</td>
<td>2.5</td>
</tr>
<tr>
<td>Bridgeton Dying &amp; Fin-isheing Corp.</td>
<td>Bridgeton City, Cumberland County.</td>
<td>2.5</td>
</tr>
<tr>
<td>Whitehead Bros. Co .......</td>
<td>Halyville, Cumberland County.</td>
<td>2.5</td>
</tr>
<tr>
<td>Vineland Chemical Co.</td>
<td>Vineland City, Cumberland County.</td>
<td>2.5</td>
</tr>
</tbody>
</table>

(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 pro-
visions of the New Jersey Administrative Code (N.J.A.C.) 7:27–9.1 et seq., Sulfur in Fuel, for 17 facilities and ac-
companying supplemental information. The extended “variances” including all
their terms and conditions are made a part of the New Jersey State imple-
mentation plan. The facilities affected by these “variances,” their locations, and
applicable sulfur-in-fuel-oil limita-
tions until July 12, 1978 are as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Sulfur in fuel oil limitation (percent by weight)</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Bottle Corp ....</td>
<td>Salem City, Salem County.</td>
<td>2.0</td>
</tr>
<tr>
<td>E. I. du Pont de Ne-mours &amp; Co. Heinz-U.S.A ...............</td>
<td>Salem City, Salem County.</td>
<td>1.5</td>
</tr>
<tr>
<td>B. F. Goodrich Chemical Co. Anchor Hocking Corp ...</td>
<td>Pedricktown, Salem County.</td>
<td>1.5</td>
</tr>
<tr>
<td>Atlantic City Electric Deepwater Station. E. I. du Pont de Ne-mours &amp; Co.</td>
<td>Salem City, Salem County.</td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.5</td>
</tr>
</tbody>
</table>
(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 follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Sulfur in fuel oil limitation (percent by weight)</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Bottle Corp.</td>
<td>Salem City, Salem County</td>
<td>2.0</td>
</tr>
<tr>
<td>E. I. du Pont de Nemours &amp; Co.</td>
<td>Deepwater, Salem County,</td>
<td>1.5</td>
</tr>
<tr>
<td>Heinz—U.S.A.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. F. Goodrich Chemical Co.</td>
<td>Pedricktown, Salem County,</td>
<td>1.5</td>
</tr>
<tr>
<td>Anchor Hocking Corp.</td>
<td>Salem City, Salem County,</td>
<td>2.0</td>
</tr>
<tr>
<td>Atlantic City Electric,</td>
<td>Penns Grove, Salem County,</td>
<td>1.5</td>
</tr>
<tr>
<td>Deepwater Station.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(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 by 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.
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(23) Supplementary submittals, pertaining to the plan revision for non-attainment 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 promulgation.

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 rule-making 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.”


(27) A supplementary submittal dated August 5, 1980 from the New Jersey Department of Environmental Protection consisting of revisions to Subchapter 10 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. Engle 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, and N.J.A.C. 7:27–10.1 et seq., Sulfur in Coal, by March 31, 1982 and June 1, 1982, respectively.


(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., Vineyard 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.”


(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) Incorporated by reference.

(A) Revisions to N.J.A.C. 7:27–8, “Permits and Certificates,” effective April 5, 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) Incorporated by reference.


(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) Incorporated 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) Incorporated by reference.

(A) The following operating permit amendments for the Delco Remy facility in New Brunswick:

<table>
<thead>
<tr>
<th>Permit amendment numbers</th>
<th>Permit amendment dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>286–1166 through 286–1184</td>
<td>All permits effective 9/24/86.</td>
</tr>
</tbody>
</table>

(B) The following operating permit amendments for the Heubach Inc. facility in Newark:

<table>
<thead>
<tr>
<th>Permit amendment numbers</th>
<th>Permit amendment dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>286–0523 through 286–0531</td>
<td>All permits effective 4/30/86.</td>
</tr>
</tbody>
</table>

(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 29, 1987.

(i) Incorporation by reference.

(A) A March 4, 1986 Administrative Order and Notice of Civil Administrative Penalty Assessment (Log # A602844) 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.


(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.


(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.


(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.


(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.


(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 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 Title 7, Chapter 27, Subchapter 16 of the New Jersey Administrative Code, entitled “Control and Prohibition of Air Pollution by Volatile Organic Substances,” effective September 22, 1986.
(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

(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:

(53) A revision 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 Morris town, 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.

(B) “New Jersey Carbon Monoxide State Implementation Plan Redesignation and Maintenance Plan for the
Environmental Protection Agency

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Nine Not-Classified Nonattainment Areas,” section 5.f, effective date September 28, 1995.

(ii) Additional material.


(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 Authority’s Municipal Waste Incinerator, Union County; NJ NOx RACT approval dated May 10, 1994 with an attached permit to construct, operate, and a PSD permit dated December 29, 1989.

(5) Rollins Environmental Services’ hazardous waste incinerator, Gloucester County, NJ COAD approval dated May 23, 1995.


(7) Union County Utilities Authority’s Municipal Waste Incinerator, Union County; NJ NOx RACT approval dated May 23, 1995.

(8) PSE&G’s Hudson Station Unit No. 2 utility boiler, Hudson County, NJ COAD approval dated May 9, 1995.


(10) Hoffmann-La Roche’s combined cycle combustion turbines, Essex County, NJ COAD approval dated May 8, 1995.

(II) 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.


(14) 3M Company’s rotary kiln and dryers, Somerset County, NJ COAD approval dated May 4, 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.

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(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\textsubscript{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\textsubscript{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 Volatile Organic Compounds from Consumer and Commercial Products” effective November 6, 1995.

(ii) Additional material.


(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 24, “Control and Prohibition of Air Pollution by Volatile Organic Compounds.”

(i) Additional information.

(A) November 15, 1993 letter from William J. Muszynski, EPA, to Jeanne Fox, NJDEPE, requesting EPA approval of Subchapter 24.

(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.


(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 24, “Control and Prohibition of Air Pollution by Volatile Organic Compounds.”

(i) Additional information.

(A) November 15, 1993 letter from William J. Muszynski, EPA, to Jeanne Fox, NJDEPE, requesting EPA approval of Subchapter 24.

(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.
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.


(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:


2. PQ Corporation/Industrial Chemicals’ Sodium Silicate Furnace, Middlesex County, NJ COAD approval dated December 2, 1994.


4. Stony Brook Regional Sewerage Authority’s sewage sludge incinerators, Mercer County, NJ COAD approval dated October 27, 1996 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 29, 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.


13. Schering Corporation’s heat recovery steam generator with duct burner, Union County, NJ COAD approval dated January 5, 1996.

14. [Reserved]


(ii) Additional information—Documentation and information to support NOx 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).


(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.
(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.
(5) 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\textsubscript{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:


(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\textsubscript{x} Budget Trading Program.

(i) Incorporation by reference:

(ii) Additional information.
(A) Letter from the New Jersey Department of Environmental Protection dated April 26, 1999, submitting the NO\textsubscript{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.


(E) NOx Budget Program Monitoring Certification and Reporting Requirements, dated July 3, 1997.

(F) Electronic Data Reporting, Acid Rain NOx Budget Program, dated July 3, 1997.


(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 NOx Budget Trading Program, a 2007 emissions budget, and a commitment by New Jersey to comply with the section 51.122 reporting requirements.

(i) Incorporation by reference:


(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.

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(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.

(d) Plan revisions were submitted on September 26, 1972.

[37 FR 10880, May 31, 1972]

§ 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.

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.

[45 FR 15541, Mar. 11, 1980]

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 on GPO Access.

§ 52.1571 Classification of regions.

The New Jersey plan was evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
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<td>New Jersey-New York-Connecticut Interstate</td>
<td>I</td>
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<tr>
<td>New Jersey Intrastate</td>
<td>III</td>
<td>IIA</td>
<td>III</td>
<td>III</td>
<td>I</td>
</tr>
</tbody>
</table>


§ 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.


§ 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.


§ 52.1576 Control strategy: Nitrogen dioxide.

(a) The requirements of §52.14(c)(3) of this chapter as of May 8, 1974 (39 FR 16346), are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the New Jersey portions of the New Jersey-New York-Connecticut Region.


§ 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
§ 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 Non-attainment 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.”

§ 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.

§ 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.
§ 52.1582 Control strategy and regulations: Ozone (volatile organic substances) and carbon monoxide.

(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 bulletin 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 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.

(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.
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(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) 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.

(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) The conformity emission budgets for the McGuire Air Force Base included in New Jersey’s December 31, 1996 State Implementation Plan revision have been approved. The 1999 conformity emission budgets for the North Jersey Transportation Planning Authority, South Jersey Transportation Planning Organization and Delaware Valley Regional Planning Commission included in New Jersey’s July 30, 1998 addendum and the February 10, 1999 State Implementation Plan revision have been approved.

(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 non-attainment downwind; identify any reductions that are needed from upwind areas for the area to meet the ozone standard; and implement the Ozone Transport Commission NOx 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 14, 1999 State Implementation Plan revision for the New York/Northern New Jersey/Long Island 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 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) The 2002 and 2005 conformity emission budgets for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area and the 2002, 2005 and 2007 conformity emission budgets for the New York 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. The 2005 and 2007 attainment year budgets are only approved until such time as New Jersey submits revised budgets consistent with its commitments to revise the budgets with respect to MOBILE6 and additional measures and EPA finds those revised budgets adequate.

(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:

(iii) To revise State Implementation Plan and attainment year motor vehicle emissions budgets within one year after the MOBILE6 mobile emissions model is released;

(iv) To perform a mid-course review and submit the results to EPA by December 31, 2003.


<table>
<thead>
<tr>
<th>Company</th>
<th>Plant</th>
<th>City</th>
<th>Boiler unit(s)</th>
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<tr>
<td>Atlantic City Electric</td>
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<td>Jersey City</td>
<td>No. 1</td>
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<tr>
<td>Do</td>
<td>Sayreville</td>
<td>Sayreville</td>
<td>All</td>
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<tr>
<td>Jersey Central Power &amp; Light</td>
<td>E. H. Werner</td>
<td>South Amboy</td>
<td>Do</td>
</tr>
<tr>
<td>Do</td>
<td></td>
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</tr>
</tbody>
</table>

(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 effect as an EPA approved revision to the implementation plan. In addition, the use of coal in the following utility plants and boiler units is not approved:

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.
Environmental Protection Agency

§ 52.1605 EPA-approved New Jersey regulations.

(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]

§ 52.1604 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]
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<td>Title 7, Chapter 27</td>
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<tr>
<td>Subchapter 1, &quot;General Provisions&quot;</td>
<td>May 1, 1986</td>
<td>June 29, 1990, 55 FR 26689</td>
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<tr>
<td>Subchapter 4, &quot;Control and Prohibition of Particles from Combustion of Fuel&quot;</td>
<td>Oct. 12, 1977</td>
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<td>Subchapter 5, &quot;Prohibition of Air Pollution&quot;</td>
<td>May 23, 1977</td>
<td>Jan. 26, 1979, 44 FR 5427</td>
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<td>Subchapter 6, &quot;Control and Prohibition of Particles From Manufacturing Processes&quot; (except section 6.5)</td>
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<td>Section 8.11</td>
<td>Mar. 2, 1992</td>
<td>Apr. 15, 1994, 59 FR 17935</td>
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<tr>
<td>Sections 8.1 and 8.2</td>
<td>June 20, 1994</td>
<td>August 7, 1997, 62 FR 42414</td>
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<tr>
<td>Subchapter 12, &quot;Prevention and Control of Air Pollution Emergencies&quot;</td>
<td>Mar. 27, 1972</td>
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<tr>
<td>Subchapter 14, &quot;Control and Prohibition of Air Pollution From Diesel-Powered Motor Vehicles&quot;</td>
<td>July 1, 1985</td>
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<td>Subchapter 17, &quot;Control and Prohibition of Air Pollution by Toxic Substances&quot;</td>
<td>June 20, 1994</td>
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<tr>
<td>Subchapter 18, &quot;Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules)&quot;</td>
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Section 6.5, "Variances," is not approved (40 CFR 52.1576(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)).

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. "Clean conversion incentive" permits issued pursuant to §9.5 must receive EPA approval as a SIP revision to become applicable parts of the SIP.

Notification of "large zone 3 coal conversions" must be provided to EPA (40 CFR 52.1601(b)).

Earlier versions of Subchapter 16 remain part of the SIP only to the extent of determining compliance dates which have since passed.

Subchapter 17 is included in the SIP only as it relates to the control of perchloroethylene.

See July 25, 1996, for items not included in this limited approval.
Subchapter 19, “Control and Prohibition of Air Pollution from Oxides of Nitrogen.”:

Mar. 17, 1995 ............... Mar. 29, 1999, 64 FR 14834 ............

Subchapter 21, “Emission Statements”:


Subchapter 23, “Prevention of Air Pollution from Architectural Coatings and Consumer Products”:

June 20, 1994 ............... August 7, 1997, 62 FR 42414 .........

Subchapter 24, “Control and Prohibition of Volatile Organic Compounds from Consumer and Commercial Products”:

Nov. 6, 1995 ............... May 2, 1997, 62 FR 24036 ............

Subchapter 25, “Control and Prohibition of Air Pollution by Vehicular Fuels”:

August 17, 1998 ............. November 22, 1999, 64 FR 63692 ......


March 1, 1999 ............... Nov. 3, 1999 ............................

Subchapter 31, NOx Budget Program

Aug. 21, 2000 ............... 5/22/01 66 FR 28066 ....................

Title 7, Chapter 27B:


June 20, 1994 ............... August 7, 1997, 62 FR 42414 .........


Nov. 15, 1999 ............... January 22, 2002, 67 FR 2813 ........

Title 13, Chapter 20:

Subchapter 7, “Vehicle Inspection”:

Dec. 6, 1999 ............... January 22, 2002, 67 FR 2813 ........

Sections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6..

Subchapter 24, “Motorcycles”:

Dec. 6, 1999 ............... January 22, 2002, 67 FR 2813 ........

Section: 24.20..


Dec. 6, 1999 ............... January 22, 2002, 67 FR 2813 ........

Section: 26.16..

Subchapter 29, “Inspection of New Motor Vehicles”:

Dec. 6, 1999 ............... January 22, 2002, 67 FR 2813 ........

Sections: 28.3, 28.4, 28.6..

Subchapter 29, “Mobile Inspection Unit”:

Dec. 6, 1999 ............... January 22, 2002, 67 FR 2813 ........

Sections: 29.1, 29.2, 29.3.

Subchapter 32, “Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities”:

Dec. 6, 1999 ............... January 22, 2002, 67 FR 2813 ........

Subchapter 33, “Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities”:

Dec. 6, 1999 ............... January 22, 2002, 67 FR 2813 ........

Subchapter 43, “Enhanced Motor Vehicle Inspection and Maintenance Program”:

Dec. 6, 1999 ............... January 22, 2002, 67 FR 2813 ........

Subchapter 44, “Private Motor Vehicle Inspection and Maintenance Program”:

Dec. 6, 1999 ............... January 22, 2002, 67 FR 2813 ........

Provides that for the duration of New Jersey’s participation in National Low Emission Vehicle (LEV), manufacturers may comply with National LEV or equally stringent mandatory federal standards in lieu of compliance with the California LEV program adopted pursuant to section 177. The regulations accept National LEV as a compliance alternative for requirements applicable to passenger cars, light light-duty trucks, and light-duty trucks designed to operate on gasoline. Incorporates NOx SIP Call and NOx Budget Trading Program for 1999 through 2003 and thereafter.
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<td>Chapter 21</td>
<td>Dec. 6, 1999</td>
<td>January 22, 2002, 67 FR 2813</td>
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</table>

§ 52.1606 Visibility protection.
(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approveable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

(c) Long-term strategy. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

[51 FR 23759, July 1, 1986, as amended at 52 FR 45137, Nov. 24, 1987]

§ 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 (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 Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

(c) EPA approved regulations.

§ 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) New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 2—Air Quality

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<td>Ambient Air Quality Standards ......</td>
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<td>Part 7 ..........</td>
<td>Excess emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance.</td>
<td>11/30/95</td>
<td>11/25/97, 62 FR 50514</td>
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#### EPA APPROVED NEW MEXICO REGULATIONS—Continued

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<td>11/30/95</td>
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<td>11/30/95</td>
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<td>Gypsum Processing Plants</td>
<td>11/30/95</td>
<td>11/25/97, 62 FR 50514</td>
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<td>Part 14</td>
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<td>11/30/95</td>
<td>11/25/97, 62 FR 50514</td>
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<td>Part 16</td>
<td>Nonferrous Smelters (New and Existing)-Particulate Matter</td>
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<td>Potash, Salt or Sodium Sulfate Processing Equipment-Particulate Matter</td>
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<td>Fugitive Particulate Matter Emissions from Nonferrous Smelters</td>
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<td>Fugitive Particulate Matter Emissions from Roads within the Town of Hurley</td>
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<td>Kraft Mills</td>
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<td>Coal Burning Equipment-Sulfur Dioxide</td>
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<td>Sulfuric Acid Production Units- Sulfur Dioxide, Acid Mist and Visible Emissions</td>
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<td>Smoke and Visible Emissions</td>
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<td>Part 72</td>
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<td>Part 73</td>
<td>Notice of Intent and Emissions Inventory Requirements</td>
<td>10–01–97</td>
<td>2/8/02, 67 FR 6152</td>
<td>Subparts I, II, III, and V in SIP.</td>
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<td>Part 74</td>
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<td>08/02/96</td>
<td>9/9/98, 63 FR 48109</td>
<td>Conditional approval expires on September 9, 1999.</td>
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New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 11—Albuquerque/Bernalillo County Air Quality Control Board (AQCB)

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<td>Part 03</td>
<td>Transportation Conformity</td>
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<td>(1) No action is taken on sections 12.3., 12.4, 13.3–7.6, 12.16.5, 12.18.1.B, 12.19.1.A, and 12.22.2, and (2) this rule supersedes Regulation 42 codified under Albuquerque-Bernalillo County, Air Quality Control Regulations.</td>
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(d) EPA-approved State Source-specific requirements.

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<td>None</td>
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(e) EPA approved nonregulatory provisions.
### § 52.1620

**EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP**

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### 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. |
| City of Albuquerque, Chapter 6, Article XVII Sections 6–16–1 to 6–16–15. | Metropolitan Environmental Health Advisory Board. | 08/05/74 | June 1, 1999. |
| Bernalillo County Commission Ordinance 302. | Metropolitan Environmental Health Advisory Board. | 08/21/90 | June 1, 1999. |
| Bernalillo County Commission Ordinance 90–10. | Metropolitan Environmental Health Advisory Board. | 08/01/89 | June 1, 1999. |
| 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. |
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## EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

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<td>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.</td>
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<tr>
<td>Name of SIP provision</td>
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<tr>
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### EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP—Continued

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<td>Narrative plan adressing CO nonattainment areas. CO continuity measures and proposed Clean Fuel Vehicle fleet demonstration. Update to supplement to control air pollution. Revision approving request for redesignation, a vehicle I/M program, and required maintenance plan. Waiver of NOX control requirements.</td>
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### § 52.1621 Classification of regions.

The New Mexico plan was evaluated on the basis of the following classifications:

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<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
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<tr>
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<td>III</td>
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<td>Four Corners Interstate</td>
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<td>Pecos-Permian Basin Intrastate</td>
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<td>Southwestern Mountains-Augustine Plains Intrastate</td>
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<td>Upper Rio Grande Valley Intrastate</td>
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### § 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 satisfies all 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, 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]

§§52.1624–52.1626 [Reserved]

§52.1627 Control strategy and regulations: Carbon monoxide.

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.

[61 FR 29973, June 13, 1996]

§52.1628–52.1633 [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.

(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 (b) through (w) are hereby incorporated by reference 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, 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]

§52.1635 Rules and regulations.

(a) Part D disapproval: The requirements of §51.281 of this chapter are not
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§ 52.1638 Bernalillo County particulate matter (PM<sub>10</sub>) Group II SIP commitments.

(a) On December 7, 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<sub>10</sub> 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<sub>10</sub> 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<sub>10</sub> 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<sub>10</sub> Group II State Implementation Plan (SIP) requirements. In response to the requirements of the July 1, 1987 FEDERAL REGISTER, notice on PM<sub>10</sub>, 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<sub>10</sub> Group II areas.

[54 FR 20579, May 12, 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.


(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
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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,
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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, Nonferrous 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 18, 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.


(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 NO₂ 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 18, 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
§ 52.1640 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\textsubscript{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, as adopted by the New Mexico Environmental Improvement Board (NMEIB) on July 8, 1988, and filed with State Records Center on August 31, 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 of New Mexico to EPA on September 17, 1987. Further revisions to Air Quality Control Regulation 702—Permits, as filed with the State Records and Archives Center on August 19, 1988, were submitted by the Governor of New Mexico to EPA on October 28, 1988, and on July 16, 1990. The approval of 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) 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—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), G(1); 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(1) (first paragraph), M(1); Section O, “Source Class Exemption Process (Permit Streamlining),” subsections O(1) (first paragraph), O(1)(a), 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 I, “Significant Ambient Concentrations,” as filed with the State Records and Archives Center on May 29, 1990.

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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.

(A) Revisions to New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, Section D, “Permit Streamlining,” and Table 2, “Permit Streamlining Source Class Categories,” as filed with the State Records and Archives Center on May 29, 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.

(A) New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, as filed with the State Records and Archives Center on May 29, 1990.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, Section D, “Permit Streamlining,” and Table 2, “Permit Streamlining Source Class Categories,” as filed with the State Records and Archives Center on May 29, 1990.

(i) Incorporation by reference.

(A) Revisions to New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, Section D, “Permit Streamlining,” and Table 2, “Permit Streamlining Source Class Categories,” as filed with the State Records and Archives Center on May 29, 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.

(A) New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, as filed with the State Records and Archives Center on May 29, 1990.

(i) Incorporation by reference.

(A) Revisions to New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, Section D, “Permit Streamlining,” and Table 2, “Permit Streamlining Source Class Categories,” as filed with the State Records and Archives Center on May 29, 1990.
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.

(B) A letter dated February 17, 1983, and submitted by the Governor of New Mexico by letter dated November 8, 1991, that reads as follows: “The State remains committed to the dust control measures implemented by the Dona Ana 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.

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(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 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 Air Quality Control 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.

(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 Melburg, 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.


(B) Albuquerque/Bernalillo County Air Quality Control Board Regulation 2—Definitions, Sections 2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5, 2.3.6, 2.3.7, 2.3.8, 2.3.9, 2.4.0, 2.4.1, 2.4.2, 2.4.3, 2.4.4, 2.4.5, 2.4.6, 2.4.7, 2.4.8, 2.4.9, 2.5.0, 2.5.1, and 2.5.2, as filed with the State Records and Archives Center on March 16, 1989.

(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 Air Quality Control 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 adopted by the Albuquerque/Bernalillo County Designated Non-attainment 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 the New 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 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—Non-ferrous 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.


(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.

(ii) Additional material.

(A) A revision to the New Mexico SIP to update the Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Non-attainment 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, 23, 24, 30, 31, 32, 33, 34, 40, 41, 60, 61, 70, 71, 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.

(11) Additional material. None.


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 on GPO Access.

Subpart HH—New York

§52.1670 Identification of plans.

(a) Title of plans:
(1) “Implementation Plan to Achieve Air Quality Standards—Upstate New York.”
(2) “Implementation Plan to Achieve Air Quality Standards—Metropolitan New York City Air Quality Control Region.”

(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 Regulations 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.


(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.


(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.


(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.


(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.
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(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.


(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.


(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 its E. F. Barrett Generating Station (Units 1 and 2).
(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:
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(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 the “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.


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(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.”


(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.


(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 (lb/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 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 submitted by the New York State Department of Environmental Conservation for controlling volatile organic compounds.

(i) Incorporation by reference.


(76) [Reserved]

(77) Revisions to the State Implementation Plan submitted by New York State Department of Environmental Conservation for controlling volatile organic compounds.


(B) Letters dated November 2, 1984, and April 3, 1987, concerning the manufacture of high-density polyethylene, polypropylene, and polystyrene resins.

(76) 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.


(i) Incorporation by reference.


(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.


(C) June 20, 1988, letter from Edward Davis, NYSDEC, to William S. Baker,
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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 SO2 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, April 3, 1991, and the materials which pertain to the SO2 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:
(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 submitted on May 2, 1989, letter from Thomas Allen, NYSDEC, to Conrad Simon, EPA, requesting EPA approval of the amendments to Parts 200 and 236.


(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.

(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.

(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) Amendments to Title 6 of the New York State Implementation Plan—Redesignation Request for Onondaga County as Attainment for Carbon Monoxide, November 1992.

(ii) Additional information.

(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:


(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).


(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).


(ii) Additional material.

(A) March 21, 1994, Update to the New York Carbon Monoxide SIP.

(90) [Reserved]


(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 NOX emission limits consistent with Subpart 227–2:


(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 R0100, R0200, and R0300; and March 29, 1996 for emission point R0400; and Permit Correction dated August 8, 1996.

(ii) Additional information. Documentation and information to support NOX RACT alternative emission limits in three letters addressed to EPA from New York State Department of Environmental Conservation and dated as follows:


(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
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(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:

(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:

(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 NOx 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:
(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 NOx Budget Trading Program.

(i) Incorporation by reference:

“Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO\textsubscript{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\textsubscript{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\textsubscript{X} Budget Program, dated January 28, 1997.
(C) NO\textsubscript{X} Budget Program Monitoring Certification and Reporting Requirements, dated July 3, 1997.
(D) Electronic Data Reporting, Acid Rain/NO\textsubscript{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\textsubscript{X} RACT requirements Statewide for combustion sources.

(i) Incorporation by reference:

(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\textsubscript{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\textsubscript{X} emissions from generic sources throughout the State as well as resolution of other approvability issues.

(98) [Reserved]


(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.
(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\textsubscript{X} Budget Trading Program, a 2007 Statewide NO\textsubscript{X} emissions budget, and a commitment by New York to comply with the §51.122 reporting requirements.

(i) Incorporation by reference:

§ 52.1671 Classification of regions.

The New York plans were evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Particulate matter</td>
</tr>
<tr>
<td>Niagara Frontier Intra-state</td>
<td>I</td>
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<tr>
<td>Champlain Valley Interstate</td>
<td>I</td>
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<tr>
<td>Central New York Intra-state</td>
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<td>Genesee-Finger Lakes Intra-state</td>
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<td>Hudson Valley Intra-state</td>
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<td>Southern Tier East Intra-state</td>
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<tr>
<td>Southern Tier West Intra-state</td>
<td>I</td>
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<tr>
<td>New Jersey-New York-Connecticut Intra-state</td>
<td>I</td>
</tr>
</tbody>
</table>

§ 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;

(b) Harlem Hospital, 135th St. and Lenox Ave., Manhattan: April 1, 1981;

(c) Columbia University, 116th St. and Broadway, Manhattan: Converted;
   North Campus—Boiler Plant: Converted;
   North Campus Science and Physical Education Building: October 1, 1980;

(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, 800 Columbus Ave., Manhattan: October 1, 1980;
§ 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.

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(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, 211–201–1 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 SO2 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 SO2 emission limit, monitoring and recordkeeping requirements pertaining to the SO2 emissions are incorporated by reference into the Certificates to Operate.

(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.


§ 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 compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(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 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 low-sulfur fuel requirements 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.

(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.


(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
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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 on GPO Access.

§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.


§52.1679 EPA-approved New York State regulations.
<table>
<thead>
<tr>
<th>New York State regulation</th>
<th>State effective date</th>
<th>Latest EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title 6:</td>
<td></td>
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<tr>
<td>Part 200, General Provisions Sections 200.1, 200.6, 200.7 and 200.9.</td>
<td>2/25/00</td>
<td>5/22/01 66 FR 28062</td>
<td>Redesignation of non-attainment areas to attainment areas (200.1avii) does not relieve a source from form 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 &quot;federally enforceable&quot; 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 &quot;avoid&quot; applicable requirements. EPA is approving incorporation by reference of those documents that are not already federally enforceable.</td>
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<tr>
<td>Part 201, Permits and Certificates</td>
<td>4/4/93</td>
<td>12/23/97, 62 FR 67006</td>
<td></td>
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<td>Part 204, NOx Budget Trading Program</td>
<td>2/25/00</td>
<td>5/22/01 66 FR 28063</td>
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<td>Part 207, Control Measures for an Air Pollution Episode</td>
<td>3/24/79</td>
<td>11/12/81, 46 FR 55690</td>
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<td>Part 211, General Prohibitions</td>
<td>8/11/83</td>
<td>11/27/98, 63 FR 65559</td>
<td>Section 211.2 has been removed from the approved plan.</td>
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<td>Part 212, General Process Emission Sources</td>
<td>9/22/94</td>
<td>9/25/01, 66 FR 48961</td>
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<td>Part 213, Contaminant Emissions from Ferrous Jobbing Foundries</td>
<td>6/27/72</td>
<td>9/22/72, 37 FR 19814</td>
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<td>Part 214, By-Product Coke Oven Batteries</td>
<td>5/23/84</td>
<td>3/26/91, 56 FR 12452</td>
<td>Variances from otherwise applicable allowable emission rates adopted pursuant to §§214.10 (a), (b), or (c) become applicable only if approved by EPA as SIP revisions.</td>
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<tr>
<td>Part 216, Iron and/or Steel Processes</td>
<td>5/23/84</td>
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<td>Part 217, Motor Vehicle Emissions:</td>
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<tr>
<td>Subpart 217–1, Motor Vehicle Enhanced Inspection and Mainte-</td>
<td>5/22/97</td>
<td>5/7/01, 66 FR 22924</td>
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<td>nance Program Requirements.</td>
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<td>Subpart 217–2, Motor vehicle NY91 Inspection and Maintenance</td>
<td>5/22/97</td>
<td>5/7/01, 66 FR 22924</td>
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<td>5/22/97</td>
<td>5/7/01, 66 FR 22924</td>
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<td>Subpart 217–4, Inspection and Maintenance Program Audits.</td>
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<tr>
<td>Part 218, Emission Standards for Motor Vehicles and Motor</td>
<td>5/28/92</td>
<td>1/6/95, 60 FR 2025</td>
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<td>Part 220, Portland Cement Plants</td>
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<td>Part 222, Incinerators—New York City, Nassau and West Chester</td>
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<td>Part 223, Petroleum Refineries</td>
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<td>Part 224, Sulfuric and Nitric Acid Plants</td>
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<td>Subpart 225–1, Fuel Composition and Use—Sulfur Limitations.</td>
<td>3/24/79</td>
<td>11/12/81, 46 FR 55690</td>
<td>Section 225.3(e) is disapproved (40 CFR §52.1675(d)). 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)).</td>
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<td>Subpart 225–2, Fuel Composition and Use—Waste Fuel.</td>
<td>7/28/83</td>
<td>8/2/84</td>
<td>This action removes the following sections of Part 225–3, which pertain to the oxygenated gasoline program, from the State’s CO SIP: sections 225–3.4, 225–3.5, 225–3.7, 225–3.9. The Variance adopted by the State pursuant to section 225–3.8 becomes applicable only if approved by EPA as a SIP revision.</td>
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<td>Part 225–3, “Fuel Composition and Use—Gasolines,” sections 2</td>
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<td>Subpart 227-1, Stationary Combustion Installations.</td>
<td>2/25/00</td>
<td>5/22/01 66 FR 28063</td>
<td>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.)</td>
</tr>
<tr>
<td>Part 228, Surface Coating Processes: 228.1–228.10</td>
<td>4/4/93</td>
<td>12/23/97, 62 FR 67006</td>
<td>SIP revisions submitted in accordance with Section 228.3(e)(1) are effective only if approved by EPA.</td>
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<td>Part 229, Petroleum and Volatile Organic Liquid Storage and Transfer.</td>
<td>4/4/93</td>
<td>12/23/97, 62 FR 67006</td>
<td>SIP revisions submitted in accordance with Section 229.3(g)(1) are effective only if approved by EPA.</td>
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<td>Part 230, Gasoline Dispensing Sites and Transport Vehicles. Part 231, Major Facilities</td>
<td>8/22/94</td>
<td>4/30/98, 63 FR 23668</td>
<td>EPA has not determined that §232.3(a) provides for reasonably available control technology.</td>
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<td>Part 232, Dry Cleaning</td>
<td>6/11/83</td>
<td>6/17/85, 50 FR 25079</td>
<td>EPA has not determined that §232.3(a) provides for reasonably available control technology.</td>
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<td>Part 233, Pharmaceutical and Cosmetic Processes.</td>
<td>4/4/93</td>
<td>12/23/97, 62 FR 67006</td>
<td>SIP revisions submitted in accordance with Section 223.3(h)(1) are effective only if approved by EPA.</td>
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<td>Part 234, Graphic Arts</td>
<td>4/4/93</td>
<td>12/23/97, 62 FR 67006</td>
<td>SIP revisions submitted in accordance with Section 234.3(h)(1) are effective only if approved by EPA.</td>
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<td>Part 236, Synthetic Organic Chemical Manufacturing Facility Component Leaks.</td>
<td>1/16/92</td>
<td>7/27/93, 58 FR 40059</td>
<td>Variances adopted by the State pursuant to Part 236.6(e)(3) become applicable only if approved by EPA as a SIP revision.</td>
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§ 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.


§ 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.

[67 FR 19339, Apr. 19, 2002]

§ 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.

(b) Approval of Data—EPA has determined that, as of February 5, 1999, the Poughkeepsie ozone nonattainment area (consisting of Dutchess and Putnam Counties and northern Orange County) has air monitoring data that attains the one-hour ozone standard and that the requirements of section 182(b)(1) (reasonable further progress and attainment demonstration) and related requirements of section 172(c)(9) (contingency measures) of the Clean Air Act do not apply to the area.

(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.


(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 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 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.

(8) 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.


(4) The 2002, 2005 and 2007 conformity emission budgets for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area included in New York’s November 27, 1998 and April 18, 2000 State Implementation Plan revisions are approved until such time as New York submits revised budgets consistent with its commitments to revise the budgets with reference to MOBILE6 and/or additional control measures and EPA finds those revised budgets adequate.


(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:
Environmental Protection Agency

§ 52.1770

(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.

(v) Revise State Implementation Plan and motor vehicle emissions budget within 1 year after MOBILE6 mobile emissions model is issued.

(vi) Perform a mid-course review and submit the results to EPA by December 31, 2003.

§ 52.1684–52.1688 [Reserved]

§ 52.1689 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 New York.

§ 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 paragraphs (c) and (d) of this section with an EPA approval date prior to December 1, 1998, 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 December 1, 1998, 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) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of December 1, 1998.

(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 Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., Washington, DC 20460.

(c) EPA approved regulations.
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**Subchapter 2D Air Pollution Control Requirements**

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### Section .0900 Volatile Organic Compounds

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Section .1000 Motor Vehicle Emissions Control Standards

Section .1300 Oxygenated Gasoline Standard

Section .1900 Open Burning

Subchapter 2Q Air Quality Permits

Section .0100 General Provisions

Section .0200 Permit Fees

Section .0300 Construction and Operating Permits
§ 52.1771  Classification of regions.

The North Carolina plan was evaluated on the basis of the following classifications:

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Eastern Mountain Intrastate ................................................................. I I I I I
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[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]

§§ 52.1773–52.1774 [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]

§ 52.1776–52.1777 [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 North Carolina Environmental Management Commission, Department of Natural and Economic Resources, Division of Environmental Management, P.O. Box 27687, Raleigh, NC 27611. Attention: Air Quality Section, instead of the EPA Region IV office.


§ 52.1779 [Reserved]

§ 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 O₃ 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, 1983, and became effective on August 1, 1987, is
§ 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 SO2 and NO2 standards, submitted on March 23, 1976, by the North Carolina Department of 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 and Economic 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–.0901 and 2H.0068, 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.

(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 Community Development.

(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–.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
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14, 1981, by the North Carolina Department of Natural Resources and Community Development.

(32) Revised SO₂ limit for all but 24 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 SO₂ 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 SO₂ 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.


(37) 1982 revision of the Part D plan for the Mecklenburg County CO non-attainment 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.

(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.
   (41) [Reserved]

   (42) A new regulation covering malfunction (2D.0535 (a)—(f)), and the repeal of a malfunction rule for VOC sources (2D.0504) 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) SO2 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
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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\textsubscript{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. 39994R) which was issued by the Environmental 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\textsubscript{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 Pulp and Paper Mills Processing Plants
2D.0514 Control of Particulates from Ferrous 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.
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(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.0506(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.0506—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.


(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.


(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
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(ii) Additional material—none.

(61) Revisions to the SIP including PM₁₀ 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.


(B) Permit No. 4119R5 for Burlington Industries issued on March 3, 1987.

(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.


(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,
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1989, except for Sections 2.0517(2), 2.0524, 2.0525, 2.0528, 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, Davie County (part), the area bounded by the Yadkin River, Dutchman's 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 Environmental Management, 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.  
(J) Section 2—Discussion of Attainment.  
(1) Section 3—Maintenance Plan.  
(ii) Other material. None.  
(i) Incorporation by reference.  
(B) The North Carolina Gasoline and Oil Board section .0800 through .0806 effective September 1, 1992.  
(ii) Other material. None.  
(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), .0919 except (d), .0920 except (e), .0921 except (d), .0922 except (d), .0923 except (e), .0924...
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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.


(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 2Q.0103, and 2Q.0303 effective on December 1, 1993.

(ii) Other material.


(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.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.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. 


(ii) Other material. None.


(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.0501, 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.


(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.


(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
§ 52.1783

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 23, 1995 and 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.

(86) 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.
§ 52.1783 — 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), .0501 (a)-(h), .0518 (a)-(g), and .0530 (a)-(s), 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.


(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.


(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


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), (a), and (e); Prevention of Significant Deterioration, .0902(a) through (i); Applicability, .0907 Compliance Schedules for Sources in Nonattainment Areas, .0908(a) through (c), (g) and (h); Compliance Schedules for Sources in New Non-attainment Areas, .0910 Alternative Compliance Schedules, .0911 Exception From Compliance Schedules, .0964(a) and (i) Stage II
Environmental Protection Agency

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Vapor Recovery, and .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 on GPO Access.

Subpart JJ—North Dakota

§ 52.1820 Identification of plan.

(a) Title of plan: “Implementation Plan for the Control of Air Pollution for the State of North Dakota.”

(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 5, 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 33–15–15, 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.


(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.


(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.


(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 (NO₂) increments and to make several “housekeeping” modifications.

(i) Incorporation by reference.

(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.


(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.

(24) On June 24, 1992, the governor of North Dakota submitted revisions to the plan. The revisions correct enforceability deficiencies in the SO₂ 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.

(ii) Additional materials.
§ 52.1820 40 CFR Ch. I (7–1–02 Edition)

(A) November 2, 1992 letter from the Governor of North Dakota submitting a Small Business Assistance Program plan to EPA.


(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); federal 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.


(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)–(c), 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 SIP Chapter 2, regarding delegatable authorities and asbestos law revisions, to air pollution control rules regarding general provisions; ambient air quality standards; new source performance standards; national emission standards for hazardous air pollutants (NESHAPs).

(i) Incorporation by reference.

(A) Revisions to the following sections of the North Dakota Century Code: 23–25–01; 23–25–03; and 23–25–03.1, effective August 1, 1993.


(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.


(C) Revisions to the Air Pollution Control Rules as follows: Open Burning Restrictions 33-15-04; Emissions of Certain Settlesable 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 a letter dated September 28, 1996. 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.


(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, 1996. 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.
§ 52.1821 Classification of regions.

The North Dakota plan was evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan Fargo-Moorhead Interstate</td>
<td></td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>North Dakota Intrastate</td>
<td></td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>

§ 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.


§§ 52.1825–52.1828 [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 (b) through (v) are hereby incorporated by reference and made a part of the North Dakota State Implementation Plan and are applicable to proposed major stationary
§ 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
§ 52.1870  40 CFR Ch. I (7–1–02 Edition)

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.


(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.


(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:


(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 Rules 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 variances 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 submitted the revised 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 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 February 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
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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 booth for painting miscellaneous metal parts. Final compliance is changed from December 31, 1982 to December 31, 1983.


(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.

(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 Monoxide (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) On September 8, 1983, the Ohio Environmental Protection Agency submitted a revision to the total suspended particulate SIP for Corning Glass Works. The revision is in the form of a permit to operate a glass furnace and contains an equivalent visible emission limitation for the furnace.

(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 B.F. Goodrich Chemical Plant in Avon Lake, Lorain County, Ohio. This revision is being disapproved. (See § 52.1880(g))

(65) On August 3, 1983, May 7, 1984 and June 28, 1984, the Ohio Environmental Protection Agency submitted revisions to the total suspended particulate State Implementation Plan for Chardon Rubber Company, Corning
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Glass Works, Denman Rubber Manufacturing Company, Packaging Corporation of America, and Springview Center. Each of the revisions are in the form of a permit to operate and contain equivalent visible emission limits.

(a) 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.

(b) [Reserved]

(c) 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.

(d) 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.

(B) 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.

(ii) 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.

(e) 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.

(f) 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.

(g) 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
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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(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)(18), (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, 1986, (final) the Ohio Environmental Protection Agency (OEPA) submitted 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.


(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.

(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]


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(B) On April 11, 1994, the Ohio Environmental Protection Agency submitted a request for a revision to the Ohio State Implementation Plan for particulate matter and nitrogen oxides for specified source categories that require continuous emissions monitoring, recording, and reporting.

(i) Incorporation by reference.

(A) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Numbers 1413100008 B002 and 1413100008 B005 for Cincinnati Gas and Electric (CG&E) Company, W. C. Beckjord Station. The dates of issuance are July 16, 1992. These permits are approved through the expiration date of July 15, 1995.

(B) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Numbers 1431350093 B003 and 1431350093 B006 for Cincinnati Gas and Electric Company, W. C. Beckjord Station. The dates of issuance are November 13, 1992. These permits are approved through the expiration date of November 12, 1995.

(C) Special Terms and Conditions No. 5 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Numbers 1431350093 B005 and 1431350093 B006 for Cincinnati Gas and Electric Company, Miami Fort. The dates of issuance are September 3, 1993. These permits are approved through the expiration date of September 1, 1996.

(D) Special Terms and Conditions No. 5 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 0616000000 B004 for Columbus Southern Power Company, Conesville Station. The date of issuance is December 4, 1992. This permit is approved through the expiration date of December 3, 1995.

(E) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Numbers 0204000211 B001 and 0204000211 B003 for Cleveland Electric Illuminating Company, Ashtabula Plant "C". The dates of issuance are April 24, 1992. These permits are approved through the expiration date of April 23, 1995.

(F) Special Terms and Conditions No. 6 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 1318000245 B006 for Cleveland Electric Illuminating Company, Lakeshore Plant. The date of issuance is December 7, 1993. This permit is approved through the expiration date of December 6, 1996.

(G) Special Terms and Conditions No. 5 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 0616000000 B001 and 0616000000 B002 for Columbus Southern Power Company, Conesville Station. The dates of issuance are June 22, 1993. These permits are approved through the expiration date of June 21, 1996.

(H) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Number 0616000000 B003 for Columbus Southern Power Company, Conesville Station. The date of issuance is June 29, 1993. This permit is approved through the expiration date of June 28, 1996.

(I) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Numbers 0701000007 B001 through 0701000007 B004 for Dayton Power and Light Company, J. M. Stuart Station. The dates of issuance are July 6, 1993. These permits are approved through the expiration date of July 5, 1996.

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(K) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 1707130015 B005 for Ohio Edison Company, R. E. Burger Plant. The date of issuance is July 30, 1993. This permit is approved through the expiration date of July 29, 1996.

(L) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Numbers 1707130015 B006 through 1707130015 B008, and Application Numbers 1707130015 B011 and B012 for Ohio Edison Company, R. E. Burger Plant. The dates of issuance are August 3, 1993. These permits are approved through the expiration date of August 2, 1996.

(M) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Numbers 1707130015 B009 and 1707130015 B010 for Ohio Edison Company, R. E. Burger Plant. The dates of issuance are October 8, 1993. These permits are approved through the expiration date of October 7, 1996.

(N) Special Terms and Conditions No. 6 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 1741160017 B007 for Ohio Edison Company, Sammis Plant. The date of issuance is March 5, 1993. This permit is approved through the expiration date of June 24, 1996.

(O) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Numbers 0247080049 B003 and 0627010056 B003 for Ohio Power Company, General James M. Gavin Plant. The date of issuance is March 5, 1993. This permit is approved through the expiration date of April 30, 1995.

(P) Special Terms and Conditions No. 5 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 1741050002 B001 for Ohio Power Company, Cardinal Operating Company. The date of issuance is March 30, 1993. This permit is approved through the expiration date of March 29, 1996.
§ 52.1870 Protection Agency Permit to Operate an Air Contaminant Source. Application Number 1741050002 B002 for Ohio Power Company, Cardinal Operating Company. The date of issuance is November 12, 1993. This permit is approved through the expiration date of November 11, 1996.

(X) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 1741050329 B002 for Ohio Power Company, Buckeye Power, Inc. The date of issuance is October 10, 1992. This permit is approved through the expiration date of October 19, 1995.

(Y) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Numbers 0684000000 B002, 0684000000 B003, 0684000000 B004, and 0684000000 B005 for Ohio Power Company, Muskingum River Plant. The dates of issuance are May 12, 1993. These permits are approved through the expiration date of May 11, 1996.

(Z) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 0285010188 B001 for Orrville Municipal Power Plant. The date of issuance is November 13, 1991. This permit is approved through the expiration date of November 14, 1994.

(AA) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Number 0285010118 B001 for Orrville Municipal Power Plant. The date of issuance is January 22, 1993. This permit is approved through the expiration date of January 21, 1996.

(BB) Special Terms and Conditions No. 5 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Number 0855100041 B001 and 0855100041 B002 for Piqua Municipal Power Plant. The dates of issuance are April 10, 1992. These permits are approved through the expiration date of April 9, 1995.

(DD) Special Terms and Conditions No. 5 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 0855100041 B003 for Piqua Municipal Power Plant. The date of issuance is April 12, 1993. This permit is approved through the expiration date of April 11, 1996.

(EE) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permits to Operate an Air Contaminant Source, Application Numbers 0684020037 B001 and 0684020037 B003 for American Municipal Power-Ohio, Inc. The dates of issuance are October 12, 1993. These permits are approved through the expiration date of October 11, 1996.

(FF) Special Terms and Conditions No. 4 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 0684020037 B002 for American Municipal Power-Ohio, Inc. The date of issuance is November 30, 1993. This permit is approved through the expiration date of November 29, 1996.

(GG) Special Terms and Conditions No. 8 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 1431390903 B022 for Procter and Gamble Company. The date of issuance is December 4, 1992. This permit is approved through the expiration date of December 3, 1995.

(HH) Special Terms and Conditions No. 6 of State of Ohio Environmental Protection Agency Permit to Operate Number 1469040212 B010 for Champion International, Hamilton Mill. The date of issuance is November 8, 1991. This permit is approved through the expiration date of November 7, 1994.

(II) Special Terms and Conditions Nos. 3 and 4 of State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source, Application Number 0448020007 F007 for BP Oil Company-Toledo Refinery. The date of issuance is March 27, 1992.
This permit is approved through the expiration date of March 26, 1995.

(JJ) Special Terms and Conditions No. 3 of State of Ohio Environmental Protection Agency Permit to Operate Number an Air Contaminant Source, Application Number 1576000301 P002 for Ashland Petroleum Company. The date of issuance is January 21, 1993. This permit is approved through the expiration date of January 21, 1996.

(ii) Additional material.

(A) Letter dated April 11, 1994 from Donald R. Schregardus, Director, Ohio Environmental Protection Agency to Valdas V. Adamkus, Regional Administrator, United States Environmental Protection Agency, Region 5. The letter states that the public hearing for the SIP revision which was held on November 13, 1986 included the negative declaration regarding existing nitric acid plants (Section 2.2 of Appendix P).

(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 0812760220K001 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(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/gallon for high performance architectural aluminum coatings);

(5) 3745–21–09(U)(2)(f) (the exemption for new sources); and


(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.

(B) 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.


(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 enclosure 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 12/12/85 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.


(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)(8) 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
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(B) Rule 3745–75–02—Certification and compliance time schedules, effective July 9, 1991.  

(i) Incorporation by reference.  
(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.  


(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.  

(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

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any area designated moderate non-attainment or any area where local planning authorities have requested the State to implement a program.

(i) Incorporation by reference.


(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 Toleda 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 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 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 (A), (C)(3)(c), (C)(4)(b), (C)(5)(b), (C)(6)(b), (C)(8)(b) and (C)(9)(b), (C)(10)(b), (C)(19)(b), (c), and (d), (C)(28)(b), (C)(30)(b), (C)(39)(c), (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 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 Stationary Sources, Paragraph (B) except (B)(3)(d) and (e) for the Counties of Ashtabula, Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, Summit, and Warren; effective January 17, 1995.


(F) Permit to Install, Application Number 13–2396, for Excello Specialty Company, APS Premise Number 1318607686. The date of issuance is December 11, 1991.

(G) Permit to Install, Application Number 14–2096, for Hilton Davis Company, APS Premise Number 1421700039. 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 OAC Rule 3745–21–01, Definitions, Paragraphs (B)(1), (B)(2), (B)(6), (D)(6), (D)(8), (D)(22), (D)(45), (D)(48), (D)(68), (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)(9)(b), (C)(10)(b), (C)(19)(b), (c), and (d), (C)(28)(b), (C)(30)(b), (C)(39)(c), (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 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 Stationary Sources, Paragraph (B) except (B)(3)(d) and (e) for the Counties of Ashtabula, Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, Summit, and Warren; effective January 17, 1995.

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(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 044801192. 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.

(i) 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 3745–21–06/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.


(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 63, subpart E—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.


(108) [Reserved]
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(100) 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.


(i) Incorporation by reference.


(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.


(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 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.
(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.
(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.
(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 non-attainment areas.

(i) Incorporation by reference.

(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 3745–18–49 (G) and (H) of the Ohio Administrative Code, effective May 11, 1987.

(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

(121) On March 20, 2000, the Ohio Environmental Protection Agency submitted rules to control sulfur dioxide emissions in Coshocton, Gallia and Lorrain Counties.

(i) Incorporation by reference.

(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
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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 3745–101–05 (A), (B), (C), (D), (G), (H), (I), (J), (K), (L), except (E) and (F), 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 SO2 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.

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 on GPO Access.

§ 52.1871 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
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<tbody>
<tr>
<td>Greater Metropolitan Cleveland Intrastate</td>
<td>I</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate</td>
<td>I</td>
<td>III</td>
<td>III</td>
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387
§ 52.1872 Air quality control region

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§ 52.1872 [Reserved]

§ 52.1873 Approval status.

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.


§ 52.1874 [Reserved]

§ 52.1875 Attainment dates for achieving the sulfur dioxide secondary standard.

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§ 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 inconsistent 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.

§ 52.1878 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 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
§ 52.1880 40 CFR Ch. I (7–1–02 Edition)

(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 approbability 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\textsubscript{X} related general and transportation conformity provisions and nonattainment area NSR for new sources and modifications that are major for NO\textsubscript{X}: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Freble, Stark, and Trumbull. This approval also exempts the following counties in Ohio from the NO\textsubscript{X} related general conformity provisions; nonattainment area NSR for new sources and modifications that are major for NO\textsubscript{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\textsubscript{X}), nonattainment area new source review (NSR) for new sources and modifications that are major for NO\textsubscript{X}, and the NO\textsubscript{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\textsubscript{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\textsubscript{X}.

§ 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 committed SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers (PM10) 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 committed SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM10 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.


§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) Approval—EPA approves the sulfur dioxide emission limits for the following counties: Adams County (except Cairo Chemical), Ashland County, Ashtabula County, Athens County, Auglaize County, Belmont County, Brown County, Butler County, Carroll County, Champaign County, Clark County, Clermont County, Clinton County, Columbiana County, Coshocton County, Crawford County, Darke County, Defiance County, Delaware County, Erie County, Fairfield County, Fayette County, Fulton County, Gallia County, Geauga County, Greene County, Guernsey County, Hamilton County, Hancock County, Hardin County, Harrison County, Henry County, Highland County, Hocking County, Holmes County, Huron County, Jackson County, Jefferson County, Knox County, Lake County, Lawrence County (except Allied Chemical-South Point), Licking County, Logan County, Lorain County, Lucas County (except Gulf Oil Company, Coulton Chemical Company, and Phillips Chemical Company), Madison County, Marion County, Medina County, Meigs County, Mercer County, Miami County, Monroe County, Montgomery County (except Bergstrom Paper, Miami Paper), Morgan County, Morrow County, Muskingum County, Noble County, Ottawa County,
Paulding County, Perry County, Pickaway County, Pike County (except Portsmouth Gaseous Diffusion Plant), Portage County, Preble County, Putnam County, Richland County, Ross County (except Mead Corporation), Sandusky County (except Martin Marietta Chemicals), Scioto County, Seneca County, Shelby County, Trumbull County, Tuscarawas County, Union County, Van Wert County, Vinton County, Warren County, Washington County (except Shell Chemical), Wayne County, Williams County, Wood County (except Libbey-Owens-Ford Plants Nos. 4 and 8 and No. 6), and Wyandot County.

(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.


(8) No Action—EPA is neither approving nor disapproving the emission limitations for the following counties/sources pending further review: Adams County (Dayton Power & Light-Stuart), Allen County (Cairo Chemical), Clermont County (Cincinnati Gas & Electric-Beckjord), Cuyahoga County, Franklin County, Lawrence County (Allied Chemical-South Point), Lucas County (Gulf Oil Company, Coulton Chemical Company, and Phillips Chemical Company), Mahoning County, Montgomery County (Bergstrom Paper and Miami Paper), Pike County (Portsmouth Gaseous Diffusion Plant), Ross County (Mead corporation), Sandusky County (Martin Marietta Chemicals), Stark County, Washington County (Shell Chemical Company), and Wood County (Libbey-Owens-Ford Plants Nos. 4 and 8 and No. 6).

(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.

(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, byproduct 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
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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 §60.46 of this chapter.

(iii) The test methods and procedures 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)–(10) [Reserved]

(11) In Adams County: (i) The Dayton Power and Light Company or any subsequent owner or operator of the Stuart Power Plant in Adams County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Stuart Plant in excess of 3.16 pounds of sulfur dioxide per million BTU actual heat input.

(ii) In lieu of meeting paragraph (b)(11)(i) of this section, the Dayton Power and Light Company may elect, in accordance with the compliance schedule provisions of §52.1882, to comply with the emission limitations which will satisfy the following equation:

\[(A) \ 0.0791 (EL_1+EL_2+EL_3+EL_4) 3 \leq 1\]

where ELi is the emission limitation (pounds per million BTU) per stack i and I is the stack number. For purposes of this regulation, each stack is identified as follows:

<table>
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<tr>
<th>Stack No.</th>
<th>Boiler identification</th>
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(12) [Reserved]

(13) In Clermont County: (i) The Cincinnati Gas & Electric Company or any subsequent owner or operator of the Beckjord Power Plant in Clermont County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Beckjord plant in excess of 2.02 pounds of sulfur dioxide per million BTU actual heat input.

(ii) In lieu of paragraph (b)(19)(i) of this section, the Cincinnati Gas and Electric Company may elect, in accordance with the compliance schedule provisions of §52.1882, to comply with the emission limitations which will satisfy all of the following equations:

(A) \[0.1426 \ EL_1+0.1629 \ EL_2+0.0667 \ EL_3+0.0823 \ EL_4+0.0122 \ EL_5 \leq 1\]

(B) \[0.1252 \ EL_1+0.1349 \ EL_2+0.1003 \ EL_3+0.1192 \ EL_4+0.0156 \ EL_5 \leq 1\]

(C) \[0.0337 \ EL_1+0.0353 \ EL_2+0.0382 \ EL_3+0.0451 \ EL_4+0.0709 \ EL_5 \leq 1\]
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(D) 0.1334 $EL_1 + 0.1492 \; EL_2 + 0.0740 \; EL_3$
+ 0.0904 $EL_4 + 0.0247 \; EL_5 \leq 1$

(E) 0.0249 $EL_1 + 0.0257 \; EL_2 + 0.0283 \; EL_3$
+ 0.0332 $EL_4 + 0.0841 \; EL_5 \leq 1$

where $EL_i$ is the emission limitation (pounds per million BTU) per stack $i$ and $i$ is the stack number. For purposes of this regulation each stack is identified as follows:

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<tr>
<th>Stack No.</th>
<th>Boiler identification</th>
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(14) [Reserved]

(15) In Cuyahoga County, no owner or operator, unless otherwise specified in this subparagraph, shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified in paragraphs (b)(23) (i) and (ii) of this section.

(i) For fossil fuel-fired steam generating units between 10.0 MMBTU's per hour and 350 MMBTU's per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU of actual heat input shall be calculated by the following equation:

$$EL = 7.014 \; Q_m - 0.3014$$

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 units equal to or greater than 350 MMBTU per hour total rated capacity, the emission shall not exceed a rate of 1.20 pounds of sulfur dioxide per MMBTU actual heat input.

(iii) The “E.I. DuPont de Nemours and Company” or any subsequent owner or operator of the “E.I. DuPont de Nemours and Company” facility located at 2981 Independence Road, Cleveland, Ohio, shall not cause or permit the following source to violate the limitation indicated:

(A) Sulfur burning contact process a maximum of 0.00 pounds of sulfur dioxide per ton of metal charged.

(B) (Reserved)

(iv) Master Metals Incorporated or any subsequent owner or operator of the “Master Metals Incorporated” facility located at 2850 West Third, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:

(A) Blast furnace process; a maximum of 0.00 pounds of sulfur dioxide per ton of metal charged.

(B) Reverb furnace process; a maximum of 10.00 pounds of sulfur dioxide per ton of metal charged.

(v) Centerior Energy Corporation, or any subsequent owner or operator of the “Centerior Energy Corporation, Steam Heating Plant” facility located at 2274 Canal Road, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from Boiler Numbers 34 through 38 to exceed a maximum of 1.38 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(vi) Centerior Energy Corporation, or any subsequent owner or operator of the “Centerior Energy Corporation, Steam Heating Plant” facility located at 1901 Hamilton Avenue, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from Boiler Number 1 through 6 to exceed a maximum of 1.00 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(vii) Forest City Foundries, or any subsequent owner or operator of the “Forest City Foundries” facility located at 9401 Maywood Avenue, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:

(A) Number 1 Cupola-North; a maximum of 0.00 pounds of sulfur dioxide per ton of metal charged.

(B) Number 2 Cupola-South a maximum of 0.00 pounds of sulfur dioxide per ton of metal charged.

(viii) Forest City Foundries, or any subsequent owner or operator of the “Forest City Foundries” facility located at 2500 West 27th Street, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:
(A) Number 1 Cupola; a maximum of 0.00 pounds of sulfur dioxide per ton of metal charged.

(B) Number 2 Cupola; a maximum of 0.00 pounds of sulfur dioxide per ton of metal charged.

(ix) Harshaw Chemical Company, or any subsequent owner or operator of the “Harshaw Chemical Company” facility located at 1000 Harvard Avenue, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:

(A) Process Buss System; a maximum of 19.00 pounds of sulfur dioxide per ton of acid produced.

(B) (Reserved)

(x) Metal Blast, Incorporated, or any subsequent owner or operator of “Metal Blast, Incorporated” facility located at 871 East 67th Street, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from the Whiting Model Number 7 Cupola to exceed a maximum of 0.00 pounds of sulfur dioxide per ton of metal charged.

(xi) LTV Steel Company, Inc., or any subsequent owner or operator of the “LTV Steel Company, Inc.:” facility located at 3100 East 45th Street, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the limitations indicated below and/or shall be restricted to specified fuel usages as indicated below:

(A) Boiler 234; Boiler 26; Boiler 27; Boiler 28; Boiler 29; Boiler 30; Boiler 31; Boiler 32; Boiler 33; Boiler 34; Stoves for Blast Furnaces C–1, C–2, C–3, C–4; 80” Hot Strip Mill Furnace 1, 2, 3; 84” Anneal Furnaces North and South; P Anneal Furnaces 1–4; and Coke Plant No. 2 Car Thaw: A maximum of 0.024 pounds of sulfur dioxide per MMBTU actual heat input from each stack, and each boiler is restricted to only burn natural gas and/or blast furnace gas.

(B) Boilers A, B and C: A maximum of 0.99 pounds of sulfur dioxide per MMBTU actual heat input from each boiler, and a maximum total emissions from the three boilers combined of 828 pounds of sulfur dioxide per hour (daily average).

(C) Boiler D: A maximum of 2.45 pounds of sulfur dioxide per MMBTU actual heat input and 1056 pounds of sulfur dioxide per hour (daily average).

(D) Boilers A–D: A maximum total emissions from the four boilers combined of 1258 pounds of sulfur dioxide per hour (daily average).

(E) Boiler 1 and 2: A maximum of 1.64 pounds of sulfur dioxide per MMBTU of actual heat input, and a maximum total emissions from the two boilers combined of 315 pounds of sulfur dioxide per hour (daily average).

(F) Boiler 3: A maximum of 2.39 pounds of sulfur dioxide per MMBTU of actual heat and 686 pounds of sulfur dioxide per hour (daily average).

(G) Boilers A–D, 1–3: A maximum total emissions from the seven boilers combined of 1958 pounds of sulfur dioxide per hour (daily average).

(H) 84” Hot Strip Mill Furnaces 1, 2, and 3: A maximum of 1.26 pounds of sulfur dioxide per MMBTU of actual heat input from each furnace, and a maximum total emissions from the three furnaces combined of 1365 pounds of sulfur dioxide per hour (daily average).

(I) Stoves of Blast Furnaces C–5 and C–6: A maximum of 0.15 pounds of sulfur dioxide per MMBTU of actual heat input.

(J) Coke Batteries 1, 2, 3 and 4 Underfiring: 44” Soaking Pits 2–6; 45” Soaking Pits 11–15; No. 2 BOF; Foundry; and Coke Plant No. 1 Car Thaw: A maximum of 0.10 pounds of sulfur dioxide per MMBTU actual heat input (20 grains or less of hydrogen sulfide per 100 cubic feet of coke oven gas at standard conditions) from each stack.

(K) Coke Batteries 6 and 7 Underfiring: A maximum of 1.98 pounds of sulfur dioxide per MMBTU of actual heat input (390 grains of hydrogen sulfide per 100 cubic feet of coke oven gas at standard conditions) from each stack.

(L) No. 2 Coke Plant: Coke oven gas produced by the Coke Batteries Numbers 6 and 7 shall have a maximum of 390 grains of hydrogen sulfide per hundred dry standard cubic feet, and the total production of hydrogen sulfide in coke oven gas from the two batteries combined shall be a maximum of 470 pounds of hydrogen sulfide per hour (daily average).
(M) Fuel Oil Quality: Fuel oil combusted at the facility shall have a maximum of 0.525 pounds of sulfur per MMBTU heat content.

(N) Claus Desulfurization Plant: A maximum of 78 pounds of sulfur dioxide per hour.

(O) 10″ Bar Mill; 12″ Bar Mill; Open Hearth Plant; 96″ Slab Mill, Units 1-5; Sinter Plant: A maximum of 0.00 pounds of sulfur dioxide per MMBTU actual heat input.

(P) LTV Steel Company, Inc., shall collect and record the following information:

(1) Amounts of individual coke oven gas from the No. 1 Coke Plant, coke oven gas from the No. 2 Coke Plant, blast furnace gas, fuel oil, coal, and natural gas used for each day at each facility listed in paragraphs (b)(23)(xiv)(B) through (b)(23)(xiv)(H) of this section, and total production of coke oven gas from Number 2 Coke Plant.

(2) Daily average sulfur content and heating value for coal and oil used each day during each calendar quarter, as determined in accordance with 40 CFR part 60, Appendix A, Method 19, section 2, or equivalent methods approved by the Administrator.

(3) Daily average hydrogen sulfide content for coke oven gas used each day during each calendar quarter, as determined in accordance with 40 CFR part 60, appendix A, Method 11, or equivalent methods approved by the Administrator.

(4) Daily average sulfur content and heating value of blast furnace gas and natural gas shall be based upon testing performed once during each calendar quarter.

(5) Calculated sulfur dioxide emissions in pounds per MMBTU and pounds per hour using the information in paragraphs (b)(23)(xiv)(P)(1) through (b)(23)(xiv)(P)(4) at the facilities listed in paragraphs (b)(23)(xiv)(B) through (b)(23)(xiv)(H) of this section for each day.

(6) Calculated total hydrogen sulfide content of coke oven gas supplied by Number 2 Coke Plant.

(Q) Compliance with the provisions of paragraphs (b)(23)(xiv)(B) through (b)(23)(xiv)(H), (b)(23)(xiv)(L), and (b)(23)(xiv)(M) of this section shall be determined based on:

(I) Stack gas sampling, as specified in 40 CFR 60.46 (See §52.1881(b)(2)); or

(2) Information developed pursuant to paragraph (b)(23)(xiv)(P) of this section.

A finding of noncompliance by one of these methods cannot be refuted by a showing of compliance by the other method.

(R) Compliance with the provisions of all other paragraphs shall be determined based on stack gas sampling, as specified in 40 CFR 60.46 (See §52.1881(b)(2)).

(S) LTV Steel Company, Inc. shall submit a written report to the U.S. Environmental Protection Agency, Region 5, within 30 days after the end of each calendar quarter which contains a description of each day during which the recorded sulfur dioxide, hydrogen sulfide, or fuel exceeded the pounds of sulfur dioxide per MMBTU, pounds of sulfur dioxide per hour, grains of hydrogen sulfide per 100 cubic feet, or total hydrogen sulfide production limits listed in paragraphs (b)(23)(xiv)(B) through (b)(23)(xiv)(H) and (b)(23)(xiv)(L) of this section. For each instance in which the applicable limit was exceeded, the report shall provide:

(I) The date of each excursion;

(2) The magnitude of the excursion;

(3) A statement identifying the probable cause or causes of the excursion; and

(4) A description of any corrective actions taken to prevent or mitigate the excursion.

The report shall also address any periods of measurement (or recording) system malfunction and, if appropriate, shall state that there are no instances of any excursion during the reporting period.

(xii) Aluminum Company of America, or any subsequent owner or operator of the "Aluminum Company of America" facility located at 1600 Harvard Avenue, Cuyahoga Heights, Ohio, shall not cause or permit the emission of sulfur dioxide from Boiler Numbers 1 through 5 to exceed a maximum of 5.2 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xiii) Standard Oil Company (Ohio), or any subsequent owner or operator of...
the “Standard Oil Company (Ohio), Cleveland Asphalt Plant” facility located at 2633 Broadway Avenue, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from Boiler Numbers 7, 9, and 10 to exceed 0.00 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xiv) Medical Center Company, or any subsequent owner or operator of the “Medical Center Company” facility located at 2250 Circle Drive, Cleveland, Ohio, shall not cause or permit the following sources to violate the limitations indicated:

(A) Boiler Numbers 1 and 2 shall only burn natural gas.

(B) Boiler Numbers 3, 4, 7 and 8 are limited to a maximum of 4.6 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xv) Hupp, Incorporated, or any subsequent owner or operator of the “Hupp, Incorporated” facility located at 1135 Ivanhoe Road, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from Boiler Numbers 1 through 3 to exceed a maximum of 3.50 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xvi) The Cleveland Water Department, or any subsequent owner or operator of the “Cleveland Water Department, Division Pumping Station” facility located at 1245 West 45th Street, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from Boiler Numbers 1 through 6 to exceed 4.20 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xvii) Ford Motor Company, or any subsequent owner or operator of the “Ford Motor Company, Cleveland Engine Plant Number 2” facility located at 18300 Five Points Road, Brookpark, Ohio, shall not cause or permit the emission of sulfur dioxide from Boilers Numbers 1 through 5 to exceed a maximum of 4.2 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xviii) Ford Motor Company, or any subsequent owner or operator of the “Ford Motor Company, Cleveland Casting Plant” facility located at 5600 England Road, Brookpark, Ohio, shall not cause or permit the emission of sulfur dioxide from each of Numbers 1 through 7 Cupola to exceed a maximum of 6.00 pounds of sulfur dioxide per ton of actual process weight input.

(xix) Chase Bag Company, or any subsequent owner or operator of the “Chase Bag Company” located at 218 Cleveland Street, Chagrin Falls, Ohio, shall not cause or permit the emission of sulfur dioxide from Boiler Numbers 1 and 2 to exceed a maximum of 4.20 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xx) General Electric Company or any subsequent owner or operator of the “General Electric Power Plant” facility located at Nela Park, East Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from Boiler Numbers 1 and 4 to exceed a maximum of 1.60 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xxi) General Electric Company, or any subsequent owner or operator of the “General Electric Company” facility located at 21800 Tungsten Road, Euclid, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:

(A) Boiler Number 1; a maximum of 1.00 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(B) Boiler Number 4; a maximum of 1.60 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xxii) Addressograph Multigraph or any subsequent owner or operator of the “Addressograph Multigraph” facility located at 1200 Babbitt Road, Euclid, Ohio, shall not cause or permit the emission of sulfur dioxide from Boiler Numbers 1 through 3 to exceed a maximum of 0.00 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xxiii) Allied Chemical Corporation, or any subsequent owner or operator of the “Allied Chemical Corporation” facility located at 5000 Warner Road, Garfield Heights, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated.
(A) Number 5 Unit Sulfuric Acid; a maximum of 4.80 pounds of sulfur dioxide per ton of one hundred percent acid produced.

(B) Number 6 Unit Sulfuric Acid; a maximum of 4.80 pounds of sulfur dioxide per ton of one hundred percent acid produced.

(xxiv) Lear Siegler, Incorporated, or any subsequent owner or operator of the “Lear Siegler, Incorporated” facility located at 17600 Broadway, Maple Heights, Ohio, shall not cause or permit the emission of sulfur dioxide from Boiler Number 1 to exceed a maximum of 0.00 pounds of sulfur dioxide per MMBTU actual heat input.

(xxv) Chevrolet Motor Division, or any subsequent owner or operator of the “Chevrolet Motor Division” facility located at Stumph Road and Brookpark, Parma, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:

(A) Boiler Numbers 1 and 2; a maximum of 1.53 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(B) Boiler Numbers 3 and 4; a maximum of 1.8 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xxvi) Ford Motor Company, or any subsequent owner or operator of the “Ford Motor Company, Cleveland Stamping Plant” facility located at 7845 Northfield Road, Walton Hills, Ohio, shall not cause or permit the emission of sulfur dioxide from Boilers Numbers 1 through 3 to exceed a maximum of 1.2 MMBTU actual heat input from each boiler.

(xxvii) Highland View Cuyahoga County Hospital, or any subsequent owner or operator of the “Highland View Cuyahoga County Hospital” facility located at 3901 Ireland Drive, Warrensville Township, Ohio, shall not cause or permit the emission of sources to exceed the amounts indicated:

(A) Boiler Numbers 1 and 2; a maximum of 1.50 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(B) Boiler Numbers 3 and 4; a maximum of 2.90 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(xxviii) Centerior Energy Corporation, or any subsequent owner or operator of the “Centerior Energy Corporation, Lake Shore Plant” facility located at 6800 South Marginal Drive, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:

(A) Boiler Numbers 91 through 94; a maximum of 1.90 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(B) Boiler Number 18; a maximum of 1.30 pounds of sulfur dioxide per MMBTU actual heat input.

(xxix) United States Steel Corporation, or any subsequent owner or operator of the “United States Steel Corporation, Cuyhoga Works” facility located at 1300 East 49th Street, Cuyhoga Heights, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:

(A) Boiler Numbers 1 and 2; a maximum of 0.5 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(B) Boiler Numbers 3 through 7; a maximum of 1.30 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(XXX) United States Steel Corporation, or any subsequent owner or operator of the “United States Steel Corporation, Lorain-Cuyahoga Works” facility located at 2650 Broadway Avenue, Cleveland, Ohio, shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:

(A) Boiler Numbers 1 through 6; a maximum of 0.00 pounds of sulfur dioxide per MMBTU actual heat input from each boiler.

(B) Blast Furnace Numbers D–6 and A; a maximum of 0.00 pounds of sulfur dioxide per ton of iron produced.

(xxii) Reilly Industries, Inc., or any subsequent owner or operator of the “Reilly Industries, Inc.” facility located at 3201 Independence Road, Cleveland, Ohio shall not cause or permit the emission of sulfur dioxide from the following sources to exceed the amounts indicated:
(A) Still Numbers 3 through 7; a maximum of 2.7 pounds of sulfur dioxide per ton of coal tar processed.

(B) [Reserved]

(xxxii) 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 in excess of 6.00 pounds of sulfur dioxide per ton of actual process weight input.

(16) In Franklin County, no owner or operator of the following types of facilities unless otherwise specified in this paragraph, shall cause or permit the 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 $50.0 \times 10^6$ 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 $50.0 \times 10^6$ 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
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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.

(xl) 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.

(17)–(18) [Reserved]

(19) In Lawrence County: (i) The Allied Chemical Company or any subsequent owner or operator of the Specialty Chemicals Division in Lawrence County, Ohio, shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam generating unit in excess of 5.52 pounds of sulfur dioxide per million BTU actual heat input.

(20) [Reserved]

(21) In Lucas County, no owner or operator of the following types of facilities, unless otherwise specified in this paragraph, shall cause or permit sulfur dioxide emissions from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units burning coal the emission rate shall be 1.50 pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating units burning oil the emission rate shall be 1.00 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The Toledo Edison Company or any subsequent owner or operator of the Bay Shore Station in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Bay Shore Station in excess of the rates specified below:

(A) 834.6 nanograms of sulfur dioxide per joule (1.94 lbs SO\(_2\)/MMBTU) actual heat input for the fossil fuel-fired steam generating units burning coal.

(B) 215.1 nanograms of sulfur dioxide per joule (0.50 lbs SO\(_2\)/MMBTU) actual heat input for the fossil fuel-fired peaking unit burning oil.

(iv) Standard Oil of Ohio or any subsequent owner or operator of the Standard Oil of Ohio facility located in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the rates specified below:

(A) 0.29 pound 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 subparagraph.

(B) 1.00 pound of sulfur dioxide per million BTU actual heat input for process heaters or fossil fuel-fired steam-generating units numbered B024.

(C) 0.50 pound of sulfur dioxide per million BTU actual heat input for process heater or fossil fuel-fired steam-generating unit number B021.
(D) 0.57 pounds of sulfur dioxide per million BTU actual heat input for process heaters or fossil fuel-fired steam-generating units numbered B009, B010, B020, B023, and B025.

(E) 0.92 pound of sulfur dioxide per 1,000 pounds of charging stock for catalytic cracking units and CO boilers connected to a common stack.

(F) 0.40 pound of sulfur dioxide per ton of actual process weight input for any process.

(v) [Reserved]

(vi) The Coulton Chemical Company or any subsequent owner or operator of the Coulton Chemical facility in Lucas County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Coulton Chemical facility in excess of the rates specified below:

(A) 0.00 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam generating units or process heaters.

(B) 6.50 pounds of sulfur dioxide per ton of 100 percent sulfuric acid produced for sulfuric acid production units.

(vii) The Toledo Edison Company or any subsequent owner or operator of the Acme Power Plant in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Acme plant in excess of the rates specified below:

(A) 516.2 nanograms of sulfur dioxide per joule (1.20 lbs SO₂/MMBTU) actual heat input for fossil fuel-fired steam generating units burning coal.

(B) 1.00 pound of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units burning oil.

(viii) Gulf Oil or any subsequent owner or operator of the Gulf Oil facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Gulf Oil facility in excess of the rates specified below:

(A) 0.90 pound of SO₂ per million BTU actual heat input for fossil fuel-fired steam generating units numbered B001, B002, B003 and B004.

(B) 1.03 pounds of SO₂ per million BTU actual heat input for process heaters or fossil fuel-fired steam generating units numbered B005, B006, and B013.

(C) 1.21 pounds of SO₂ per million BTU actual heat input for process heater numbered B009 and for the stack connecting process heaters numbered B007 and B008.

(D) 1.29 pounds of SO₂ per million BTU actual heat input for process heater number B014.

(E) 1.57 pounds of SO₂ per 1,000 pounds of charging stock for catalytic cracking unit P003 and CO boiler B016 connected to the same stack.

(F) 200 pounds of SO₂ per 2,000 pounds of sulfur processed for sulfur recovery plant P005.

(G) Gulf Oil or any subsequent owner or operator of these facilities located in Lucas County, Ohio, shall not cause or permit the combustion of refinery fuel gas at process heaters numbered B010, B011, B012, B015 and for the waste heat boiler stack connecting process heaters numbered B017, B018, B019 and B020 containing a total sulfur content expressed as hydrogen sulfide in excess of 10 grains of hydrogen sulfide per 100 dry standard cubic feet of refinery fuel gas or the emission of SO₂ from any stack of the above units in excess of 0.04 pound of SO₂ per million BTU actual heat input.

(H) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio, shall operate only one of the units numbered B001, B002, B003, and B004 simultaneously with the 3 units numbered B005, B006 and B016.

(I) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio, shall not operate more than two of the units numbered B001, B002, B003, and B004 simultaneously with two of the units numbered B005, B006 and B016.

(J) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio shall limit the simultaneous operation of B001, B002, B003, and B004 to the operating configurations specified in paragraphs (b)(39)(viii),(H) and (I) of this section.

(ix) The Toledo Edison Company or any subsequent owner or operator of the Water Street Steam Plant in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any
stack at the Water Street Plant in excess of 430.2 nanograms of sulfur dioxide per joule (1.00 lbs SO₂ per MMBTU) actual heat input.

(x) Phillips Petroleum Company or any subsequent owner or operator of the Toledo Philblack Plant in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Toledo Philblack Plant in excess of the rates specified below:

(A) 4.67 pounds of sulfur dioxide per million BTU actual heat input for any process dryer.
(B) 4.99 pounds of sulfur dioxide per million BTU actual heat input for all fossil fuel-fired steam-generating units, processes and incinerator unless otherwise specified in this paragraph.

(xi) Interlake Incorporated or any subsequent owner or operator of the Interlake Incorporated facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the rates specified below:

(A) 43.0 nanograms of sulfur dioxide per joule (0.10 lbs SO₂ MMBTU) actual heat input for the fossil fuel-fired steam-generating units and the combined maximum hourly allowable heat input rate shall not exceed 300 million BTUs per hour;

(xii) Nabisco or any subsequent owner or operator of the Nabisco facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of 1.20 pounds of sulfur dioxide per million BTU actual heat input.

(xiii) The Toledo Hospital or any subsequent owner or operator of the Toledo Hospital in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of 3.50 pounds of sulfur dioxide per million BTU actual heat input.

(xiv) Sun Petroleum Products Company or any subsequent owner or operator of the Sun Petroleum Products Company facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the rates specified below:

(A) Unless otherwise specified in this paragraph, the combustion of refinery fuel gas containing a total sulfur content expressed as hydrogen sulfide in excess of 10 grains of hydrogen sulfide per 100 dry standard cubic feet of refinery fuel gas or the emission of sulfur dioxide from any stack at this facility in excess of 0.04 pounds of sulfur dioxide per million BTU actual heat input.

(B) 0.0 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units or process operation heaters numbered 502, 1901, 1902, 1903, 1904, 1905, and 1906.

(C) 3.00 pounds of sulfur dioxide per 1,000 pounds of charging stock for catalytic cracking units and CO boilers connected to the same stack.

(xv) Seneca Petroleum or any subsequent owner or operator of the Seneca Petroleum facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Seneca Petroleum facility in excess of 1.20 pounds of sulfur dioxide per million BTU actual heat input.

(xvi) The Koppers Company Incorporated or any subsequent owner or operator of the Koppers facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the rates specified below:

(A) Unless otherwise specified in this paragraph, the combustion of refinery fuel gas containing a total sulfur content expressed as hydrogen sulfide in excess of 10 grains of hydrogen sulfide per 100 dry standard cubic feet of refinery fuel gas or the emission of sulfur dioxide from any stack at this facility in excess of 0.04 pounds of sulfur dioxide per million BTU actual heat input.

(B) 0.0 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units or process operation heaters numbered 502, 1901, 1902, 1903, 1904, 1905, and 1906.

(C) 3.00 pounds of sulfur dioxide per 1,000 pounds of charging stock for catalytic cracking units and CO boilers connected to the same stack.

(D) 1.80 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating unit numbered 507 and 508.

(E) 1.60 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired process heater units numbered 501 and 503.

(F) 1.50 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired process heater unit numbered 301.

(G) 1.40 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired process heater units numbered 9401.

(H) 1.10 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired process heater units numbered 501 and 503.

(I) 0.90 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired process heater unit numbered 304.

(J) 70 pounds of sulfur dioxide per 1,000 pounds of sulfur processed for sulfur recovery plants.

(K) Fossil fuel-fired process heater units numbered 501 and 503 will not be operated simultaneously with Fossil fuel-fired process heater unit number 507.
County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the rates specified below:

(A) 111.8 nanograms of sulfur dioxide per joule (0.26 lbs. SO₂ MMBTU) actual heat input for the two new fossil fuel-fired steam-generating units.

(B) 1.69 kilogram of sulfur dioxide per metric ton (3.38 lbs. SO₂ per ton) of actual process weight input for the coke battery.

(22) In Mahoning County, no owner or operator, unless otherwise specified in this paragraph, shall cause or permit the emission of sulfur dioxide in excess of the rates specified below:

(i) For fossil fuel-fired steam-generating units: 0.50 pound of sulfur dioxide per million BTU of actual heat input.

(ii) For process operations: 1.00 pound of sulfur dioxide per ton of actual process weight input.

(iii) No owner or operator shall cause or permit the combustion of by-product coke oven gas from any stack containing a total sulfur content expressed as hydrogen sulfide in excess of 135 grains hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack in excess of 0.68 pound of sulfur dioxide per million BTU actual heat input.

(iv) The Ohio Edison Company or any subsequent owner or operator of the North Avenue Steam Plant located in Mahoning County shall not cause or permit the emission of sulfur dioxide from any stack at the North Avenue Steam Plant in excess of 4.75 pounds of sulfur dioxide per million BTU of actual heat input.

(v) Lonardo & Sons Greenhouse or any subsequent owner or operator of the Lonardo & Sons Greenhouse facilities located in Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at Lonardo & Sons Greenhouse in excess of 2.00 pounds of sulfur dioxide per million BTU actual heat input.

(vi) Whiteacre-Greer Fireproofing or any subsequent owner or operator of the Whiteacre-Greer facilities located at Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at Whiteacre-Greer in excess of 20 pounds of sulfur dioxide per ton of actual process weight input.

(vii) The Koppers Company or any subsequent owner or operator of the Koppers Company facilities located in Mahoning County, Ohio, shall not cause or permit the emission of sulfur dioxide from the stack connected to boiler number 3 in excess of 4.0 pounds of sulfur dioxide per million BTU actual heat input.

(viii) The Youngstown Sheet and Tube Company or any subsequent owner or operator of the Brier Hill Works located in Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 0.00 pound sulfur dioxide per million BTU actual heat input.

(ix) The Youngstown Sheet and Tube Company or any subsequent owner or operator of the Campbell and Struthers Works located in Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide except as specified below:

(A) 2.67 pounds of sulfur dioxide per million BTU actual heat input from any stack at the coke plant.

(B) For the seamless mills, paragraphs (b)(40)(ix)(B) (1), (2) or (3) of this section apply in conjunction with paragraph (b)(40)(ix)(B) (4) of this section.

(1) 2.67 pounds of sulfur dioxide per million BTU actual heat input from any stack when coke oven gas is being combusted.

(2) When mixed gases are being combusted the maximum allowable emission limit from each stack shall be determined by the following equation:

\[
\text{EL} = \text{BF} \times 2.67 \text{ lbs SO}_2/\text{MMBTU}
\]

\[
\text{BF} = \frac{\text{BTU content of coke oven gas}}{\text{BTU content of combined gas}}
\]

(3) 18.88 pounds of sulfur dioxide per ton of process weight from any stack when any fuel is being combusted.

(4) 2369 tons of sulfur dioxide per any 365 day period from the seamless mills as a whole.

(C) For the boilerhouse, paragraphs (b)(40)(ix)(C) (1), (2), (3), (4) or (5) of this section apply in conjunction with paragraph (b)(40)(ix)(C) (6) of this section.

(1) 2.67 pounds of sulfur dioxide per million BTU actual heat input from
any boiler unit when coke oven gas is being combusted.

(2) When mixed gases are being combusted the maximum allowable emission limit from each stack shall be determined by the following equation:

\[ EL = BF \times 2.67 \text{ lbs } SO_2/\text{MMBTU} \]

\[ BF = \frac{\text{BTU content of coke oven gas (from any boiler unit)}}{\text{BTU content of combined gas}} \]

(3) 1.06 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when fuel oil is being combusted.

(4) 0.93 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when tar is being combusted.

(5) 4.77 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when coal is being combusted.

(6) 4747 tons of sulfur dioxide per any continuous 365 day period from the boilerhouse as a whole plus the fraction of the 365 day period emission limitation for the seamless mills not consumed by emissions from the seamless mills in the same 365 day period.

(23) In Montgomery County, no owner or operator of any fossil fuel-fired steam generating unit(s), unless otherwise specified in this paragraph, shall cause or permit sulfur dioxide emissions in excess of the rates specified below:

(i) 1.60 pounds sulfurdioxide per million BTU actual heat input for fossil fuel-fired steam generating units.

(ii) 2.50 pounds of sulfur dioxide per million BTU actual heat input for stacks 1, 2, 3, and 4.

For purposes of this regulation each stack is identified as follows:

<table>
<thead>
<tr>
<th>Stack No.</th>
<th>Boiler identification</th>
</tr>
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<tbody>
<tr>
<td>1</td>
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<td>2</td>
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<tr>
<td>3</td>
<td>3.</td>
</tr>
<tr>
<td>4</td>
<td>Chilpalco No. 5.</td>
</tr>
</tbody>
</table>

(24) The Portsmouth Gaseous Diffusion Plant in Pike County or any subsequent owner or operator of its fossil fuel-fired steam generating unit 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.

(25) In Ross County, the Mead Corporation or any subsequent owner or operator of the Mead Corporation facilities at Ross County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of the following rates:

(i) 4.90 pounds of sulfur dioxide per ton of actual solids input.

(ii) 0.00 pound of sulfur dioxide per million BTU actual heat input for stacks 1, 2, 3, and 4.

(26) 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 the following rates:

(i) 4.90 pounds of sulfur dioxide per ton of actual solids input.

(ii) 0.00 pound of sulfur dioxide per million BTU actual heat input for stacks 1, 2, 3, and 4.

(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 stack in excess of the following rates:

(iii) 15.42 pounds of sulfur dioxide per ton of actual process weight input.

(27) 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 the 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.

(28) 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:

$$EL = 17.55 \frac{Q_m}{Q_m} - 0.3933$$

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 excess 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 boilers 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 2.36 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 1.46 pounds of sulfur dioxide per million BTU of 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 4.20 pounds of sulfur dioxide per million BTU of actual heat input.

(vii) The present or subsequent owner or operator of the Firestone Tire & Rubber Co. facilities located 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) 4.47 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 of actual heat input for oil-fired boiler 31.

(B) 7.0 pounds of sulfur dioxide per million BTU of actual heat input for coal-fired 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 of 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 of 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:

(I) 2.24 pounds of sulfur dioxide per million BTU of actual heat input for coal-
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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 actual 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:
§52.1882 Compliance schedules.

(a) Federal compliance schedules. (1) Except as provided in paragraph (a)(5) of this section, the owner or operator of any process equipment subject to applicable paragraphs of §52.1881(b), shall comply with the compliance schedule in paragraph (a)(2) of this section.

(2) Any owner or operator of any process equipment subject to applicable paragraphs of §52.1881(b) of this chapter shall take the following actions to comply with the requirements of said regulation with respect to that source no later than the date specified.

(i) 8 weeks from the date of promulgation—Submit preliminary control plans to the Administrator.

(ii) 25 weeks from the date of promulgation—Submit final control plan to the Administrator.
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(iii) 34 weeks from the date of promulgation—Award contracts for emission control systems or process modification, or issue orders for purchase of component parts to accomplish emission control or process modification and notify the Administrator in writing that such action was taken.

(iv) 52 weeks from the date of promulgation—Initiate on-site construction or installation of emission control equipment or process change and notify the Administrator in writing that such action was taken.

(v) 139 weeks from the date of promulgation—Complete construction or installation of emission control equipment or process change and notify the Administrator in writing that such action was taken.

(vi) 154 weeks from the date of promulgation—Complete shakedown operations and performance test on source, submit performance test results to the Administrator and achieve final compliance with §52.1881(b) of this chapter, if applicable.

(3) Except as provided in paragraph (a)(5) of this section, the owner or operator of any stack venting any fossil fuel-fired steam generating unit(s) subject to §52.1881(b) of this chapter shall comply the applicable compliance schedule in paragraph (a)(4) of this section.

(4)(i) The owner or operator of any stack venting any fossil fuel-fired steam generating unit(s) subject to §52.1881(b) of this chapter who elects to comply with an applicable optional emission limitation specified in §52.1881(b) of this chapter shall notify the Administrator of said regulation shall take the following actions with respect to that source no later than the date specified:

(a) 8 weeks from the date of promulgation—Submit to the Administrator a projection for 10 years of the amount of fuel by types that will be substantially adequate to enable compliance with §52.1881(b) of this chapter, as applicable.

(b) 32 weeks from the date of promulgation—Submit data demonstrating the availability of the fuel meeting the requirements projected in paragraph (a)(4)(iii) of this section, to the Administrator.

(c) 36 weeks from the date of promulgation—Submit a statement to the Administrator as to whether boiler modifications will or will not be required. If modifications will be required, submit plans for such modifications.

(d) 50 weeks from the date of promulgation—Let contracts for necessary boiler modifications, if applicable, and notify the Administrator in writing that such action was taken.

(e) 60 weeks from the date of promulgation—Initiate on-site modifications, if applicable, and notify the Administrator in writing that such action was taken.

(f) 118 weeks from the date of promulgation—Complete on-site modification, if applicable, and notify the Administrator in writing that such action was taken.

(g) 122 weeks from the date of promulgation—Achieve final compliance with the emission limitation of §52.1881(b) of this chapter, as applicable, and notify the Administrator in writing that such action was taken.

(iv) Any owner or operator of any stack venting any fossil fuel-fired steam generating unit(s) subject to applicable paragraphs of §52.1881(b) of
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this chapter who elects to utilize flue gas desulfurization to comply with the requirements of said regulations shall take the following actions with respect to the source no later than the date specified.

(a) 17 weeks from the date of promulgation—Let necessary contracts for construction and notify the Administrator in writing that such action was taken.

(b) 61 weeks from the date of promulgation—Initiate on-site construction and notify the Administrator in writing that such action was taken.

(c) 145 weeks from the date of promulgation—Complete on-site construction and notify the Administrator.

(d) 156 weeks from the date of promulgation—Complete shakedown operations and performance test on source, submit performance test results to the Administrator and achieve final compliance with §52.1881(b) of this chapter, as applicable.

(5)(i) None of the preceding paragraphs of this paragraph shall apply to any owner or operator of a source which is presently in compliance with the applicable paragraphs of §52.1881(b) of this chapter.

(ii) Any owner or operator of a source capable of emitting 100 tons of sulfur dioxide per year from all stacks at any facility who is presently in compliance with the applicable paragraphs of §52.1881(b) of this chapter shall so certify to the Administrator by four weeks from the date of promulgation.

(iii) Any owner or operator subject to a compliance schedule in this paragraph who elects to achieve compliance by means not covered by this paragraph may submit to the Administrator no later than six weeks from the date of promulgation a proposed alternative compliance schedule. For process equipment subject to applicable paragraphs of §52.1881(b) of this chapter there is no such compliance schedule may provide for final compliance after final compliance date in paragraph (a)(4)(iii) of this section. For any stack venting any fossil fuel-fired steam generating unit(s) subject to applicable paragraphs of §52.1881(b) of this chapter, which will utilize flue gas desulfurization to comply with the requirements of said regulations, no such compliance schedule may provide for final compliance after the final compliance date in paragraph (a)(4)(iv) of this section.

(iv) Any owner or operator of any process equipment subject to applicable paragraphs of §52.1881(b) of this chapter who submits an alternative compliance schedule pursuant to §52.1882(a)(5)(iii) of this chapter shall remain subject to the provisions of §52.1882(a)(2) of this chapter until the alternative schedule is approved by the Administrator.

(v) Any owner or operator of any stack venting any fossil fuel-fired steam generating unit(s) subject to applicable paragraphs of §52.1881(b) of this chapter who submits an alternative compliance schedule pursuant to §52.1881(a)(5)(iii) of this chapter shall remain subject to the provisions of §52.1882(a)(4) of this chapter until the alternative schedule is approved by the Administrator.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in paragraph (d) (2), or (4) of this section fails to satisfy the requirements of §51.15 (b) and (c) of this chapter.

(b) Federal compliance schedule for petitioners in Buckeye Power, Inc. et al. v. USEPA, No. 76–2090 et al.

(1) Except as provided in paragraph (b)(5) of this section, the owner or operator of any process equipment subject to applicable paragraphs of §52.1881(b) of this chapter shall comply with the compliance schedule in paragraph (b)(2) of this section.

(2) Any owner or operator of any process equipment subject to applicable paragraphs of §52.1881(b) of the chapter shall take the following actions to comply with the requirements
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of said regulation with respect to that source no later than the date specified.

(i) 8 weeks from June 17, 1977: Submit preliminary control plans to the Administrator.

(ii) 25 weeks from June 17, 1977: Submit final control plan to the Administrator.

(iii) 34 weeks from June 17, 1977: Award contracts for emissions control systems or process modification, or issue orders for purchase of component parts to accomplish emission control or process modification and notify the Administrator in writing that such action was taken.

(iv) 52 weeks from June 17, 1977: Initiate on-site construction or installation of emission control equipment or process change and notify the Administrator in writing that such action was taken.

(v) 139 weeks from June 17, 1977: Complete construction or installation of emission control equipment or process change and notify the Administrator in writing that such action was taken.

(vi) 154 weeks from June 17, 1977: Complete shakedown operations and performance test on source, submit performance test results to the Administrator and achieve final compliance with § 52.1881(b) of this chapter, as applicable.

(3) Except as provided in paragraph (5) of this paragraph (b), the owner or operator of any stack venting any fossil fuel-fired steam generating unit(s) subject to applicable paragraphs of § 52.1881(b) of this chapter shall notify the Administrator who elects to utilize low-sulfur fuel including blended or washed coal to comply with the requirements of said regulation shall take the following actions with respect to that source no later than the date specified:

(A) 17 weeks after June 17, 1977: Submit to the Administrator a projection for ten years of the amount of fuel by types that will be substantially adequate to enable compliance with § 52.1881(b) of this chapter, as applicable.

(B) 32 weeks from June 17, 1977: Submit data demonstrating the availability of the fuel meeting the requirements projected in paragraph (a) of this section to the Administrator.

(C) 36 weeks after June 17, 1977: Submit a statement to the Administrator as to whether boiler modifications will or will not be required. If modifications will be required, submit plans for such modifications.

(D) 50 weeks from June 17, 1977: Let contracts for necessary boiler modifications, if applicable, and notify the Administrator in writing that such action was taken.

(E) 60 weeks after June 17, 1977: Initiate on-site modifications, if applicable, and notify the Administrator in writing that such action was taken.

(F) 118 weeks from June 17, 1977: Complete on-site modification, if applicable, and notify the Administrator in writing that such action was taken.

(G) 122 weeks from June 17, 1977: Achieve final compliance with the emission limitation of § 52.1881(b) of this chapter, as applicable, and notify the Administrator in writing that such action was taken.

(iv) Any owner or operator of any stack venting any fossil fuel-fired
steam generating unit(s) subject to applicable paragraphs of §52.1881(b) of this chapter who elects to utilize flue gas desulfurization to comply with the requirements of said regulations shall take the following actions with respect to the source no later than the date specified.

(A) 17 weeks from June 17, 1977: Let necessary contracts for construction and notify the Administrator in writing that such action was taken.

(B) 61 weeks from June 17, 1977: Initiate on-site construction and notify the Administrator in writing that such action was taken.

(C) 145 weeks from June 17, 1977: Complete on-site construction and notify the Administrator in writing that such action was taken.

(D) 156 weeks from June 17, 1977: Complete shakedown operations and performance test and performance test results to the Administrator and achieve final compliance with §52.1881(b) of this chapter, as applicable.

(iv) Any owner or operator of any process equipment subject to applicable paragraphs of §52.1881(b) of this chapter who submits an alternative compliance schedule pursuant to §52.1882(b)(5)(i) of this chapter shall remain subject to the provisions of §52.1882(b)(2) of this chapter until the alternative schedule is approved by the Administrator.

(v) Any owner or operator of any stack venting any fossil fuel-fired steam-generating unit(s) subject to applicable paragraphs of §52.1881(b) of this chapter who submits an alternative compliance schedule pursuant to §52.1882(b)(4)(iii) of this chapter shall remain subject to the provisions of §52.1882(b)(4) of this chapter until the alternative schedule is approved by the Administrator.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in paragraphs (b) (2) or (4) of this section fails to satisfy the requirements of §51.15 (b) and (c) of this chapter.

(7) Section 52.1882(b)(4)(i)(G) is suspended for Cleveland Electric Illuminating Company’s Eastlake and Avon Lake facilities pending final rulemaking on the June 12, 1979 (44 FR 33712) proposed revision to the Ohio State Implementation Plan, but in no event will the suspension extend beyond the plan attainment date of June 17, 1980.

(8) Federal compliance schedules for the Toledo Edison Acme Power Plant coal fired units and the Water Street Steam Plant oil fired units is as set forth in §52.1882(b) except that
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§52.1882(b)(4)(iii)(G) is changed, for these units only, as follows: April 15, 1980: Achieve final compliance with the emission limitation of §52.1881(b) of this chapter, as applicable, and notify the Administrator in writing that such action was taken.

(c) Federal compliance schedule for Ashland Oil Company is set forth in §52.1882(b), except that all references to June 17, 1977 are changed to September 14, 1979.

(d) Monitoring and reporting requirements for non-simultaneous operation.

(1) Any owner or operator of any source of sulfur dioxide subject to a provision of §52.1881 of this chapter which limits the combination of point sources which the source may operate at any time shall, in addition to any other reporting requirements of this chapter, comply with the following:

(i) Install not later than the date by which compliance with the applicable emission limitation of §52.1881 is required, a device(s) to determine and record the time of operation of each such point source;

(ii) Retain such records for at least two years; and

(iii) Report to the Administrator within 30 days of each such occurrence any period during which any source is operated above the specified operating level allowed by an applicable requirement of §52.1881.

(e)(1) The Federal compliance schedule for sources in Summit County identified in §52.1875, footnote "f" is set forth in §52.1882(b) except that all references to June 17, 1977, are changed to January 4, 1980.

(2) The owner or operator of any fossil-fuel fired steam generating unit in Summit County with alternative emission limitations specified for one or more units at its facility in §52.1881(b)(59) shall notify the Administrator no later than 17 weeks after January 4, 1980 of the applicable emission limitation selected.

(f) Failure to indicate a selected emission limitation shall result in each unit at a facility being subject to the first emission limitation specified for that unit in the applicable regulation.

(g) The Federal Compliance schedule for the PPG Industries, Inc. boilers in Summit County, Ohio is set forth in §52.1882(b) except that all references to June 17, 1977, are changed to August 25, 1980.

(g) Monitoring and reporting requirements for sources subject to reduced operating load requirements.

(1) Any owner or operator of any source of sulfur dioxide subject to a provision of §52.1881 of this chapter which limits the operating level of any point source at any time shall, in addition to any other reporting requirements of this chapter, comply with the following:

(i) Install, not later than the date by which compliance with the applicable emission limitation of §52.1881 is required, a device(s) to determine and record the level of operation of each such point source;

(ii) Retain such records for at least two years; and

(iii) Report to the Administrator within 30 days of each such occurrence any period during which any source is operated above the specified operating level allowed by an applicable requirement of §52.1881.

(h) The federal compliance schedule for Ohio Power Company’s Cardinal plant in Jefferson County and Muskingum River plant in Washington and Morgan Counties and Columbus and Southern Ohio Electric Company’s Conesville plant in Coshocton County is set forth in §52.1882(b) except that all references to June 17, 1977, are changed to June 19, 1980.

(i) If the owner or operator of the Columbus and Southern Ohio Electric Company’s Conesville plant in Coshocton County elects to comply with the emission limitation set forth in §52.1881(b)(21) by installing a coal-washing facility, the owner or operator shall meet the following compliance schedule in lieu of meeting the compliance schedule set forth in §52.1882(b).

(1) 4 weeks from date of promulgation of this schedule: Notify the Administrator of intent to use washed coal to comply with sulfur dioxide emission limitations for the Conesville steam plant; submit a projection for ten years of the amount of coal necessary to enable compliance at this facility; submit the quality specifications of the fuel that is to be used. Such specifications...
shall include sulfur content, ash content, heat and moisture content.

(2) 8 weeks from date of promulgation of this schedule: Submit data to the Administrator demonstrating the availability of fuel necessary to achieve compliance at the Conesville steam plant. Such data shall consist of copies of signed contracts with coal suppliers and/or signed contracts with a vendor pursuant to which the utility shall construct a coal preparation facility; submit statement to the Administrator as to whether boiler modifications at the Conesville steam plant will be required for combustion of the prepared (washed) complying coal. If boiler modifications are required, submit plans for such modifications.

(3) 8 weeks from date of promulgation of this schedule: If a coal preparation facility is to be constructed by the utility for preparing all or a portion of the fuel for combustion at the Conesville steam plant, submit to the Administrator a plant detailing actions to be taken to ensure completion of construction and startup in sufficient time to provide complying fuel for the final compliance date.

(4) 52 weeks from June 19, 1980: Complete engineering and specifications for the coal preparation facility.

(5) 64 weeks from June 19, 1980: Award contract for construction of the coal preparation facility providing incentives to the contractor to expedite the project.

(6) 108 weeks from June 19, 1980: Initiate on-site construction of the new coal preparation facility.

(7) 152 weeks from June 19, 1980: Complete construction of the coal preparation facility.

(8) 52 weeks from June 19, 1980: Submit to the Administrator a continuous monitoring plan detailing the equipment to be installed, equipment locations, and data reduction techniques as well as schedule of installation.

(9) 104 weeks from June 19, 1980: Complete installation and certification of sulfur dioxide monitors on stacks 1, 2 and 3 at the Conesville steam plant.

(10) 152 weeks from June 19, 1980: Complete any necessary boiler modifications to the Conesville steam plant units 1–4.

(j) The Federal compliance schedule for the Portsmouth Gaseous Diffusion Plant in Pike County is set forth in §52.1882(b) except that all references to June 17, 1977 are changed to (the effective date of promulgation).

(k) The Federal compliance schedule for the Ohio Power Company Gavin Power Plant in Gallia County is set forth in §52.1882(b) except that all references to June 17, 1977 are changed to August 25, 1982.

(l) The Federal compliance schedule for the LTV Steel Company, Inc., in Cuyahoga County is as follows:

(1) 6 months from the date of promulgation—Achieve final compliance with §52.1881(b) for all sources except Boilers 26–34, Boilers A through D, and Coke Plant No. 2 Car Thaw.

(2) Achieve final compliance with §52.1881(b) for Boilers 26–34, Boilers A through D, and Coke Plant No. 2 Car Thaw by March 17, 1994.

§52.1883 [Reserved]

§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 applications and other information required pursuant to §52.21 from sources in the State of Ohio shall be submitted to the Director of the
§ 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 the Cleveland/Akron-Lorain area 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 NOX 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 NOX transportation conformity emission budget for Columbiana County.

(14) Approval—EPA is approving the ozone maintenance plan for the Ohio portion of the Cincinnati-Hamilton area that was received by EPA on July 2, 1999, and completed on December 22, 1999. The mobile source budgets for the Ohio portion of the area for the purposes of transportation conformity are now 37.9 tons per summer day of volatile organic compounds and 52.3 tons per summer day of nitrogen oxides for the year 2010.

(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 NOX 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.

(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.


(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 four counties in Ohio 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 following counties in Ohio: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull.

(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) 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.

(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\(_X\); Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull.

(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.

(aa) [Reserved]

(bb) Ohio’s November 7, 1996, request for a one-year attainment date extension for the Ohio portion of the Cincinnati-Hamilton ozone nonattainment area which consists of Hamilton, Butler, Clermont and Warren Counties is approved. The
Environmental Protection Agency

§ 52.1888  [Reserved]

§ 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).


§ 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)

§ 52.1889 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]

(62 FR 47947, Sept. 12, 1997)

§ 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 “Federal Enforcement of 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.


(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.


(b) [Reserved]


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; the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.; or at the Air and Radiation Docket (6102A), Room M1500, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

(c) EPA approved regulations.

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1.4.4. Major Sources—Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas

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Oklahoma Administrative Code, Title 252. Department of Environmental Quality, Chapter 100 (OAC 252:100). Air Pollution Control (Oklahoma Air Pollution Control Rules)

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Subchapter 37. Control of Emissions of Organic Materials


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Part 3. Control of Volatile Organic Compounds

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<td>Storage of volatile organic compounds.</td>
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<td>252:100–37–16</td>
<td>Loading of volatile organic compounds.</td>
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<td>Effluent water separators</td>
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<td>252:100–37–18</td>
<td>Pumps and compressors</td>
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Part 5. Control of Organic Solvents

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<td>252:100–37–25</td>
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<td>252:100–37–26</td>
<td>Clean up with organic solvents.</td>
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Part 7. Control of Specific Processes

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<td>252:100–37–36</td>
<td>Fuel-burning and refuse-burning equipment.</td>
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<td>General applicability</td>
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### Part 3. Petroleum Refinery Operations

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<td>Petroleum refinery equipment leaks.</td>
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<td>252:100–39–16</td>
<td>Refinery process unit turnaround.</td>
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<td>11/03/1999; 64 FR 59629</td>
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<td>252:100–39–17</td>
<td>Refinery vacuum producing system.</td>
<td>05/26/1994</td>
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<td>252:100–39–18</td>
<td>Refinery effluent water separators.</td>
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<td>252:100–39–30</td>
<td>Petroleum liquid storage in external floating roof tanks.</td>
<td>05/26/1994</td>
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### Part 7. Specific Operations

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<td>252:100–39–40</td>
<td>Cutback asphalt (paving)</td>
<td>05/26/1994</td>
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<td>252:100–39–41</td>
<td>Vapor recovery systems</td>
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<td>Metal cleaning</td>
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<td>252:100–39–43</td>
<td>Graphic arts systems</td>
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<td>252:100–39–44</td>
<td>Manufacture of pneumatic rubber tires.</td>
<td>05/26/1994</td>
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<td>252:100–39–45</td>
<td>Petroleum (solvent) dry cleaning.</td>
<td>05/26/1994</td>
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<td>252:100–39–46</td>
<td>Coating of parts and products.</td>
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<td>252:100–39–47</td>
<td>Control of VOS emissions from aerospace industries coatings operations.</td>
<td>05/26/1994</td>
<td>11/03/1999; 64 FR 59629</td>
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<td>252:100–39–48</td>
<td>Vapor recovery systems</td>
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<td>252:100–39–49</td>
<td>Manufacturing of fiberglass reinforced plastic products.</td>
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### Subchapter 43. Sampling and Testing Methods


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<td>252:100–43–1</td>
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<td>11/03/1999; 64 FR 59629</td>
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<td>Conduct of tests</td>
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### Part 3. Specific Methods

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<td>252:100–43–15</td>
<td>Gasoline vapor leak detection procedure by combustible gas detector.</td>
<td>05/26/1994</td>
<td>11/03/1999; 64 FR 59629</td>
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<td>Monitoring equipment required.</td>
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## EPA APPROVED OKLAHOMA REGULATIONS—Continued

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<tr>
<td>Appendix A</td>
<td>Allowable Emissions for Incinerators with Capacities in Excess of 100 lbs/hr.</td>
<td>05/26/1994</td>
<td>11/03/1999, 64 FR 59629</td>
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<td>Appendix B</td>
<td>Allowable Emissions for Incinerators with Capacities less than 100 lbs/hr.</td>
<td>05/26/1994</td>
<td>11/03/1999, 64 FR 59629</td>
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<td>Appendix C</td>
<td>Particulate Matter Emission Limits for Fuel-Burning Equipment.</td>
<td>05/26/1994</td>
<td>11/03/1999, 64 FR 59629</td>
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<td>Appendix E</td>
<td>Primary Ambient Air Quality Standards.</td>
<td>05/26/1994</td>
<td>11/03/1999, 64 FR 59629</td>
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<td>Appendix F</td>
<td>Secondary Ambient Air Quality Standards.</td>
<td>05/26/1994</td>
<td>11/03/1999, 64 FR 59629</td>
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<td>Appendix G</td>
<td>Allowable Rate of Emissions.</td>
<td>05/26/1994</td>
<td>11/03/1999, 64 FR 59629</td>
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### Oklahoma Administrative Code, Title 595. Department of Public Safety, Chapter 20 (OAC 595:20). Inspection and Equipment for Motor Vehicles

<table>
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### 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. |
§ 52.1920  

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Subchapter 11. Annual Motor Vehicle Inspection and Emission Anti-Tampering Inspection Records and Reports

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<td>General Motors, Oklahoma City: Addendum I to Chapter 4, Emissions Offset Agreement for Permit Application.</td>
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<td>03/28/1977</td>
<td>12/20/1977, 42 FR 63781.</td>
<td>Ref: 52.1960(c)(10).</td>
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(d) EPA approved state source-specific requirements.

EPA APPROVED OKLAHOMA SOURCE-SPECIFIC REQUIREMENTS

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(e) EPA approved nonregulatory provisions and quasi-regulatory measures.

EPA APPROVED OKLAHOMA NONREGULATORY PROVISIONS

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<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
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<td>Chapter 1, Abstract</td>
<td>Statewide</td>
<td>10/16/1972</td>
<td>05/14/1973, 38 FR 12696.</td>
<td>Ref: 52.1960(c)(6).</td>
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## EPA APPROVED OKLAHOMA NONREGULATORY PROVISIONS—Continued

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<td>Chapter 4, Control Strategy.</td>
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<td>05/14/1973, 38 FR</td>
<td>Ref: 52.1960(c)(6).</td>
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<td>A. Part D Requirements for Nonattainment areas</td>
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<td>04/02/1979</td>
<td>02/13/1980, 40 FR</td>
<td>Ref: 52.1960(c)(14).</td>
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<td>E. Public notification</td>
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<td>04/02/1979</td>
<td>05/14/1982, 47 FR</td>
<td>Ref: 52.1960(c)(17).</td>
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<td>02/13/1980, 40 FR</td>
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<td>Chapter 10, Intergovernmental Cooperation.</td>
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## EPA APPROVED STATUTES IN THE OKLAHOMA SIP

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1992 Oklahoma Clean Air Act (63 O.S.A. 1992, Sections 1–1801 to 1–1819)
§ 52.1921

EPA APPROVED STATUTES IN THE OKLAHOMA SIP—Continued

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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 5 | Pollution Control Coordinating Board and Department of Pollution Control. | 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. | |

(§§ 52.1923–52.1928 [Reserved])

§ 52.1921 Classification of regions.

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

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<th>Pollutant</th>
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<td>Shreveport-Texarkana-Tyler Interstate</td>
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</table>

§ 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 10887, May 31, 1996)

§ 52.1923–52.1928 [Reserved]

§ 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 (b) through (w) are hereby incorporated by reference, 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.

[56 FR 5656, Feb. 12, 1991]

§ 52.1930 [Reserved]

§ 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 September 1, 1979.

§ 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
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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 26, 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)(1)(a)(3) and 3.4.(c)(1)(C)(1)(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)(1)(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.(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 6, 1984. A letter of clarification on section 1.4.2(f) Cancellation of Authority to Construct VerDate Aug<1,>2002 04:54 Aug 23, 2002 Jkt 197140 PO 00000 Frm 00433 Fmt 8010 Sfmt 8010 Y:\SGML\197140T.XXX pfrm12 PsN: 197140T
or Modify was submitted by the State on February 17, 1984.

(32) [Reserved]

(33) Revision to Regulation 3.1 “Per-
taining to the Control of Smoke, Visi-
ble Emissions and Particulates” sub-
mitted 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 Lim-
itation” and amendments to OAPCR
1.4.2(e) “Public Review” as adopted on
May 8, 1986, and submitted by the Gov-
ernor on April 30, 1986, to meet the re-
quirements 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 Okla-
ahoma Air Quality Service, Oklahoma
State Department of Health.

(35) May 8, 1985, revisions to Okla-
ahoma 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 Indus-
tries Coatings Operations” as adopted by
the Governor on December 5, 1989, and
the Oklahoma Board of Health on February 8, 1990,
and approved by the Governor on Feb-
ruary 12, 1990.

(E) Oklahoma Commissioner of
Health Order issued and effective Feb-
ruary 21, 1990, for Rockwell Inter-
national, Tulsa approving an Alternate
Reasonably Available Control Techno-
logy (ARACT).

(F) Oklahoma Commissioner of
Health Order issued and effective Feb-
ruary 21, 1990, for McDonnell Douglas-
Tulsa approving an Alternate Reason-
ably Available Control Technology
(ARACT).

(G) Oklahoma Commissioner of
Health Order issued and effective Feb-
ruary 21, 1990, for American Airlines
approving an Alternate Reasonably
Available Control Technology
(ARACT).

(H) Oklahoma Commissioner of
Health Order issued and effective Feb-
ruary 21, 1990, for Nordam’s Lansing
Street facility approving an Alternate
Reasonably Available Control Tech-
ology (ARACT).

(ii) Additional material. (A) Rockwell
International Tulsa. (1) The document
prepared by Rockwell International ti-
titled “Rockwell International NAA-
Tulsa Alternate RACT Determination”

(2) The document prepared by Rock-
well titled “Rockwell International NAA-Tulsa Alternate RACT Determin-
ination Supplemental Submittal”
dated November 22, 1989.

(B) McDonnell Douglas. (1) The docu-
ment prepared by McDonnell Douglas-
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(2) The document prepared by American Airlines titled “ARACT/Follow-up Submission” dated November 22, 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)(2)(B), §3.7.5–4(f)(3)(A)(i), §3.7.5–4(f)(3)(B), §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)(A), and §3.7.5–4(f)(5)(B)(vi), §3.7.5–2(a)(6)(A)(i), §3.7.5–2(a)(6)(A)(ii), §3.7.5–2(a)(6)(B), §3.7.5–2(c)(3)(B), §3.7.5–2(c)(3)(C), §3.7.5–2(c)(3)(D), §3.7.5–2(c)(3)(E), §3.7.5–2(c)(3)(F), §3.7.5–2(c)(3)(G), and new §3.7.5–4(f)(i) as amended/adopted 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” §3.7.5–4(f), §3.7.5–4(f)(1)(A), §3.7.5–2(a)(6)(A)(i), §3.7.5–2(a)(6)(A)(ii), §3.7.5–2(a)(6)(A)(iii), §3.7.5–2(a)(6)(B), §3.7.5–2(a)(6)(C) as amended by the Oklahoma State Board of Health on February 8, 1990, and effective May 25, 1990.


(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 “original equipment manufacturer (OEM) or equivalent”.

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(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.


(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, 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)(17), 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.


(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) Revision entitled, “The Oklahoma Small Business Stationary Source Assistance Program, Chapter 11 of the State Implementation Plan, October 13, 1992.”


(i) Incorporation by reference.


(i) Incorporation by reference.


(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.

(A) Enrolled House Bill No. 2227 (Oklahoma Environmental Quality Act), signed into law by the Governor on June 2, 1992, and effective upon signature, authorizing the creation of the Oklahoma Department of Environmental Quality (ODEQ).

(ii) Additional material.

(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(a); 3–42; 3–46(a) and (b); 3–61(a),(b),(c) 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 26, 1991 and submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.


(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.


§ 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.


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.


15. Change to regulations for the Lane Regional Air Pollution Authority submitted on February 13, 1973, 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.


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.


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 (O₃) 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 (O₃) 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 revisions to the SIP designed to satisfy the conditions of approval published by EPA on June 24, 1980 (45 FR 42265).

(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 §38.20.

(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.


(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.
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(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.


(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).


(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).


(55) On July 20, 1982, the State of Oregon Department of Environmental Quality submitted: (i) Carbon monoxide (CO) and ozone (O3) attainment plans for Portland which build upon those plans submitted in June 1979 and (ii) a request to extend the Portland CO and O3 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.


(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.


(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 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


(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.


(66) On October 20, 1982, the State of Oregon Department of Environmental Quality submitted a revision to the
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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.


(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).

(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, 1983.

(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.


(i) Incorporation by reference.

(A) Letter of September 23, 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:


(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)(1) 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.


(G) Section 4.9.4 (Control Strategy) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area.

(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 340–23–315) 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.


(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 O3 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.


(78) On May 30, 1986, the State of Oregon Department of Environmental Quality submitted a new rule, OAR 340–20–237 “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 standard” is determined.

(i) Incorporation by reference.


(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.


(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.
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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.

(B) 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.


(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)(1) (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.


(E) 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,” as adopted as Oregon Administrative Rules, Chapter 340, Division 20, Section 047, as a revision to the 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.

(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.


(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) (Application for a Permit) (1), (4)(b),
and (5); 40 CFR Ch. I (7–1–02 Edition) 40 CFR Ch. I (7–1–02 Edition)

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 –230 (Procedural Requirements) (3)(D) as adopted by the Environmental Quality Commission on June 10, 1988.


(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.


(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 D6323 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.

(B) 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 330 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 (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.


(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, 1989.

(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 340–30–030).

(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.


(i) Incorporation by reference.
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(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 Notify 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.

(D) Oregon Administrative Rules, Chapter 340, Division 21 (General Emission Standards for Particulate Matter in Chapter 340—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.

(E) Oregon Administrative Rules, chapter 340, Division 25 (General Emission Standards for Particulate Matter) section 305 (Definitional); 310 (On-Site Construction); 315 (Laboratory Standards); 320 (Notification and Resolution); 325 (Determination of Air Quality) as adopted by the Environmental Quality Commission on November 8, 1991 and effective on November 13, 1991.


(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.

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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.

(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 February 14, 1991, and state effective on February 14, 1991.
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(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 (Requirements 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 Sources); –067 (Rebuilt Sources); –115 (Dual Fuel Feasibility Study for Wood-Waste Boilers); –200 (Application), –205 (Compliance Schedule for Existing Sources), –210 (Wood-Waste 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 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 (Wood-Waste 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.


(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.


(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.


(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.


(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 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.


(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.


(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.


(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.


(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 the Regional Administrator of EPA submitting amendments to the Oregon SIP.  


(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.  

(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).  

(A) EPA received on May 28, 1993, two letters from the Director, ODEQ, to the Regional Administrator, EPA, submitting 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).  

(i) Incorporation by reference.  

(A) October 27, 1993 letter from the Director of ODEQ to the Regional Administrator of EPA submitting a revision to the Oregon SIP, Vehicle Inspection and Maintenance Program.  

(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.  


(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).  

(A) EPA received on May 28, 1993, two letters from the Director, ODEQ, to the Regional Administrator, EPA, submitting 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).  

(i) Incorporation by reference.  

(A) October 27, 1993 letter from the Director of ODEQ to the Regional Administrator of EPA submitting a revision to the Oregon SIP, Motor Vehicle Inspection Program Fee Schedule.  

all references to total reduced sulfur, effective January 24, 1990.


(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.

(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.

(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).

(i) A minor revision consisting of clarification of existing air quality standards. 456
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.


(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.


(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.


(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 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.


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(C) OAR 340-30-111, effective September 26, 1989.


(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 O₃ and requested redesignation of the Pdx/Van interstate nonattainment area from nonattainment to attainment for O₃. The SIP revision requests were submitted by the WDOE on June 13, 1996, and by ODEQ on August 30, 1996. A number of other O₃ supporting revisions were included in this submittal, such as: the 1990 O₃ 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); PSRL 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.


(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 Structural, 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 Structural, 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 Structural’s 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.


(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 340–029–0047 (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 to 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.


(124) On October 30, 1997 the director of the Oregon Department of Environmental Quality (ODEQ) submitted a source specific Reasonable Available
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Control Technology (RACT) determination as a SIP revision for VOC emissions and standards.

(i) Incorporation by reference.


(125) On June 1, 1995 and January 22, 1997, the Director of ODEQ submitted to the Regional Administrator of EPA revisions to Division 30 and revisions to Divisions 20, 21, 22, 25, and 30.

(ii) Incorporation by reference.


(i) Incorporation by reference.


(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.


(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.


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(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 340-022-120; OAR 340-022-125; OAR 340-022-130; OAR 340-022-170; OAR 340-022-175; OAR 340-022-180; 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.


(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 340-022-0110 (130), 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.


(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...
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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 32–085, 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 33–065, Section 33–070(1)(A), 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 32–035, 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 9–14–62; 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.


(G) Union County Ordinance #1992–4 effective July 1, 1992.


(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
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5.2.4.2 and section 5.2.5.1 introductory paragraph)


(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.


[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 on GPO Access.

§ 52.1971 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
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</table>

[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 maintenance of the national standards under section 110 of the Clean Air Act.

[55 FR 28958, May 10, 2000]

§ 52.1973–52.1976 [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.

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§52.1978–52.1981 [Reserved]

§52.1982 Control strategy: Ozone.

(a) Part D—Approval. (1) The Salem/Portland and Medford/Ashland 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 340-22-170(5) 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]

§52.1983–52.1984 [Reserved]

§52.1985 Rules and regulations.

(a) Part D—Approval. The Oregon VOC regulations (OAR 340-22-100 through 220) covering Groups I and II Control Technique Guidelines are approved with the following clarifications:

(1) The paper coating rule is RACT. Due to enforceability questions introduced by the last sentence of OAR 340-22-170(5) EPA is approving this rule with the exception of the last sentence.

(2) EPA approval of OAR 340-22-170(5) is with the understanding that DEQ source test method 24 will be used to determine compliance.

(3) EPA approval of OAR 340-22-170(5) is with the understanding that compliance determinations will be based on methods approved as part of the SIP.


§52.1986 [Reserved]

§52.1987 Significant deterioration of air quality.

(a) The Oregon Department of Environmental Quality rules for prevention of significant deterioration of air quality in OAR Chapter 340, Division 28, as effective on October 22, 1986, and OAR Chapter 340, Division 31, as effective on July 12, 1985, are approved as meeting the requirements of part C.

(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 of §52.21 (b) through (w) are hereby incorporated and made part of the applicable plan for Indian reservations in the State of Oregon.


§52.1988 Air contaminant discharge permits.

(a) Emission limitations and other provisions contained in Air Contaminant Discharge Permits and Federal Operating Permits issued by the State in accordance with the provisions of the OAR Chapter 340, Division 28, Stationary Source Air Pollution Control
and Permitting Procedures incorporated by reference in §52.1970, except for compliance schedules under OAR 340–28–700 and alternative emission limits (bubbles) under OAR 340–28–1030 for sulfur dioxide or total suspended particulates which involve trades where the sum of the increases in emissions exceeds 100 tons per year, shall be the applicable requirements of the federally-approved Oregon SIP (in lieu of 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 650, 660 (except for 660(6) “Plant Site Emission Limits for Sources of Hazardous Air Pollutants” and 660(8) “Alternative Emission Controls (Bubble”), and 670) and the rules applicable to sources required to have air contaminant discharge permits (ACDP) (Title 34, Sections 690 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.


Subpart NN—Pennsylvania

§52.2020 Identification of plan.

(a) Title of plan: “Pennsylvania’s Implementation Plan.”

(b) The plan was officially submitted on January 27, 1972.

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

1. Regulations 121, 123, 127, 129, 131, 135, 137, 139, and 141 of the Pennsylvania Code of Regulations submitted March 17, 1972, by the Pennsylvania Department of Environmental Resources.

2. Air Quality Data for three additional months regarding Reading Air Basin SO₂ strategy submitted March 27, 1972, by the Pennsylvania Department of Environmental Resources.

3. Miscellaneous non-regulatory additions and clarifications to the plan submitted on May 4, 1972, by the Pennsylvania Department of Environmental Resources.

4. “An Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards for Allegheny County, Commonwealth of Pennsylvania, 1980”, and Article XX (which replaces Article XVIII), which were submitted on December 24, 1980.

5. Non-regulatory additions to plan regarding Allegheny County Source Surveillance regulations submitted on June 20, 1972, by the Pennsylvania Department of Environmental Resources.

6. Miscellaneous non-regulatory additions to the plan submitted August 14, 1972, by the Pennsylvania Department of Environmental Resources.

7. Revision to Philadelphia Air Management Services regulations submitted November 3, 1972, by the Governor.

8. Revision to compliance schedules for Clairton Coke Works in Allegheny County submitted December 14, 1972, by the Governor.


10. [Reserved]

11. Amendments to Philadelphia Air Management Services regulation number 3 submitted April 15, 1974, by the Governor.

12. Amendments to Philadelphia Air Management Services regulations numbers 1, 2 and 11 submitted May 28, 1974, by the Governor.

13. Process factor for glass production furnaces submitted on December 26, 1974, by the Pennsylvania Department of Environmental Resources.

14. Amendments to Chapters 123 (section 123.24) and 139 (section 139.13), controlling zinc smelter operations; submitted on August 7, 1975 by the Pennsylvania Department of Environmental Resources.

15. A revision submitted by the Commonwealth of Pennsylvania on August
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11. 1976 amending Title 3 of the Philadelphia Code, Subsection 3–103, Enforcement; Subsection 3–301, Powers and Duties of the Department of Public Health; and Subsection 3–305 Orders.

(16) Revisions submitted by the Commonwealth of Pennsylvania on December 11, 1972 amending regulations for the powers and duties of the Department of Environmental Resources, the Environmental Quality Board and the Environmental Hearing Board.

(17) Amendment to Article XVIII, Rules and Regulations of the Allegheny County Health Department, Sections 1800 (Definitions) and 1813 (Air Pollution Emergency Episode Regulations). These amendments were submitted on May 15, 1978 by the Department of Environmental Resources.

(18) Amendments to Title 3, Section 3–207 (Sale of Fuel Oil) of the Philadelphia Code pertaining to Philadelphia County and to Title 25, Part I, Subpart C, Article III, Chapter 121 (Definitions) and Chapter 123 (Standards for Contaminants, Sulfur Compound Emissions) of the Pennsylvania Code pertaining to Bucks, Chester, Delaware, and Montgomery Counties submitted on July 31, 1978 by the Governor.

(19) Amendments to Chapters 121 ($121.1), 123 ($123.1, 123.13, 123.44), 127 ($127.41 through 127.52, inclusive), 129 ($129.15 and 129.16), and 139 ($139.51, 139.52, 139.53 and 139.61), dealing with the control of coke oven battery operations; submitted on June 30, 1978 by the Pennsylvania Department of Environmental Resources.

(20) Amendments to Chapters 121 ($121.1), 123 ($123.22(b) and 123.45), and 139 ($139.3, 139.4, 139.13, 139.16, 139.101, 139.102, 139.103, 139.104 and 139.105), dealing with sulfur dioxide emissions from fuel-burning installations, only as they apply to sources in the Erie air basin; submitted on April 24, 1979 by Governor Thornburgh.

(21) A revision submitted by the Commonwealth of Pennsylvania on September 20, 1978 to clarify terms and intent of Chapter 121 (relating to general provisions), Chapter 123 (relating to standards for contaminants) and Chapter 129 (relating to standards for sources).

(22) The “1979 State Implementation Plan (SIP) Submission for the attainment of the Photochemical Oxidant Standard in Pennsylvania” and “Regulations for Volatile Organic Compounds” amending Chapters 121, 129, and 139 of the Pennsylvania Code submitted on April 24, 1979, by the Governor.

(23) Transportation elements of the SIP for Philadelphia, Pittsburgh, Allentown-Bethlehem-Easton, and Scranton areas and commitment to implement vehicle inspection and maintenance in Lehigh and Northampton Counties submitted on June 7, 1979, by the Governor.

(24) Transportation element of the SIP for the Wilkes-Barre area submitted on June 8, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(25) Total Suspended Particulate, State Implementation Plan for Pennsylvania, submitted on June 12, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(26) Special Permit Requirements for Sources Locating in or Significantly Impacting Nonattainment Areas and a revision of Sampling and Testing methods for total suspended particulate amending Chapters 121, 127, and 139 of the Pennsylvania Code submitted on June 12, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(27) Transportation element for the Harrisburg area submitted on June 13, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(28) Allegheny County Volatile Organic Compound Regulations amending Chapters I, II, and V of Allegheny County Regulations submitted on June 13, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(29) Documentation of the status of transportation/air quality measures in a letter of August 20, 1979 from the Lackawanna County Planning Commission.

(30) Information from the Southwestern Pennsylvania Regional Planning Commission of September 17, 1979 on the calculation of emission estimates and the status of certain transportation measures.
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(31) Reclassification of several transportation measures in the transportation/air quality study for the Allentown-Bethlehem-Easton area, submitted by the Commonwealth on November 19, 1979.

(32) Substantiation of TSP planning and attainment schedules submitted by the Commonwealth on November 28, 1979.

(33) A revision submitted by the Commonwealth of Pennsylvania on August 11, 1976 consisting of an amendment to the Pennsylvania Air Resources Regulations, Chapter 129, Standards for Sources, which relates to open burning.

(34) A revision was submitted by the Commonwealth of Pennsylvania on January 25, 1980, which is intended to establish an Ambient Air Quality Monitoring Network for the Commonwealth of Pennsylvania and the City of Philadelphia.

(35) Amendments to the Pennsylvania Air Resources Regulations, consisting of the addition of regulations for alternative emission reduction limitations (Sections 128.11 through 128.13 for Andre Greenhouses, Inc., and Section 128.14 for the 3M Co.), submitted on April 16, 1981.

(36) A revision submitted by the Commonwealth of Pennsylvania on April 9, 1981 providing for attainment of the SO₂ NAAQS in portions of Armstrong County, Pennsylvania.

(37) A revision submitted by the Commonwealth of Pennsylvania on June 5, 1980, consisting of amendments to Philadelphia’s Air Management Regulations II and III, allowing a limiting resumption of industrial coal burning.

(38) A revision submitted by the Commonwealth of Pennsylvania on December 24, 1980 which is intended to establish an Ambient Air Quality Monitoring Network for Allegheny County.

(39) Amendments consisting of minor regulatory changes to Article III of the Pennsylvania Rules and Regulations for Air Resources governing Volatile Organic Compounds (VOC) emissions was submitted by the Commonwealth of Pennsylvania on December 16, 1980.

(40) A revision submitted by the Commonwealth of Pennsylvania on November 10, 1980 dividing the Beaver Valley Air Basin into an Upper Beaver Valley Air Basin and Lower Beaver Valley Air Basin and revising chapters 121 and 123.


(43) Amendments to Air Management Regulations II and III, with supporting documents, submitted by Governor Dick Thornburgh on December 8, 1981, allowing the continued burning of anthracite coal in existing space heating units currently burning coal.

(44) [Reserved]

(45) Revisions submitted to the Commonwealth of Pennsylvania on February 23, 1982 to correct the conditionally-approved portions of the 1979 State Implementation Plan, specifically the two asphalt regulations in Allegheny County.

(46) A revision submitted by the Acting Secretary of the Pennsylvania Department of Environmental Resources on December 9, 1981, which would add an expanded ridesharing program in the Delaware Valley.

(47) Revisions submitted on July 27, 1981, August 12, 1981, and September 15, 1981, by the Pennsylvania Department of Environmental Resources (DER), which will limit the automobile emission Inspection and Maintenance Program to the urbanized areas of the Pittsburgh and Allentown-Bethlehem-Easton regions.


(49) Group IVOC regulations, a revision of the Air Episode Regulations,
and an increase in Permit Fees, for Allegheny County, Pa. These revisions were submitted by Secretary Peter S. Duncan on February 23, 1982.

(50) Regulations and supporting documents implementing an SO$_2$ bubble plan for the U.S. Steel Homestead and Edgar Thomson Works in Allegheny County, PA. submitted by Secretary Peter S. Duncan on February 23, 1982.

(51) Regulations and supporting documents implementing a TSP bubble plan for U.S. Steel Corporation’s Fairless Works in Fairless Hills, PA., submitted by the Secretary of the Pennsylvania Department of Environmental Resources on January 6, 1983.

(52) Regulations and supporting documents implementing a TSP bubble plan for Bethlehem Steel Corporation’s plant in Bethlehem, PA., submitted by the Secretary of the Pennsylvania Department of Environmental Resources on December 30, 1982.

(53) Pennsylvania submittal dated September 23, 1982 deleting more stringent sulfur in residual oil requirements for the Upper Beaver Valley Air Basin which would have become effective August 1, 1982 and adding provisions for public notification of air quality levels.

(54) Revisions submitted by the Commonwealth of Pennsylvania on June 30, 1982 consisting of alternative emission reduction plans for Scott Paper Company in Chester, PA., Arbogast and Bastian, Inc., in Allentown, PA., and J. H. Thompson, Inc., in Kennett Square, PA.

(55) Regulations and supporting documents implementing an SO$_2$ bubble plan for U.S. Steel Corporation’s Fairless Works in Fairless Hills, PA. submitted by the Secretary of the Pennsylvania Department of Environmental Resources on July 7, 1983.

(56) A State Implementation Plan for the control of lead (Pb) emissions in Allegheny County was submitted on September 6, 1983.

(57) A State Implementation Plan for the control of lead (Pb) emissions in Allegheny County was submitted on September 6, 1983 by the Secretary of Environmental Resources.

(58) Revision to Article XX of the Allegheny County SIP were submitted by the Secretary of the Pennsylvania Department of Environmental Resources on September 6, 1983.

(59) A State Implementation Plan for the control of lead (Pb) emissions in Allegheny County was submitted on September 6, 1983 by the Secretary of Environmental Resources.

(60) Amendments consisting of minor regulatory changes to Article III of the Air Resources Regulations that amend Chapters 121, 123, 127, 129, 131, 139, and 141 was submitted by the Commonwealth of Pennsylvania on September 23, 1983.

(61) A State Implementation Plan for the control of lead (Pb) emissions in Allegheny County was submitted on September 23, 1983.

(62) A State Implementation Plan for the control of lead (Pb) emissions in Allegheny County was submitted on September 23, 1983 by the Secretary of the Pennsylvania Department of Environmental Resources.


(64) [Reserved]

(65) An amendment to Philadelphia Air Management’s Regulation VII, submitted by the Secretary of the Pennsylvania Department of Environmental Resources on March 28, 1986. The amendment exempts fuel burning units installed before June 1, 1984. The amendment amends the provisions of Regulation VII (Control of Emissions of Nitrogen Oxides from Stationary Sources).

(66) A revision to the Pennsylvania State Implementation Plan adopting a Motor Vehicle Emissions Inspection and Maintenance Program submitted by the Secretary of the Pennsylvania
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Department of Environmental Resources on June 24, 1985 and an amendment submitted March 13, 1986 by the Chief, Division of Air Resource Management, Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources.

(i) Incorporation by reference.

(A) Title 75, sections 4703 (a) and (h) and 4706 of the Purdon’s Pennsylvania Consolidated Statutes Annotated and Title 67, Pennsylvania Code sections 175.41, 177.21, 177.31, 177.32, 177.35, 177.39 and 177.61.

(B) Bureau of Air Quality Control, Department of Environmental Resources, State Implementation Plan, Revision for Ozone for I/M, dated June 17, 1985 and the letter to EPA, dated March 13, 1986.

(67) Amendment to section 512.G. Extensions, of Article XX, Rules and Regulations of the Allegheny County Health Department providing authority to grant compliance date extensions for surface coating and graphic arts sources, submitted by DER Secretary Nicholas DeBenedictis on August 13, 1985.

(i) Incorporation by reference.

(A) Letter of August 13, 1985 to EPA from the Pennsylvania Department of Environmental Resources, and Appendix 22, Amendment to section 512.G., Allegheny County portion of the Pennsylvania State Implementation Plan (extension of final air pollution compliance dates for surface coating and graphic arts) adopted by the Board of County Commissioners of June 27, 1985.

(68) Revision to the Pennsylvania State Implementation Plan dated February 13, 1985, which implements two VOC offset transactions between Paramount Packaging Corporation and National Can Corporation and between Fres-co Systems USA, and National Can Corporation.

(i) Incorporation by reference.

(A) Pennsylvania Department of Environmental Resources, Order for the External Transfer of Banked Emissions #85–524, signed on March 1, 1985.

(B) Pennsylvania Department of Environmental Resources, Order for the External Transfer of Banked Emissions #86–525, signed on March 1, 1985.


(i) Incorporation by reference. (A) The entire permit (No. 04–313–052) and plan approval; issued and effective December 9, 1986.


(i) Incorporation by reference. (A) The entire permit (No. 39–313–014) and plan approval; issued and effective December 10, 1986.

(73) Good engineering practice stack height regulations were submitted by the Secretary, Pennsylvania Department of Environmental Resources on July 19, 1988.

(i) Incorporation by reference. (A) Letter from the Pennsylvania Department of Environmental Resources

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(B) Amendments to Pennsylvania regulations, title 25, part I, subpart C, article III; chapters 121 (definitions) and 141 (variances and alternate standards) adopted May 14, 1988.

(ii) Additional materials.
(A) Remainder of the State submittal including the letter of commitment dated March 11, 1986, from the Department of Environmental Protection stating that new source review shall be conducted in accordance with the good engineering practice requirements of 40 CFR part 51.

(74) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on January 11, 1991.


(B) Amendment to 25 Pa. Code Chapter 123.51 “Monitoring Requirements”, concerning continuous nitrogen oxides monitoring, effective October 20, 1990.

(ii) Additional materials. (A) Remainder of the State Implementation Plan revision request submitted by the Pennsylvania Department of Environmental Resources on January 11, 1991.

(75) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on January 8, 1991.


(B) Revisions to Pennsylvania Department of Environmental Resources’ Air Quality Regulations, §137.3, subsections (2), (3), (4), and introductory paragraph, effective June 9, 1990.


(76) Revisions to the State Implementation Plan (SIP) submitted by the Pennsylvania Department of Environmental Resources (PADER) on January 11, 1991.

(i) Incorporation by reference.
(A) A letter from PADER dated January 11, 1991 submitting a revision to the Pennsylvania SIP.

(B) Title 25 PA. Code, Chapter 121, Section 121.1—Definition of VOC.

(77) Revision to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on February 23, 1987, at the request of Philadelphia Air Management Services.

(i) Incorporation by reference.

(B) Regulation V, Section I, “Definitions” for the terms Petroleum Solvents and Petroleum Solvent Dry Cleaning; and Section XI, “Petroleum Solvent Dry Cleaning” effective November 28, 1986.


(C) Compliance Guidelines for Philadelphia Air Management Regulation V, Section XIII. The effective date of the compliance guidelines submitted is May 23, 1988.

(ii) Additional materials. (A) Remainder of the May 23, 1988 State submittal.

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated August 15, 1991 submitting revisions to the Pennsylvania State Implementation Plan, pertaining to Chapters 121 and 129 of the Pennsylvania regulations pertaining to Stage I vapor recovery, surface coating, graphic arts, deletion of the generic bubble regulation, recordkeeping, gasoline marketing, pharmaceutical products, and compliance schedules.

(B) The definitions of bulk gasoline plant, bulk gasoline terminal, clear coat, and miscellaneous metal parts and products found in Chapter 121.1, Chapter 129.51 (a) (1) through (6), (b), and (c), Chapter 129.52 (a) through (e), Table I, 10.(a) topcoats for locomotives and heavy-duty trucks and 10.(b) hopper cars and tank car interiors, deletion of Chapter 129.53 (now reserved), Chapter 129.54, Chapter 129.59, Chapter 129.60, Chapter 129.61, Chapter 129.66, Chapter 129.67, and Chapter 129.68 published in the Pennsylvania Bulletin dated August 3, 1991 (Vol. 21, no. 31, pages 3406–3416). These regulations were made effective on August 3, 1991.

(80) Revision to the Allegheny County portion of the Pennsylvania State Implementation Plan submitted on July 13, 1987, which consists of the addition of an installation permit (86-I-0024-P) which defines and imposes RACT to control VOC emissions from air oxidation processes at the Aristech Chemical Corporation plant on Neville Island.

(i) Incorporation by reference.

(A) A letter from the Pennsylvania Department of Environmental Resources dated July 13, 1987, submitting revisions to the Allegheny County portion of the Pennsylvania ozone State Implementation Plan.

(B) The original permit (86-I-0024-P), issued and effective August 28, 1986, and the modification and amendments to the original permit, issued and effective March 3, 1987.

(81) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on January 11, 1991.

(i) Incorporation by reference.


(B) The following revised regulations, effective October 27, 1990: Sections 121.1 (Definitions of “combustion efficiency,” “incinerator,” “municipal waste,” “municipal waste incinerator,” and “resource recovery unit” only); 123.25 (b), (c), and (e); 129.18 (entire section); 139.101 (7), (16) and introductory paragraph; 139.103(2); 139.104(2); 139.111 (1), (2), (3).

(ii) Additional material.

(A) Remainder of the January 11, 1991 State submittal.

(82) Revision to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on February 23, 1987 at the request of Philadelphia Air Management Services.

(i) Incorporated by reference.


(B) Regulation V, Section I, “Definitions” for the term Pharmaceutical Tablet Coating; and Section XII, “Pharmaceutical Tablet Coating” only.


(83) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on February 23, 1987.

(i) Incorporation by reference.


(B) A revision to Section I—Definitions—for the term Volatile Organic
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Compound (VOC) of Philadelphia Air Management Regulation V “Control of Emissions of Organic Substances from Stationary Sources.” The effective date is November 28, 1986.

(C) The addition of Section X—Compliance with Pennsylvania Standards for VOC to Philadelphia Air Management Regulation V. The effective date is November 28, 1986.


(84) Revisions to the Pennsylvania Air Pollution Control Regulations submitted on November 13, 1991, by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.


(B) Title 25 Pa. Code, chapter 121, section 121.1 (Definition of “Organic Liquid Cargo Vessel” only) and chapter 129, section 129.81 (Organic Liquid Cargo Vessel Loading and Ballasting), effective September 28, 1991.

(ii) Additional material.

(A) Remainder of the November 13, 1991, State submittal.

(85) Revisions to the Pennsylvania Regulations submitted on October 16, 1991, by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated October 16, 1991 transmitting revisions to the Allegheny County portion of the Pennsylvania State Implementation Plan.

(B) Revisions to the following provisions of Article XX, Rules and Regulations of the Allegheny County Health Department, section 501–512 effective August 26, 1991:

(1) Section 101–Added definitions for the following terms: capture efficiency, potential uncontrolled emission rate, and transfer efficiency; revised and renumbered definitions for the following terms: bulk gasoline plant, bulk gasoline terminal, clear coat, miscellaneous metal parts and products, and volatile organic compound (VOC).

(2) New Section 501 added; existing Section 510 deleted.

(3) Section 504 (entire section).

(4) Section 505, subsections A, B, and D, and Table I.

(5) Section 507, subsection B.

(6) Section 508, subsections C, D, E, G, and H.

(7) Section 512–New subsection A (added), subsection B (former subsection H); existing subsections A–G and I are deleted.

(8) Section 531, subsections A, B, and C.

(9) Section 534, subsections B and C.

(10) Deletion of Section 506 that was in effect before August 26, 1991.

(86) Revisions to the Pennsylvania Regulations for reasonably available control technology (RACT) to control fugitive organic chemical manufacturing industries, Article XX of the Rules and Regulations of the Allegheny County Health Department, section 534 and 605 I submitted on July 13, 1987, by the Pennsylvania Department of Environmental Resources (DER):

(i) Incorporation by reference.

(A) Letter of July 13, 1987, from the Pennsylvania Department of Environmental Resources transmitting regulations for the control of “Synthetic Organic Chemical and Polymer Manufacturing-Fugitive Sources” and the associated test method, EPA method 21.

(B) Article XX, of the Rules and Regulations of the Allegheny County Health Department, section 534 and 605 I, effective June 10, 1987.

(87) Revisions to the Pennsylvania State Implementation Plan submitted on March 29, 1993, by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of March 22, 1993, from the Pennsylvania Department of Environmental Resources transmitting plan approval no. 46–326–001A and operating permit no. 46–326–001A for Knoll Group, P.O. Box 157, East Greenville, PA.

(B) Plan approval no. 46–326–001A and operating permit no. 46–326–001A which consist of emission standards, operating conditions and recordkeeping requirements applicable to Knoll Group, a wood furniture surface coater located
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in Montgomery County, PA, which is in the Philadelphia severe ozone non-attainment area. These requirements together are being approved as reasonably available control technology (RACT) for this wood furniture surface coater. The effective date of the plan approval and the operating permit is March 24, 1993.

(ii) Additional material.

(A) Remainder of March 29, 1993, Pennsylvania submittal consisting of a Background Information document prepared by Pennsylvania in support of the RACT proposal for Knoll, an evaluation of control options performed for Knoll by a contractor, public comments and responses, and a chart and computer diskette (LOTUS 1-2-3) showing how RACT calculations will be performed.

(B) Revisions to the Pennsylvania Regulations for an oxygenated gasoline program submitted on November 12, 1992 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of November 12, 1992 from the Pennsylvania Department of Environmental Resources transmitting the oxygenated gasoline regulation as a SIP revision.

(B) Revisions to 25 PA Code Chapter 121, General Provisions, section 121.1 Definitions and the addition of section 126.1 Oxygenate Content of Gasoline to 25 PA Code Chapter 126, Standards for Motor Fuels. These revisions became effective August 29, 1992.

(C) The correction in 25 PA Code Chapter 121, General Provisions, section 121.1 Definitions in the definition of "oxygenated gasoline". This correction became effective October 24, 1992.

(ii) Additional Material.

(A) Remainder of Pennsylvania State submittal.

(B) [Reserved]

(B) Revisions to the following sections of Article XX of Allegheny County Health Department Rules and Regulations, effective August 22, 1992:

(1) Section 101, Definitions (definition of "PM10").

(2) Section 109, Ambient Air Quality Standards.

(3) Section 527, Areas Subject to Sections 521 through 526 (various fugitive dust measures).

(4) Section 613, Ambient Measurements.

(5) Section 704, Episode Criteria.

(6) Section 801, Definitions. (Definitions of "Attainment area," "Non-attainment area," "Significant air quality impact," and "Unclassified area")

(7) Appendix 1, Attainment, Unclassifiable and Nonattainment Areas of Allegheny County: deleted.

(ii) Additional material.

(A) Remainder of the November 8, 1988 submittal pertaining to the Allegheny County portion of the Pennsylvania SIP to adopt the PM-10 NAAQS.
and fulfill other Group III requirements.

(91) Revisions to the Allegheny County portion of the Pennsylvania SIP to reduce PM–10 emissions and visible emissions from several categories of fugitive dust sources, submitted on December 31, 1992 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.
(A) Letter of December 31 1992 from the Pennsylvania Department of Environmental Resources transmitting revisions to Article XX of Allegheny county Health Department Rules and Regulations.
(B) Revisions to the following sections of Article XX of Allegheny County Health Department Rules and Regulations, effective November 1, 1992.
(1) Section 402, Particulate Mass Emissions (Paragraph A—Fuel Burning or Combustion Equipment)
(2) Section 520, Coke Ovens (Paragraph J—Compliance Schedule)
(3) Section 521, Permit Source Premises.
(4) Section 521.1, Non-Permit Source Premises.
(5) Section 523, Permit Source Transport.
(6) Section 523.1, Non-Permit Source Transport.
(7) Section 524, Construction and Land Clearing.
(8) Section 527, Areas Subject to Sections 521 through 526.
(9) Section 602, Particulate Matter (test methods).
(10) Section 606, Visible Emissions (measurement).
(11) Section 607, Coke Oven Emissions (measurement).
(12) Section 608, Coke Oven Gas (measurement of hydrogen sulfide content).

(ii) Additional material.
(A) Remainder of the December 31, 1992 submittal pertaining to the Allegheny County portion of the Pennsylvania SIP to reduce PM–10 emissions and visible emissions from several categories of fugitive dust sources.

(92) Revisions to the Allegheny County portion of the Pennsylvania SIP to reduce PM–10 emissions including the newly created Allegheny County Article XXI which both revised and added emission reduction requirements for certain industrial boilers, various emission points at US Steel’s Clairton Coke Works and the Glassport Transportation Center, new definitions related to coke oven gas emissions, and new test methods for particulate matter; submitted by the Pennsylvania Department of Environmental Resources on January 6, 1994 and effective February 1, 1994.

(i) Incorporation by reference.
(A) Letter of January 6, 1994 from the Pennsylvania Department of Environmental Resources transmitting Article XXI of Allegheny County Health Department Rules and Regulations.
(B) The newly created Article XXI of Allegheny County Health Department Rules and Regulations in its entirety, effective February 1, 1994.
(1) Part A (sections 2101 et seq.), General, reserved in part:
(i) Section 2101. Short Titles.
(ii) Section 2101.3, Effective Date and Repealer.
(iii) Section 2101.20, Definitions.
(2) Part B (sections 2102 et seq.), Installation Permits, reserved.
(3) Part C (sections 2103 et seq.), Operating Permits and Licenses, reserved.
(4) Part D (sections 2104 et seq.), Pollutant Emission Standards, reserved in part.
(i) Section 2104.6, Particulate Mass Emissions, replaces section 402 of Article XX.
(5) Part E (sections 2105 et seq.), Sources Emission and Operating Standards, reserved in part.
(i) Section 2105.21, Coke Ovens and Coke Oven Gas, replaces section 520.B. through 520.J. and section 530 of Article XX.
(ii) Section 2105.49, Fugitive Emissions, replaces section 528 of Article XX.
(6) Part F (sections 2106 et seq.), Air Pollution Episodes, reserved.
(7) Part G (sections 2107 et seq.), Methods, reserved in part:
(i) Section 2107.1, General.
(ii) Section 2107.2, Particulate Matter.
(8) Part H (sections 2108 et seq.), Compliance, reserved.
(9) Part I (sections 2109 et seq.), Enforcement, reserved.
(ii) Additional material.
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(A) Remainder of the January 6, 1994 State submittal.
(93) [Reserved]
   (i) Incorporation by reference.
   (A) A letter of August 19, 1992, from PADER transmitting a state implementation plan revision which corrects deficiencies and adds requirements for the control of VOCs from surface coating, pneumatic rubber tire manufacturing, graphic arts and synthetic organic chemical manufacturing industry equipment leaks.
   (B) 25 Pa Code, Chapter 121, §121.4; and 25 Pa Code, Chapter 129, §§129.51, 129.52, 129.62, 129.66, 129.67, 129.69, 129.71 and 129.72, submitted on August 19, 1992 and effective on May 23, 1992.
(95) [Reserved]
(96) Revisions to the Commonwealth of Pennsylvania Regulations State Implementation Plan submitted on November 12, 1992 by the Pennsylvania Department of Environmental Resources:
   (i) Incorporation by reference.
   (A) Letter dated November 12, 1992 from the Pennsylvania Department of Environmental Resources transmitting a revised regulation to establish emission statements requirements annually for sources of nitrogen oxides and volatile organic compounds.
   (B) Revisions to amend 25 Pa. Code, specifically to include section 135.5 and section 135.21. Effective on October 10, 1992.
(97) Revisions to the Pennsylvania State Implementation Plan submitted by the Secretary, Pennsylvania Department of Environmental Protection on December 31, 1992.
   (i) Incorporation by reference.
   (A) Letter dated December 31, 1992 from the Pennsylvania Department of Environmental Protection, submitting a revision to the Allegheny County portion of the Pennsylvania State Implementation Plan.
   (B) Addition of new section E to the Allegheny County Health Department—Bureau of Air Pollution Control (ACHD) Rules and Regulations, Article XX, Chapter II (Inspections, Reporting, Tests and Monitoring), §202 (Reporting Requirements) were effective on October 8, 1992. This revision consists of an emission statement program for stationary sources which emit volatile organic compounds (VOCs) and/or nitrogen oxides (NOx) at or above specified actual emission threshold levels. This program applies to stationary sources within the county of Allegheny.
   (ii) Additional material.
   (A) Remainder of December 31, 1992 state submittal pertaining to Pennsylvania Emission Statement Program.
(98) Revisions to the Pennsylvania Regulations Chapter 129.91 submitted on January 6, 1995 by the Pennsylvania Department of Environmental Resources:
   (i) Incorporation by reference.
   (A) Two letters both dated January 6, 1995 from the Pennsylvania Department of Environmental Resources transmitting source-specific VOC and/or NOx RACT determinations in the form of plan approvals and/or operating permits for the following sources: ESSROC Materials, Inc. (Northampton Co.)—cement manufacturer; Pennsylvania Power & Light—Brunner Island SES (York Co.)—utility, PPG Industries, Inc. (Cumberland Co.)—glass manufacturer; Stroehmann Bakeries, Inc. (Dauphin Co.)—bakery; GE Transportation Systems (Erie Co.)—utility; J.E. Baker/DBCA Refractory Facility (York Co.)—dolomitic refractory facility; Lafarge Corp. (Lehigh Co.)—cement manufacturer; West Penn Power Company—Armstrong Power Station (Armstrong Co.), utility. In addition, the plan approval for Plain n’ Fancy Kitchens, Inc. (Lebanon Co., kitchen cabinet surface coating) containing provisions limiting this source as a synthetic minor source (below RACT threshold level of 50 TPY potential VOC emissions) is being approved.
   (B) Plan approvals (PA), Operating permits (OP):
   (I) ESSROC Materials, Inc.—PA 48–0004A, effective December 20, 1994, except conditions (7)(a), (7)(b), (7)(d), (8)(a), (8)(b), (8)(d), (10), (16) through (19) pertaining to particulate matter or SO2 requirements and condition (25)(d)
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and (e) pertaining to compliance date extensions, and the expiration date of the plan approval.

(2) Pennsylvania Power & Light—Brunner Island SES—PA 67-2005, effective December 22, 1994, except condition 2.d. and e. pertaining to compliance date extensions, and the expiration date of the plan approval.

(3) PPG Industries, Inc.—OP 21–2002, effective December 22, 1994, except the expiration date of the operating permit.

(4) Stroehmann Bakeries, Inc.—PA 22-2003, effective December 22, 1994, except condition 9.d. and e. pertaining to compliance date extensions and the expiration date of the plan approval.

(5) GE Transportation Systems—Erie—OP 25–225, effective December 21, 1994, except for condition 9 pertaining to pollutants other than VOC and NOX.


(7) Lafarge Corp.—PA 39–0011A, effective December 23, 1994, except for condition 4(d) and (e) pertaining to compliance date extensions, condition 8 pertaining to sulfur in fuel requirements, those in condition (9) not pertaining to VOC or NOX, and the expiration date of the plan approval, and OP 39–0011, effective December 23, 1994, except conditions (8), (9), and (13) through (15), pertaining to sulfur in fuel requirements, and the expiration date of the plan approval.

(8) West Penn Power Company—Armstrong Power Station—PA 03–000–023, effective December 29, 1994, except for the expiration date of the plan approval and condition 5 pertaining to VOC and condition 9 pertaining to a facility-wide NOX cap, PA 03–306–004 (for unit 2), effective March 28, 1994, except for condition 12. (d) and (e), pertaining to compliance date extensions, and the expiration date of the plan approval, and PA 03–306–006 (for unit 1), effective November 22, 1994, except for condition 13. (d) and (e), pertaining to compliance date extensions, and the expiration date of the plan approval.

(9) Plain n’ Fancy Kitchens, Inc.—PA 38–319–019C, effective December 23, 1994, except for condition 2.d. and e. pertaining to compliance date extensions, and the expiration date of the plan approval.

(99) Revisions to the Pennsylvania implementation plan for Allegheny County pertaining to the operation and maintenance of certain air pollution control devices at USX Corporation’s Clairton Works submitted on April 26, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of April 26, 1995 from Mr. James M. Seif, Secretary, Pennsylvania Department of Environmental Resources transmitting a SIP revision for Allegheny County regarding USX Corporation’s Clairton Works.

(B) Portions of an enforcement order and agreement entered into by and between the Allegheny County Health Department and USX Corporation on November 17, 1994 (Enforcement Order No. 200 Upon Consent). Specifically, the introductory section (pages 1–2), the section entitled, “I. Order” (pages 2–6), and attachments C and D to the enforcement order and agreement which list the relevant pollution control equipment. The Agreement was effective on November 17, 1994.

(ii) Additional material.

(A) Remainder of Pennsylvania’s December 9, 1993 submittal.

(100) Revisions to Article XX (Air Pollution Control) of the Allegheny County Health Department Rules and Regulations submitted on September 25, 1989 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of September 25, 1989 from the Pennsylvania Department of Environmental Resources transmitting revisions to Article XX (Air Pollution Control) of the Allegheny County Health Department Rules and Regulations governing visible emissions.

(ii) Additional material.

(A) Remainder of September 25, 1989 State submittal pertaining to Article XX, Sections 401 and 518.

(101) Revisions to the State Implementation Plan submitted by the
Pennsylvania Department of Environmental Resources regarding RACT requirements for two Stroehmann Bakeries, Inc. facilities located in Lycoming and Bradford Counties, submitted on February 24, 1995.

(i) Incorporation by reference.

(A) Letter of February 24, 1995 from the Pennsylvania Department of Environmental Resources submitting a revision to the State Implementation Plan.


(ii) Additional material.

(A) Remainder of the State Implementation Plan revision request submitted by the Pennsylvania Department of Environmental Resources on February 24, 1995, pertaining to the Plan Approvals and Operating Permits listed above.

(102) Revisions to the Pennsylvania Regulations Chapter 129.91 submitted on January 6, 1995, April 24, 1995 and May 31, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Four letters, two dated January 6, 1995, one dated April 24, 1995, and one dated May 31, 1995, from the Pennsylvania Department of Environmental Resources transmitting source-specific VOC and/or NOx RACT determinations in the form of plan approvals and/or operating permits for the following sources: (1) PECO Energy—Eddystone (Delaware Co.)—utility, (2) Gilberton Power Company (Schuylkill Co.)—utility, (3) Bethlehem Steel Structural Products Corp. (Northampton Co.)—steel manufacturer, (4) Westwood Energy Properties, Inc. (Schuylkill Co.)—utility, (5) PECO Energy Co.—Front Street (Montgomery Co.)—utility, (6) Crawford Furniture Manufacturing Corp. (Clarion Co.)—furniture manufacturer, (7) Schuylkill Energy Resources (Schuylkill Co.)—cogeneration plant, (8) Panther Creek Partners (Carbon Co.)—utility, (9) Columbia Gas Transmission Co.—Milford (Pike Co.), (10) Texas Eastern Transmission Corp.—Entriken (Huntingdon Co.)—Natural gas pipeline compressor station, (11) Columbia Gas Transmission Corp.—Greencastle (Franklin Co.). In addition, the operating permit for Lord Corporation (Erie Co.), aerospace surface coating operation containing provisions limiting this source as a synthetic minor source (below RACT threshold level of 50 TPY potential VOC emissions) is being approved.

(B) Plan approvals (PA), Operating permits (OP):


(2) Gilberton Power Company—OP 54–0004, effective December 20, 1994, except the expiration date of the operating permit and condition 5 pertaining to SO2 and PM10 requirements.

(3) Bethlehem Structural Products Corp.—OP 48–0010, effective December 20, 1994, except the expiration date of the operating permit, OP 48–0013, effective December 20, 1994, except the expiration date of the operating permit and condition (11)(d) through (f) pertaining to sulfur and metals, OP 48–0014, effective December 20, 1994, except the expiration date of the operating permit and conditions (8) and (9) pertaining to particulate matter, and OP 48–0015, effective December 20, 1994, except the expiration date of the operating permit and conditions (9) and (10) pertaining to visible emissions and particulate matter.

(4) Westwood Energy Properties, Inc.—OP 54–0006, effective December 27, 1994, except the expiration date of the operating permit and the particulate and SO2 emission limitations in condition (5).

(5) PECO Energy Company—Front Street—OP 46–0045, effective March 31, 1995, except the expiration date of the operating permit.


(7) Schuylkill Energy Resources—OP 54–0003, effective May 19, 1995, except the expiration date of the operating permit.

(8) [Reserved]
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(9) Columbia Gas Transmission Company—Milford—OP 52–0001, effective May 19, 1995, except the expiration date of the operating permit.

(10) Texas Eastern Transmission Corp.—OP 31–2003, effective May 16, 1995, except the expiration date of the operating permit.

(11) Columbia Gas Transmission Corp.—Greencastle—OP 28–2003, effective April 21, 1995, except the expiration date of the operating permit.


(13) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NOx RACT and 1990 baseyear emissions inventory for one source, submitted on January 6, 1995, May 10, 1995, May 31, 1995, August 11, 1995 (as amended on November 15, 1995), October 24, 1995, and December 8, 1995 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Nine letters: three dated January 6, 1995, and one each dated May 10, 1995, May 31, 1995, August 11, 1995, October 24, 1995, November 15, 1995, and December 8, 1995 from the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection) transmitting source specific VOC and/or NOx RACT determinations in the form of plan approvals or operating permits for the following sources: Tennessee Gas Pipeline Company—Station 313 (Potter Co.)—natural gas transmission and gas storage station; Corning Asahi Video Products Company (Centre Co.)—glass manufacturer; Columbia Gas Transmission Company—Easton station (Northampton Co.)—natural gas compressor station; (4) Texas Eastern Transmission Corporation—Bedford (Bedford Co.)—natural gas compressor station; Texas Eastern Transmission—Marietta (Lancaster Co.)—natural gas compressor station; Hercules Cement Company (Northampton Co.)—cement manufacturer; Lone Star Industries (Northampton Co.)—cement manufacturer; Pennsylvania Power and Light—Montour SES (Montour Co.)—utility; Pennsylvania Electric Company—Shawville (Clearfield Co.)—utility; Zinc Corporation of America—Monaca (Beaver Co.)—zinc smelting; Procter and Gamble Paper Products—Mehoopany (Wyoming Co.)—pulp and paper making facility. In addition, the operating permit for Columbia Gas Transmission Corporation—Union City (Erie Co.), a natural gas compressor station, containing provisions limiting this source as a synthetic minor source (below RACT threshold level of 100 tons per year of potential NOx emissions) is being approved.

(B) Plan approvals (PA), Operating permits (OP):

(1) Tennessee Gas Pipeline Company—Station 313—PA 53–0001, effective November 27, 1995, except the expiration date of the plan approval and the portion of condition #6 pertaining to CO emissions, OP 53–0001, effective November 27, 1995, except the expiration date of the operating permit, condition #21 pertaining to prevention of significant deterioration and the portions of condition #22 pertaining to CO emissions, and Compliance permit (CP) 53–0001, effective November 27, 1995, except the expiration date of the compliance permit.

(2) Corning Asahi Video Products Company—OP 14–0003, effective December 27, 1994, except the expiration date of the operating permit, OP 14–009A, effective May 5, 1994, except the expiration date of the operating permit and condition #6 pertaining to particulate matter and arsenic, OP 14–309–009C, effective August 18, 1994, except the expiration date of the operating permiss and conditions #12 and 14, pertaining to particulate matter and lead, and OP 14–309–037A, effective May 5, 1994, except the expiration date of the operating permit and conditions #10, 11, 12, and 15, pertaining to particulate matter, fluorides and arsenic.

(3) Columbia Gas Transmission Company—Easton—OP 48–0001, effective May 19, 1995, except the expiration date of the operating permit and PA 48–0001A, effective May 19, 1995, except the expiration date of the plan approval.

(5) Texas Eastern Transmission Corporation—Marietta—PA 38-2025, effective May 16, 1995, except the expiration date of the plan approval and condition #2, pertaining to compliance date extensions.

(6) Hercules Cement Company—PA 48-0005A, effective December 23, 1994, except the expiration date of the plan approval and condition #4, pertaining to compliance date extensions, and all the following conditions that do not pertain to VOC or NOX RACT: #10(a), (b) and (d), #11(a), (b) and (d), #12(a), (b) and (d), #13(a), (b) and (d), #14, #15, #21 through 24, #30, pertaining to compliance date extensions and OP 48-0005, effective December 23, 1994, except the expiration date of the operating permit and conditions #8 and 9, pertaining to particulate matter.

(7) Lone Star Industries—OP 48-0007, effective December 20, 1994, except the expiration date of the operating permit.

(8) Pennsylvania Power & Light—Montour SES—PA 47-0001A, effective December 27, 1994, except the expiration date of the plan approval and condition #14, pertaining to compliance date extensions and OP 47-0001, effective December 27, 1994, except the expiration date of the operating permit.

(9) Pennsylvania Electric Company—Shawville—PA 17-0001, effective December 27, 1994, except the expiration date of the plan approval and condition #19, pertaining to compliance date extensions.

(10) Zinc Corporation of America—Monaca—OP 04-000-044, effective December 29, 1994, except for the expiration date of the operating permit and those portions of conditions #8 and 9 pertaining to CO and PM.

(11) Procter and Gamble Paper Products Company—Mehoapany—OP 66-0001, effective December 20, 1994, except the expiration date of the operating permit and PA 66-0001A, effective December 20, 1994, except the expiration date of the plan approval and condition #4, pertaining to compliance date extensions, those portions of condition #5, pertaining to CO, SO2 or particulate matter, and condition #17, pertaining to odor.

(12) Columbia Gas Transmission Corporation—Union City—OP 25-892, effective April 11, 1995 except the portion of condition #8, pertaining to compliance date extensions.

(ii) Additional Material.


(B) Additional clarifying material submitted by Pennsylvania: Letter dated July 18, 1995 from Matthew M. Williams, Air Pollution Control Engineer, Pennsylvania DEP, to Steve H. Finch, Vice President, Environmental Affairs, Columbia Gas Transmission Corporation, stating that the effective date of the Columbia Gas Transmission Corporation—Union City operating permit (OP 25-892) is April 11, 1995.

(104) Revisions to the Pennsylvania Regulations Chapter 129.91 submitted on August 1, 1995 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Two letters, one dated August 1, 1995, from James Seif, Secretary of the Pennsylvania Department of Environmental Protection, transmitting source-specific VOC and/or NOX RACT determinations in the form of operating permits for the following sources: James River Corporation—Chambersburg (Franklin County)—printer. In addition, operating permits for the following sources containing provisions limiting these sources as “synthetic minor” sources (below RACT threshold level for VOC and/or NOX emissions) are being approved: Appleton Papers, Inc. (Cumberland County)—carbon paper producer; Air Products & Chemicals, Inc.—Trexlertown (Lehigh County)—gas production/storage facility; Elf Atochem North America, Inc. (Montgomery County)—chemical research & development firm; York City Sewer Authority—Manchester Township (York County)—waste water treatment facility; Glasgow, Inc.—Ivy Rock Plants 1 & 2 (Montgomery County)—asphalt production facility; Glasgow, Inc.—Catanach Plant (Chester County)—asphalt production facility; Glasgow, Inc.—Freeborn Asphalt Plant (Delaware County)—asphalt production facility.

(B) One letter, dated November 15, 1995, from James Seif, Secretary of the
Pennsylvania Department of Environmental Protection, transmitting source-specific VOC and/or NOx RACT determinations in the form of operating permits including the following source: Glasgow, Inc.—Spring House Plants 1 & 2 (Montgomery County)—asphalt production facility;

(C) Operating permits (OP):

(1) James River Corporation—OP 28-2006, effective June 14, 1995, except the expiration date of the operating permit.

(2) Appleton Papers, Inc.—OP 21-2004, effective May 24, 1995, except the expiration date of the operating permit.

(3) Air Products and Chemicals, Inc.—OP 39-0008, effective May 23, 1995, except the expiration date of the operating permit.

(4) Elf Atochem North America, Inc.—OP 46-0022, effective June 27, 1995, except the expiration date of the operating permit.

(5) York City Sewer Authority, Manchester Township—OP 67-2013, effective March 1, 1995, except the expiration date of the operating permit.


(A) Remainder of September 8, 1995 and October 30, 1995 State submittal.

(106) Revisions to the Pennsylvania Regulations, Chapter 129.82 pertaining to Stage II Vapor Recovery and the associated definition of gasoline dispensing facilities originally submitted on March 4, 1992 and supplemented on October 26, 1995 by the Pennsylvania Department of Environmental Protection (formerly known as the Department of Environmental Resources):

(i) Incorporation by reference.

(A) Letter of October 26, 1995 from the Pennsylvania Department of Environmental Protection transmitting sections 6.7 (b), (c), (h) and section 17(2) of the Pennsylvania Air Pollution Control Act as amended on June 29, 1992.

(B) Sections 6.7 (b), (c), (h), and section 17(2) of the Pennsylvania Air Pollution Control Act, amended June 29, 1992 and effective on July 9, 1992.

(107) Revisions to the Pennsylvania Regulations, Chapter 127 by the Pennsylvania Department of Environmental Protection

(i) Incorporation by reference.


(B) Revisions to the following Pennsylvania Department of Environmental Quality Regulations, effective January 15, 1994:


(2) Deletion of Chapter 127, Subchapter C, Sections 127.61 through 127.73.

(ii) Additional materials consisting of the remainder of the February 4, 1994 State submittal pertaining to Chapter 127, Subchapter E.

Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Seven letters, dated January 6, 1995, July 5, 1995, July 31, 1995, August 1, 1995, September 29, 1995, November 22, 1995, and March 18, 1996 from the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection) transmitting source specific VOC and/or NOx RACT determinations in the form of plan approvals or operating permits for the following sources: U.G.I. Utilities, Inc. (Luzerne Co.)—utility, Solar Turbines (York Co.)—cogeneration facility, Columbia Gas Transmission—Renovo Compressor Station (Clinton Co.)—natural gas compressor station, National Fuel Gas Supply Corporation—East Fork Compressor Station (Potter Co.)—natural gas compressor station, York Resource Energy Systems, Inc. (York Co.)—municipal waste combustion facility, W.R. Grace & Co.—Formpack Division (Berks Co.)—expandable polystyrene blowing facility, CNG Transmission—Cherry Tree Station (Indiana Co.)—natural gas transmission station, EPC Power Corporation of Bethlehem (Delaware Co.)—Crozer Chester Cogeneration Plant, C-P Converters, Inc. (York Co.)—flexographic printing operation, Fisher Scientific Co. International—Instrument Manufacturing Division (Indiana Co.). In addition, the permits containing provisions limiting source emissions to synthetic minor sources levels (below RACT threshold level of 100 tons per year or 25 TPY of potential NOx emissions and 50 TPY or 25 TPY for potential VOC emissions) are being approved for three sources: Adelphi Kitchens, Inc.—Robesonia factory (Berks Co.)—wood furniture coating operation, Birchcraft Kitchens, Inc.—Reading factory (Berks Co.)—wood furniture coating operation, and Glasgow, Inc.—Bridgeport Asphalt Plant (Montgomery Co.)—asphalt plant.

(B) Plan approvals (PA), Operating permits (OP), Compliance permit (CP):

(1) U.G.I. Utilities, Inc.—OP 40-0005, effective December 20, 1994 and PA 40-0005A, effective December 20, 1994, except the expiration date of the plan approval and conditions #18, 19, and 20 pertaining to non-VOC or NOx emissions and ash and waste oil requirements.


(3) Columbia Gas Transmission—Renovo Compressor Station—OP 18-0001, effective July 18, 1995, except the expiration date of the operating permit and condition #8, pertaining to compliance date extensions and PA 18-0001, effective July 18, 1995, except the expiration date of the plan approval and condition #14, pertaining to compliance date extensions.

(4) National Fuel Gas Supply Corporation—East Fork Compressor Station—OP 53-0007, effective July 17, 1995, except the expiration date of the operating permit, including the corrections to condition #6 and 13 (from a letter dated July 31, 1995) and PA 53-0007A, effective July 17, 1995, except the expiration date of the plan approval.

(5) York Resource Energy Systems, Inc.—PA 67-2006, effective August 25, 1995, except the expiration date of the plan approval and the non-VOC or non-NOx elements in conditions #4, 8, 9, 10, 12, 18, and 19.

(6) W.R. Grace & Co.—Formpac Division—PA 06-1036, effective May 12, 1995, except the expiration date of the plan approval and condition #10 (d) and (e) pertaining to compliance date extensions and PA 06-315-001, effective June 4, 1992, except the expiration date of the plan approval.

(7) CNG Transmission Corporation—Cherry Tree Station—PA 23-0005, effective July 5, 1995, except the expiration date of the plan approval, the elements in condition #6 pertaining to carbon monoxide, and condition #16 D. and E. pertaining to compliance date extensions.

(8) EPC Power Corporation of Bethlehem—Crozer Chester Cogeneration plant—OP 23-0007, effective June 8, 1995, except the expiration date of the operating permit.

(9) C-P Converters, Inc.—OP 67-2030, effective August 30, 1995, except the expiration date of the operating permit.
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(10) Fisher Scientific—Instrument Manufacturing Division—OP 32–000–100, effective July 18, 1995, except the expiration date of the operating permit.

(11) Adelphi Kitchens, Inc.—Robesonia factory—OP 06–1001, effective April 4, 1995, except the expiration date of the operating permit.

(12) Birchcraft Kitchens, Inc.—Reading factory—OP 06–1005, effective April 4, 1995, except the expiration date of the operating permit.

(13) Glasgow, Inc.—Bridgeport Asphalt Plant—OP 46–0044, effective June 7, 1995, except the expiration date of the operating permit.

(ii) Additional material.


(B) Revision to the Pennsylvania SIP dated March 18, 1996, submitted by the Pennsylvania Department of Environmental Protection, pertaining to the 1990 emission inventory for General Glass—Jeannette, Westmoreland County.

(109) [Reserved]

(110) Revisions to the Operating Permit, Plan Approval and Sampling and Testing Program Regulations submitted on May 18, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of May 15, 1995 from the Pennsylvania Department of Environmental Resources transmitting Pennsylvania’s general plan approval and general operating permit programs.

(B) Revisions to the definition of “Potential to emit” and addition of the following definitions in Title 25, Chapter 121, Section 121.1, effective on November 26, 1994: “Air pollution”, “Applicable requirements”, “Compliance docket”, “Compliance review form”, “Deviation”, “Documented conduct”, “Federally enforceable emissions cap”, “General plan approval”, “General operating permit”, “Minor operating permit modification”, “Performance standard”, “Related party”, “Renewal”, “Research and development facility”, “Responsible official”, “Title V facility”, “Title V permit”, and “Title V regulated air pollutant.”


(D) The following amendments to Title 25, Chapter 139, effective on November 26, 1994: §139.4, §139.5, §139.12, §139.13, §139.14, §139.101 through §139.104, and §139.108.

(ii) Additional material.

(A) Remainder of May 18, 1995 State submittal.

(111) Revisions to the Operating Permit and Plan Approval Regulations to add Subchapter H, “General Plan Approvals and Operating Permits”, submitted on May 18, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of May 15, 1995 from the Pennsylvania Department of Environmental Resources transmitting Pennsylvania’s general plan approval and general operating permit programs.

(B) The following amendments to Title 25, Chapter 127, effective on November 26, 1994: §127.601, §127.611, §127.612, §127.621, and §127.622.

(ii) Additional material.

(A) Remainder of Pennsylvania’s May 18, 1995 submittal.

(112) Revisions to the Pennsylvania Regulations—Philadelphia Lead Implementation Plan—submitted on September 30, 1994, by the Commonwealth of Pennsylvania:

(i) Incorporation by reference.

(A) Letter of September 30, 1994 from the Pennsylvania Department of Environmental Resources transmitting a revision to the Philadelphia portion of the Pennsylvania State Implementation Plan for lead.

(B) Licenses to operate (permits) effective September 21, 1994, for:

(1) Franklin Smelting and Refining Corporation;

(2) MDC Industries, Inc.; and

(3) Anzon, Inc.

(ii) Additional information. Remainder of September 30, 1994 submittal.
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(113) Revisions to the Pennsylvania Regulations, Chapter 129.93 pertaining to VOC and NO\textsubscript{X} RACT, submitted on August 1, 1995, December 8, 1995, June 10, 1996, and September 13, 1996, by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Four letters, dated August 1, 1995, December 8, 1995, June 10, 1996, and September 13, 1996, from the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations for Caparo Steel Company (Mercer Co.)—steel mill, Sharon Steel Company (Mercer Co.)—steel mill, and Pennsylvania Electric Company (Penelec)—Williamsburg Station (Blair Co.)—utility.

(B) Plan approval (PA) and Operating permit (OP):

(1) Caparo Steel Company—OP 43–285, effective November 3, 1995, except condition #9 pertaining to non-NO\textsubscript{X} and non-VOC pollutants.

(2) Sharon Steel Company—PA 43–017, effective November 3, 1995, except condition #9 pertaining to non-NO\textsubscript{X} and non-VOC pollutants.

(ii) Additional material.


(114) Revisions to the Pennsylvania Regulations Chapter 129.91 through 129.95 pertaining to VOC and NO\textsubscript{X} RACT, submitted on August 1, 1995, September 20, 1995, December 8, 1995 and September 13, 1996 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Four letters dated August 1, 1995, September 20, 1995, December 8, 1995 and September 13, 1996 from the Pennsylvania Department of Environmental Protection transmitting three source-specific RACT determinations; two of which involve operating permits and one (Mercersburg Tanning Company) which does not involve any type of permit. The three sources are:

(1) DMI Furniture, Inc. (Adams County)—wood furniture manufacturer.

(2) R. R. Donnelley & Sons Company, West Plant (Lancaster County)—printing facility.

(3) Mercersburg Tanning Company (Franklin County)—leather coating facility.

(B) Operating Permits (OP):

(1) International Paper Company—Hammermill Papers Division—Lockhaven.

(ii) Additional material.

(A) One letter dated January 6, 1995 from the Pennsylvania Department of Environmental Protection transmitting source specific VOC and/or NO\textsubscript{X} RACT determinations in the form of plan approvals or operating permits for International Paper Company—Hammermill Papers Division—Lockhaven.

(115) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO\textsubscript{X} RACT, submitted on January 6, 1995 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) One letter dated January 6, 1995 from the Pennsylvania Department of Environmental Protection transmitting source specific VOC and/or NO\textsubscript{X} RACT determinations in the form of plan approvals or operating permits for International Paper Company—Hammermill Papers Division—Lockhaven.

(B) Operating permit (OP):

(1) International Paper Company—Hammermill Papers Division—Lockhaven—OP 18–0005, effective December 27, 1994, except the expiration date of the operating permit.

(116) [Reserved]

(117) Revisions to the Pennsylvania Regulations Chapter 129.91 through 129.95 pertaining to VOC and NO\textsubscript{X} RACT, submitted on August 1, 1995 (amended March 20, 1997), June 10, 1996, and September 13, 1996 by the Pennsylvania Department of Environmental Protection:

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(i) Incorporation by reference.
(A) Three letters dated August 1, 1995, June 10, 1996, and September 13, 1996 from the Pennsylvania Department of Environmental Protection transmitting three source-specific RACT determinations; two of which involve plan approvals and one which involves an operating permit. One letter dated March 20, 1997 amending the August 1, 1995 submittal pertaining to NO\textsubscript{X} RACT for AT&T Corporation. The three sources are:
(1) AT&T Corporation (Bucks County)—electronics components manufacturer.
(2) Garden State Tanning, Inc. (Bucks County)—leather coating facility.
(3) The Glidden Company (Berks County)—paint manufacturing facility.
(B) Plan Approvals (PA), Operating Permits (OP):
(1) AT&T Corporation—PA #06-1003, effective June 26, 1995, except for the expiration date of the plan approval, all conditions pertaining to NO\textsubscript{X} RACT determination, and conditions 18d & 18e pertaining to temporary operation regarding compliance extension and expiration date of the plan approval.
(2) Garden State Tanning, Inc.—PA #06-1014, effective June 21, 1995, except for the expiration date of the plan approval, conditions 20, 21, 24, and 25 pertaining to visual/malodorous emissions, sulfur content, and water flow rates, and conditions 27d & 27e pertaining to temporary operation regarding compliance extension and expiration date of the plan approval.
(3) The Glidden Company—OP #06-1035, effective February 15, 1996, except for the expiration date of the operating permit, conditions 13, 14, and 16, pertaining to operating permit renewal, sulfur content, and visual/malodorous emissions.
(ii) Additional material.
(118) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO\textsubscript{X} RACT, submitted on March 27, 1995, November 15, 1995 and May 2, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):
(i) Incorporation by reference.
(A) Four letters, dated March 27, 1995, November 15, 1995, May 2, 1996 and September 13, 1996, from the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations in the form of plan approvals, operating permits or a compliance permit for the following sources:
(1) Maier’s Bakery, Inc. (Reading Plant, Berks County)—bakery;
(2) Morgan Corporation (Morgantown Plant, Berks County)—heavy duty truck manufacturer;
(3) Allentown Cement Company (Maidencreek Township, Berks County)—cement manufacturer;
(4) Quaker Maid (Ontelaunee Township, Berks County)—manufacturer of kitchen cabinets;
(5) Brentwood Industries, Inc. (Reading, Berks County)—manufacturer of plastic products;
(6) Metropolitan Edison Company (Cumru Township, Berks County)—electric generation station;
(7) ICI Fluoropolymers (Caln Township, Chester County)—manufacturer of free flow polytetrafluoro-ethylene (PTFE);
(8) Synthetic Thread Company (City of Bethlehem, Lehigh County)—manufacturer of coated nylon and polyester thread; and
(9) Bird-In-Hand Woodworks, Inc. (East Hempfield Township, Lancaster County)—manufacturer of wood furniture for children.
(B) Plan approvals (PA), Operating Permits (OP) and a Compliance Permit:
(1) Maier’s Bakery, Inc.—PA 06-1023, effective September 20, 1995, except for the expiration date of the plan approval.
(2) Morgan Corporation—OP 06-1025, effective August 31, 1995, except the expiration date of the operating permit.
(3) Allentown Cement Company, Inc.—PA 06-1002, effective October 11, 1995, except for conditions #17, #20, #21 and #30 pertaining to non-NO\textsubscript{X} and non-VOC pollutants and the expiration date of the plan approval.
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(4) Quaker Maid—OP 06–1028, effective October 27, 1995, except the expiration date of the operating permit.

(5) Brentwood Industries, Inc.—PA 06–1006, effective February 12, 1996, except for the expiration date of the plan approval.

(6) Metropolitan Edison Company—PA 06–1024, effective March 9, 1995, except the expiration date of the plan approval and condition #13 pertaining to non-NOx and non-VOC pollutant.

(7) ICI Fluoropolymers —PA 15–0009 and CP 15–0008, effective October 3, 1995, except the expiration date of the plan approval.


(9) Bird-In-Hand Woodworks, Inc.—OP 36–2022, effective September 27, 1995, except for the expiration date of the operating permit.

(i) Incorporation by reference.

(ii) Additional material.

(A) Remainder of March 27, 1995, November 15, 1995 and May 2, 1996 State submittals.

(B) Operating Permits (OP), Plan Approval (PA) and Compliance Permit (CP):

(i) Incorporation by reference.


(2) Texas Eastern Transmission Corporation (Bechtelsville, Berks County)—natural gas compressor;

(3) Carpenter Technology Corporation (Reading/Muhlenberg Township, Berks County)—steel manufacturer; and

(4) North American Fluoropolymers Company (Onteloumune, Berks County)—manufacturer of teflon crumbs.

(B) Operating permits (OP): (1) Texas Eastern Transmission Corporation (Bernville)—(OP–06–1033) effective January 31, 1997, except for the expiration date of the operating permit.

(2) Texas Eastern Transmission Corporation (Bechtelsville)—(OP–06–1034) effective January 31, 1997, except for the expiration date of the operating permit.

(3) Carpenter Technology Corporation—(OP–06–1007), effective September 27, 1996, except for those portions of conditions Nos. 28 through 41 and Nos. 42 through 54 pertaining to non-VOC and non-NOx pollutants and the expiration date of the operating permit.

(4) North American Fluoropolymers Company—(PA–06–1026) and (CP–06–1026), effective April 19, 1995, except for

(A) Remainder of the Commonwealth of Pennsylvania’s January 10, 1996 and September 13, 1996 submittals.

(120) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NOx RACT, submitted on January 21, 1997, January 28, 1997, and May 31, 1995 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(9) Bird-In-Hand Woodworks, Inc.—OP 36–2022, effective September 27, 1995, except for the expiration date of the operating permit.

(ii) Additional material.

(A) Remainder of March 27, 1995, November 15, 1995 and May 2, 1996 State submittals.

(B) Operating Permits (OP), Plan Approval (PA) and Compliance Permit (CP):

(i) Incorporation by reference.


(2) Texas Eastern Transmission Corporation (Bechtelsville, Berks County)—natural gas compressor;

(3) Carpenter Technology Corporation (Reading/Muhlenberg Township, Berks County)—steel manufacturer; and

(4) North American Fluoropolymers Company (Onteloumune, Berks County)—manufacturer of teflon crumbs.

(B) Operating permits (OP): (1) Texas Eastern Transmission Corporation (Bernville)—(OP–06–1033) effective January 31, 1997, except for the expiration date of the operating permit.

(2) Texas Eastern Transmission Corporation (Bechtelsville)—(OP–06–1034) effective January 31, 1997, except for the expiration date of the operating permit.

(3) Carpenter Technology Corporation—(OP–06–1007), effective September 27, 1996, except for those portions of conditions Nos. 28 through 41 and Nos. 42 through 54 pertaining to non-VOC and non-NOx pollutants and the expiration date of the operating permit.

(4) North American Fluoropolymers Company—(PA–06–1026) and (CP–06–1026), effective April 19, 1995, except for
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the expiration dates of the plan approval and the compliance permit.

(ii) Additional material.


(B) Additional material submitted by Pennsylvania: Letter dated March 25, 1997 from Mr. James Salvaggio, Director, Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources to Mr. Thomas Maslany, Director, Air, Radiation and Toxics Division, EPA Region III providing clarifying information related to the Carpenter Technology Corporation operating permit and the North American Fluoropolymers Company plan approval.

(121) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO\textsubscript{X} RACT, submitted on December 8, 1995, February 20, 1996, March 21, 1996, April 16, 1996, and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Five letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations in the form of plan approvals or operating permits on the following dates: December 8, 1995, February 20, 1996, March 21, 1996, April 16, 1996, and September 13, 1996.

(B) Plan approvals (PA), Operating permits (OP), Compliance permits (CP):

(1) CNG Transmission Corporation—Ellisburg, Potter County, OP-53-0004, effective February 29, 1996, except for the expiration date of the operating permit; PA-53-0004A effective February 29, 1996, except for the expiration date of the plan approval; and CP-53-0004A except for the expiration date, except for item #6 regarding future compliance extensions.

(2) CNG Transmission Corporation—Greenlick Compressor Station, Potter County, PA-53-0003A, effective December 18, 1995 except for the plan approval expiration date, except for the portion of item #3 regarding carbon monoxide (CO) emissions increases, except the portion of item #4 regarding CO emission limitations; OP-53-0003, effective December 18, 1995 except for the operating permit expiration date; and CP-53-0003A, except for the expiration date of the compliance permit, except for item #6 regarding future compliance extensions.

(3) CNG Transmission Corporation—Crayne Station, Greene County, OP 30-000-089, effective December 22, 1995 except for the expiration date of the operating permit, except for the portion of item #4 regarding CO emission limitations, except for item #9 regarding emission limitation revisions.

(4) CNG Transmission Corporation—State Line Station, Potter County, OP-53-0008, effective January 10, 1996 except for the expiration date of the operating permit, except for the portions of item #22 regarding CO emission limitations.

(5) CNG Transmission Corporation—Big Run, Jefferson County, PA 33-147, effective June 27, 1995, except for item #9 regarding emission limitation revisions.

(ii) Additional material.


(122) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO\textsubscript{X} RACT, submitted on August 1, 1995, December 8, 1995, and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Three letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations in the form of operating permits on the following dates: August 1, 1995, December 8, 1995, and September 13, 1996.

(B) Operating Permits (OP):

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(2) Keystone Cement Company, Northampton County—OP 48–0003, effective May 25, 1995, except for the expiration date and item No. 7 relating to future emission limitations.

(3) Lehigh Portland Cement Company, York County—OP 67–2024, effective May 26, 1995, except for the expiration date and item No. 7 relating to future emission limitations.


(5) Con-Lime, Inc., Centre County—OP 14–0001, effective June 30, 1995, except for the expiration date and item No. 8 relating to non-VOC or non-NOX provisions.

(ii) Additional material.


(123) The ten-year ozone maintenance plan for the Reading, Pennsylvania area (Berks County) submitted by the Pennsylvania Department of Environmental Protection on January 28, 1997:

(i) Incorporation by reference.

(A) Letter of January 28, 1997 from the Pennsylvania Department of Environmental Protection transmitting the ten-year ozone maintenance plan and 1990 base year emission inventories for the Reading area.

(B) The ten-year ozone maintenance plan for the Reading area, including emission projections, control measures to maintain attainment and contingency measures, adopted on February 3, 1997.

(ii) Additional material.

(A) Remainder of January 28, 1997 Commonwealth submittal pertaining to the maintenance plan for the Reading area.

(124) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NOX RACT, submitted on December 8, 1995 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Two letters, dated December 8, 1995 and September 13, 1996, from the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NOX RACT determinations in the form of one plan approval for the following source: Pennzoil Products Company (Rouseville, Venango County)—petroleum refinery.

(B) Plan Approval (PA):

(1) Pennzoil Products Company (Rouseville)—(PA–61–016) effective September 8, 1995, except for condition Nos. 9 pertaining to non-VOC and non-NOX pollutants and expiration date of the plan approval.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania’s December 8, 1995 submittal.

(B) Additional material submitted by Pennsylvania dated May 23, 1997, providing clarifying information related to Pennzoil Products Company plan approval.

(125) Revisions to the Pennsylvania Regulations Chapter 129.91 through 129.95 pertaining to VOC and NOX RACT, submitted on September 20, 1995 (amended April 16, 1997), August 15, 1996, and September 13, 1996 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.


(B) Operating Permits (OP):

(1) R.R. Donnelley & Sons Company, East Plant—OP #36–2027, effective July 14, 1995, except for the expiration date of the operating permit, all conditions pertaining to NOX RACT determination, and the parts of conditions 8, 12b
& 23 pertaining to Hazardous Air Pollutants (HAP’s).


(126) Revisions to the Pennsylvania State Implementation Plan on June 12, 1997 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) A letter of June 12, 1997 from the Pennsylvania Department of Environmental Protection transmitting the General Conformity Rule.


(127) Revisions to the Pennsylvania Regulations, Chapter 121.1—Definitions, submitted on February 4, 1994 by the Pennsylvania Department of Environmental Protection (formerly Pennsylvania Department of Environmental Resources) and effective on January 15, 1994.

(i) Incorporation by reference.

(A) Letter dated February 4, 1994 from the Pennsylvania Department of Environmental Protection transmitting the definitions in Chapter 121 relating to the Pennsylvania VOC and NOx RACT regulation (Chapter 129.91 through 129.95) and new source review regulation (Chapter 127).

(B) Title 25 Pennsylvania Code, Chapter 121.1—definitions, effective January 15, 1994.

(128) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to NOx RACT, submitted on September 13, 1996 and January 21, 1997 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection).

(i) Incorporation by reference.

(A) Two letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific NOx RACT determinations in the form of an operating permit on the following dates: September 13, 1996 and January 21, 1997.

(B) Operating permit (OP). Panther Creek Energy Facility, Carbon County, OP # 13-0003, effective date of December 2, 1996, except for condition # 7 pertaining to particulate, PM-10, SO2, CO and VOC emission limits, condition # 10 pertaining to particulate emissions, condition # 11 pertaining to opacity, condition # 12 pertaining to the Standards of Performance for New Stationary Sources and the expiration date.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania’s September 13, 1996 and January 21, 1997 submittals.

(129) Limited approval of revisions to the Pennsylvania Regulations, Chapter 129.91 through 129.95, pertaining to VOC and NOx RACT submitted on February 4, 1994 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Letter of February 4, 1994 from the Pennsylvania Department of Environmental Resources transmitting Pennsylvania VOC and NOx RACT regulations, Chapter 129.91 through 129.95.

(B) Pennsylvania Reasonably Available Control Technology Requirements for Major Stationary Sources of Volatile Organic Compounds and Oxides of Nitrogen regulation, Chapter 129.91 through 129.95, effective on January 15, 1994, except for Chapter 129.93(b)(4).

(C) Letter of May 3, 1994 from the Pennsylvania Department of Environmental Resources amending the Pennsylvania regulation, Chapter 129.93 (b)(4).


(E) Letter for September 18, 1995 from the Pennsylvania Department of Environmental Protection amending Pennsylvania’s February 4, 1994 submittal to EPA by withdrawing Chapter 129.93(c)(6) and (7) from EPA consideration.

(ii) Additional material.
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(A) Remainder of February 4, 1994 State submittal.

(B) Letter of September 23, 1996 from Pennsylvania Department of Environmental Protection agreeing to meet certain conditions by no later than 12 months after the publication of the final conditional rulemaking. These conditions are:

1. Pennsylvania certify that it has submitted case-by-case RACT proposals for all sources subject to the RACT requirements (including those subject to 25 Pa. Code section 129.93(b)(1)) currently known to PADEP; or

2. Demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions, as defined in the final rulemaking.

(130) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO\textsubscript{X} RACT, submitted on December 31, 1997 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) A December 31, 1997 letter submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations in the form of operating and compliance permits.

(B) Operating permits (OP), compliance permits (CP):

1. Allegro Microsystems W.G., Inc. (Montgomery County)—OP 46–0006, effective December 19, 1997, except for the expiration date and items Nos. 9, 13, and 14(D) relating to non-RACT provisions.


3. Con-Lime, Inc. (Centre County)—OP 14–0001, effective January 7, 1998, except for the expiration date and items (or portions thereof) Nos. 8, 9, 17, 18, 19, 20, 21, 22, 24, 25, and 28 relating to non-RACT provisions.

4. Coastal Aluminum Rolling Mills, Inc. (Lycoming County)—OP 41–0007, effective November 21, 1997, except for the expiration date and items (or portions thereof) Nos. 9, 20, and 28 relating to non-RACT provisions.

5. International Envelope Company (Chester County)—OP 15–0023, effective November 2, 1995, except for the expiration date.


(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania’s December 31, 1997 VOC and NO\textsubscript{X} RACT SIP revision submittal.

(131) Revisions to the Pennsylvania Regulations governing gasoline volatility requirements submitted on December 3, 1997 and April 17, 1998 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letters dated December 3, 1997 and April 17, 1998 from the Pennsylvania Department of Environmental Protection transmitting the low RVP gasoline volatility requirements for the Pittsburgh-Beaver Valley ozone nonattainment area.

(B) Revisions to 25 Pa Code, Chapters 121, 126, 139 pertaining to Gasoline Volatility Requirements, effective November 1, 1997.

1. Revisions to section 121.1—definitions of compliant fuel, distributor, Importer, Low RVP gasoline, Pittsburgh-Beaver Valley Area, RVP-Reid Vapor Pressure.

2. Addition of sections 126.301(a) through (c), 126.302 except for portions relating to RFG of (a)(6), and 126.303 (a).

3. Addition of paragraphs 139.4(18) and (19) pertaining to sampling procedures for Reid Vapor Pressure and gasoline volatility.

(ii) Additional Material—Remainder of December 3, 1997 State submittal pertaining to the use of low RVP gasoline.

(132) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC RACT, submitted on April 16, 1996 and March 24, 1998 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Two (2) letters submitted by the Pennsylvania Department of Environmental Protection transmitting

(B) Operating permits (OP):

(A) Three (3) letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and NOx RACT determinations in the form of plan approvals, operating permits or compliance permits on the following dates: February 20, May 2, and September 13, 1996.

(B) Plan Approvals (PA), Operating Permits (OP), Compliance Permits (CP):

(i) CNG Transmission Corporation—Harrison, Potter County, PA 53-0005A,
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effective April 16, 1996, except for the plan approval expiration date and item (or portions thereof) Nos. 4, 9, and 20 relating to non-RACT provisions; OP 53–0005, effective April 16, 1996, except for the operating permit expiration date and item No. 23 relating to non-RACT provisions; and CP 53–0005A effective April 16, 1996.

(2) CNG Transmission Corporation—Leidy, Clinton County, PA 18–0004A, effective March 25, 1996, except for the plan approval expiration date and item No. 11 relating to non-RACT provisions; OP 18–0004, effective February 29, 1996, except for the operating permit expiration date and item Nos. 14, 25 and 28 relating to non-RACT provisions; and CP 18–0004A effective March 25, 1996.

(3) CNG Transmission Corporation—Sabinsville, Tioga County, PA 59–0002A, effective December 18, 1995, except for the plan approval expiration date and item (or portions thereof) Nos. 3, 4, 5 and 10 relating to non-RACT provisions; OP 59–0002, effective December 18, 1995, except for the operating permit expiration date and item No. 15 relating to non-RACT provisions, and CP 59–0002A effective December 18, 1995.

(4) CNG Transmission Corporation—Tioga, Tioga County, PA 59–0006, effective January 16, 1996, except for the operating permit expiration date and item (or portions thereof) Nos. 9, 21, 24 and 28 relating to non-RACT provisions.

Additional Material.

(A) Remainder of the Commonwealth of Pennsylvania’s February 20, May 2, and September 13, 1996 VOC and NOx RACT SIP submittals for the relevant sources.

(B) Revisions to the Pennsylvania State Implementation Plan consisting of contingency measures for USX Clairton in the Liberty Borough PM–10 Nonattainment Area, submitted on July 12, 1995 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Pennsylvania Department of Environmental Protection transmitting a SIP revision for contingency control measures for USX Clairton Works located in Liberty Borough PM–10 nonattainment area of Allegheny County.

(B) Revision to Allegheny County’s Article XXI applicable to USX’s Clairton Coke Works, effective July 11, 1995 specifically:

(1) Revisions to section 2105.21.e included in Appendix 34 which require improved procedures to capture pushing emissions for all USX-Clairton batteries except Battery B.

(ii) Additional Material—Remainder of the July 12, 1995 submittal.

(136) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NOx RACT, submitted on April 20, May 29, and July 24, 1998, by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Three letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NOx RACT determinations in the form of plan approvals or operating permits on the following dates: April 20, May 29, and July 24, 1998.

(B) Plan approvals (PA), Operating permits (OP):

(1) Eldorado Properties Corporation, Northumberland County, OP 49–0016, effective May 1, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 7, 8, 9, and 10 relating to non-RACT provisions.

(2) Endura Products, Inc., Bucks County, OP 09–0028, effective May 13, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11A and 15 through 21 relating to non-RACT provisions.

(3) Ford Electronics & Refrigeration Company, Montgomery County, OP 46–0036, effective April 30, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11 through 18, 20, and 22 through 26 relating to non-RACT provisions.

(4) H & N Packaging, Inc., Bucks County, OP 09–0038, effective June 8, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 4, 7, 8, and 11 through 20 relating to non-RACT provisions.

(5) Lancaster County Solid Waste Management Authority, Lancaster County, PA 36–2013, effective June 3, 1998; except for the plan approval expiration date and item (or portions thereof)
(6) Messey Products Company, Chester County, OP 15–0031, effective June 4, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 9 through 24 relating to non-RACT provisions.

(7) Ortho-McNeil Pharmaceutical, Montgomery County, OP 46-0027, effective June 4, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 4, 9, and 13 through 20 relating to non-RACT provisions.

(8) Piccari Press, Inc, Bucks County, OP 09–0040, effective April 29, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 14, 15, 17, and 19 through 22 relating to non-RACT provisions.

(9) Pierce and Stevens Corporation, Chester County, OP 15–0011, effective March 27, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11 through 15 relating to non-RACT provisions.

(10) PQ Corporation, Delaware County, OP 23–0016, effective June 16, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 8, 13, and 15 through 19 relating to non-RACT provisions.

(11) Reynolds Metals Company, Chester County, OP 15–0004, effective May 8, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 4, 5, 14, 15, 17 through 42, and 44 through 48 relating to non-RACT provisions.

(12) Rhone-Poulenc Rorer Pharmaceutical, Inc, Montgomery County, OP 46–0083B, effective April 2, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11 through 42 relating to non-RACT provisions.

(13) Superior Tube Company, Montgomery County, OP 46–0000, effective April 17, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 17 through 25 relating to non-RACT provisions.

(14) Uniform Tubes Inc., Montgomery County, OP 46–0046A, effective March 26, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 16, 17, and 19 through 24 relating to non-RACT provisions.

(15) U.S. Air Force—Willow Grove Air Reserve Station, Montgomery County, OP 46–0072, effective May 1, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11 through 15 relating to non-RACT provisions.

(16) U.S. Navy—Willow Grove Naval Air Station Joint Reserve Base, Montgomery County, OP 46–0079, effective May 4, 1998; except for the operating permit expiration date and item (or portions thereof) Nos. 11, 12, 15 through 20, 26, and 28 through 33 relating to non-RACT provisions.

(ii) Additional Material.

(A) Remainder of the Commonwealth of Pennsylvania’s April 20, May 29, and July 24, 1998 submittals VOC and NO\textsubscript{X} RACT SIP submittals.

(137) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO\textsubscript{X} RACT, submitted on May 31, 1995, November 15, 1995, March 21, 1996 and September 13, 1996 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Four letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations in the form of plan approvals, operating or compliance permits on the following dates: May 31, 1995, November 15, 1995, September 13, 1996 and March 21, 1996.

(B) Plan approvals (PA), Operating permits (OP), Compliance Permits (CP):

(1) Columbia Gas Transmission Corporation—Artemas Compressor Station, Bedford County, PA 05–2006, effective April 19, 1995; except for the plan approval expiration date and item (or portions thereof) Nos. 4 and 13 relating to non-RACT provisions.

(2) Columbia Gas Transmission Corporation—Donegal Compressor Station, Washington County, PA 63–000–631, effective July 10, 1995; except for the plan approval expiration date and item (or portions thereof) Nos. 9 and 20 relating to non-RACT provisions.
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(3) Columbia Gas Transmission Corporation—Gettysburg Compressor Station, Adam County, OP 01–2003, effective April 21, 1995; except for the operating permit expiration date and item (or portions thereof) No. 13 relating to non-RACT provisions.

(4) Columbia Gas Transmission Corporation—Eagle Compressor Station, Chester County, OP 15–022, effective February 1, 1996; except for the operating permit expiration date and item (or portions thereof) Nos. 9 and 10 relating to non-RACT provisions.

(5) Columbia Gas Transmission Corporation—Downingtown Compressor Station, Chester County, CP 15–0020, effective September 29, 1998, except for the expiration date and conditions Nos. 9 and 10 relating to non-RACT provisions.

(6) Cabinet Industries, Inc. (Montour County), OP 15–0005, effective September 25, 1995, except for the expiration date and conditions Nos. 13–15 and 17–20 pertaining to non-RACT provisions.

(7) Strick Corporation (Montour County), OP 47–0002, effective August 28, 1996, except for the expiration date and conditions Nos. 10–11 and 21–22 relating to non-RACT provisions.

(8) Handy and Harmon Tube Co. (Montgomery County), OP 46–0016, effective September 25, 1995, except for the expiration dates and conditions No. 11 relating to non-RACT provisions.

(i) Incorporation by reference.

(A) Five (5) letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC determinations in the form of operating permits on the following dates: December 8, 1995, September 13, 1996, October 18, 1996, July 24, 1996, and October 2, 1998 by the Pennsylvania Department of Environmental Protection.

(B) Operating permits (OP):

(1) GKN Sinter Metals, Inc. (Cameron County), OP 12–0002, effective September 30, 1998, except for the expiration date and conditions Nos. 14–20 relating to non-RACT provisions.

(2) Springs Window Fashions Division, Inc. (Lycoming County), OP 41–0014, effective September 29, 1998, except for the expiration date and conditions Nos. 9–10 relating to non-RACT provisions.

(3) Cabinet Industries, Inc. (Montour County), OP 47–0005, effective September 21, 1998, except for the expiration date and conditions Nos. 5–8 relating to non-RACT provisions.

(4) Centennial Printing Corp. (Montgomery County), OP 46–0016, effective October 31, 1996, as revised on May 11, 1998 except for the expiration date and conditions Nos. 13–15 and 17–20 pertaining to non-RACT provisions.

(5) Strick Corporation (Montour County), OP 47–0002, effective August 28, 1996, except for the expiration date and conditions Nos. 10–11 and 21–22 relating to non-RACT provisions.

(ii) Additional Materials—Remainder of the Commonwealth of Pennsylvania’s September 13, 1996, December 18, 1996, October 18, 1996, July 21, 1998 and October 2, 1998 submittals pertaining to the VOC RACT requirements for GKN Sinter Metals, Inc. (Cameron County), Springs Window Fashions Division, Inc. (Lycoming County), Cabinet Industries Inc. (Montour County), Centennial Printing Corp., Strick Corporation (Montour County), and Cabinet Industries (Montgomery County).

(3) Paragraph (f)(4) of section 175.29
(4) Paragraphs (a), (b), (c), and (d) of section 175.41. Paragraph (b)(3) of section 175.41. Subparagraphs (d)(2)(i) and (d)(2)(iii), and paragraphs (e)(5) and (f)(4) of section 175.41.

(5) Sections 175.42, 175.43, 175.44, and 175.45.

(6) Sections 177.1, 177.2, 177.3, 177.21, 177.22, 177.23, 177.24, 177.51, 177.52, 177.53, 177.101, 177.102, 177.103, 177.104, 177.105, 177.106.

(7) Sections 177.201, 177.202, 177.203, 177.204, 177.205, 177.206, 177.207, 177.208, 177.209, 177.210, 177.211, 177.212, 177.213, 177.214, 177.215, 177.216, 177.217, 177.218, 177.219, 177.220, 177.221, 177.222, 177.223, 177.224, 177.225, 177.226, 177.227, 177.228, 177.229, 177.230, 177.231, 177.232, 177.233, 177.234, 177.235, 177.236, 177.237, 177.238, 177.239, 177.240, 177.241, 177.242, 177.243, 177.244, 177.245, 177.246, 177.247, 177.248, 177.249, 177.250, 177.251, 177.252, 177.253, 177.254, 177.255, 177.256, 177.257, 177.258, 177.259, 177.260, 177.261, 177.262, 177.263, 177.264, 177.265, 177.266, 177.267, 177.268, 177.269, 177.270, 177.271, 177.272, 177.273, 177.274, 177.275, 177.276, 177.277, 177.278, 177.279, 177.280, 177.281, 177.282, 177.283, 177.284, 177.285, 177.286, 177.287, 177.288, 177.289, 177.290, 177.291, 177.292, 177.293, 177.294, 177.295, 177.296, 177.297, 177.298, 177.299, 177.300, 177.301, 177.302, 177.303, 177.304, and 177.305.

(8) Sections 177.401, 177.402, 177.403, 177.404, 177.405, 177.406, 177.407, 177.408, 177.421, 177.422, 177.423, 177.424, 177.425, 177.426, 177.427, and 177.431.

(9) Sections 177.501, 177.502, 177.503, 177.504, and 177.521.

(10) Sections 177.602, 177.603, 177.605, 177.606, 177.651, 177.652, 177.653, 177.654, 177.655, 177.656, 177.657, 177.658, 177.659, 177.660, 177.661, 177.662, 177.663, 177.664, 177.665, 177.666, 177.667, 177.668, 177.669, 177.670, 177.671, 177.672, 177.673, and 177.691.

(11) Appendix A to Title 67 of the Pennsylvania Code.

(12) Appendix B to Title 67 of the Pennsylvania Code.

(ii) Additional Material—Remainder of Submittals. The Commonwealth submitted materials in support of its enhanced motor vehicle inspection and maintenance (I/M) program regulation. These materials were submitted in formal SIP revisions dated: March 27, 1996; July 29, 1996; November 1, 1996; November 13, 1997; February 24, 1998; August 21, 1998; November 25, 1998; and March 3, 1999, and include:

(A) Submittal submitted under a letter dated March 22, 1996, from the Secretary of the Pennsylvania Department of Environmental Protection.

(B) Materials submitted under a letter dated June 27, 1996, from the Secretary of the Department of Environmental Protection.

(C) Materials submitted under a letter of July 29, 1996, from the Secretary of the Department of Environmental Protection.

(D) Materials submitted under a letter of November 1, 1996, from the Secretary of the Department of Environmental Protection.

(E) Materials submitted under a letter of October 27, 1997, from the Secretary of the Department of Environmental Protection.

(F) Materials submitted under a letter of February 24, 1998, from the Secretary of the Department of Environmental Protection.

(G) Documents submitted by a letter dated August 21, 1998, from the Secretary of the Department of Environmental Protection.


(140) [Reserved]

(141) Revisions to the Pennsylvania Regulations for a Clean Vehicles Program regulation submitted on January 8, 1999 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of January 8, 1999 from the Department of Environmental Protection transmitting the National Low Emission Vehicles Program, and a Pennsylvania Clean Vehicles Program as a “backstop” to the National Low Emission Vehicle Program.

(B) Amendments to Chapter 121 of Title 21 of the Pennsylvania Code, effective on December 5, 1998, to include definitions for the following terms: CARB, CARB Executive Order, California Code of Regulations, Dealer, Debit, Emergency Vehicle, Fleet Average, GVWR, LDT, LDV, Model Year, Motor Vehicle, Motor Vehicle Manufacturer, NLEV, NLEV Program, NMOG, New Motor Vehicle / New Light-Duty Vehicle, Offset Vehicle, Passenger Car, Ultimate Purchaser, Zero-Emission Vehicle

(C) Amendments to Chapter 126 of Title 21 of the Pennsylvania Code, effective December 5, 1998, to add new sections: 126.401, 126.402, 126.411, 126.412, 126.413, 126.421, 126.422, 126.423, 126.424, 126.425, 126.431, 126.432, and 126.441.

(ii) Additional Material.—Remainder of January 8, 1999 submittal pertaining to the National Low Emission Vehicles Program and the Pennsylvania Clean Vehicles Program.

(142) Revisions to the Pennsylvania Regulations for an oxygenated gasoline program submitted on September 13, 1995 by the Pennsylvania Department of Environmental Protection.
(i) Incorporation by reference.

(A) Letter of September 13, 1995 from the Pennsylvania Department of Environmental Protection transmitting the oxygenated gasoline regulation as a SIP revision.

(B) Revisions to 25 PA Code Chapter 121, General Provisions, section 121.1 Definitions, the additions of section 126.101 General, section 126.102 Sampling and testing, section 126.103 Recordkeeping and reporting and section 126.104 Labeling requirements to 25 PA Code Chapter 126 and the removal of section 126.1 Oxygenate content of gasoline from 25 PA Code Chapter 126. These revisions became effective August 19, 1995.

(ii) Additional Material.—Remainder of September 13, 1995 submital.


(i) Incorporation by reference.


(B) Plan approvals (PA), Operating permits (OP), and Compliance Permits (CP):


(2) Delaware County Regional Water Quality Control Authority’s Western Regional Treatment Plant (DELCORA WRTP), OP-23-0032, issued 03/12/1997, as revised on 05/16/1997, except for the expiration date and the requirements of Conditions 9, 12, 14, 15, 16, and any associated recordkeeping and reporting requirements.


(4) Department of Public Welfare’s Norristown State Hospital, OP-46-0060, issued 01/21/1998, except for the expiration date and Conditions 3, 4, 5, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24.


(6) Garlock, Inc., PA-09-0035, issued 03/12/1997, except for the expiration date and Conditions 2, 10, 13, 15.B-F.

(7) Interstate Brands Corporation, PLID 5811, effective 04/10/1995, except for Conditions 1.A(1), (2), (4) and (5), 2.B, 2.C, 7, 8, and 9. (Note: Interstate Brands Corporation acquired this facility through purchase of Continental Baking Company, which was the owner of the facility when the RACT permit was issued. Accordingly, Continental Baking Company is shown as the facility owner on the permit.)

(8) J.B. Slevin Company, Inc., OP-23-0013, issued 09/03/1996, except for the expiration date and the requirements of Conditions 4, 5.A, and 8, 9, and 10.

(9) Laclede Steel Company, OP-09-0023, issued 7/17/1995, except for the expiration date and requirements of Conditions 3 and 7.

(10) LNP Engineering Plastics, Inc., OP-15-0035, issued 10/31/97, except for the expiration date, Conditions 3, 4, 5, 6, 7 (as it relates to non-criteria pollutants), 10 (as it relates to keeping records required to show compliance with Condition 5), 12, 15, 16, and 21.
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(11) Lukens Steel Company, OP–15–0010, issued 05/06/1999, except for the expiration date, Conditions 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34. Permit Condition 3 lists units subject to RACT requirements. All of the listed units are subject to VOC RACT requirements, but only the C and D electric arc furnaces, the Drever Furnace, the NAB Furnaces, the nine batch heat treatment furnaces, the EMS boiler, the Soaking Pits and the ZIR line process, are subject to NOx RACT requirements.


(13) PECO Energy Company, Croydon Station, OP–09–0016A, issued 12/20/1996, except for the expiration date, Conditions 4, 5, 7(C), 7(D), 7(E) and 10.

(14) PECO Energy Company, Lim-erick Station, OP–46–0038, issued 7/25/1995, except for the expiration date, Conditions 4, 5, 8(B), 9(B), 10(A)(3), 10(C), and 11.

(15) PECO Energy Company, Fairless Works, OP–09–0066, issued 12/31/1998, as revised on 04/06/1999, except for the expiration date, Conditions 4, 5, 6, 7, and 8, the portion of Condition 10 pertaining to sulfur content of fuel oil, the provision of Condition 11 (B) pertaining to annual NOx emissions, the provisions in 11(C) regarding landfill gas and Condition No. 15.

(16) PECO Energy Company, West Conshohocken Plant, OP–46–0045A, issued 12/04/1997, except for the expiration date, and the provisions of Conditions 3B, 3C, 3D, 4, 5, 6(B)(2), 7, 8, 9D, 9E, and 9F.

(17) Pennsylvania Electric Company (owner) and GPU Generation, Inc. (operator), Front Street Plant, 25–0041, issued 02/25/1999, except for Conditions 7, 8, 9, and 10.

(18) American Inks and Coatings Corporation, OP–15–0026A, issued 01/10/1997, except for the expiration date, all ton per year limitations, and Conditions 3, 4, 5, 7(A), 8(A), 8(C), 9, 11, 12, 13, and 14.

(19) Avery Dennison Corporation (Fasson Roll Division), OP–09–0001A, issued 10/02/1997, except for the expiration date, Conditions 3, 4, 5, 7, 8, 9(A), 9(A)2, 9(A)3, 9(A)4, 9(A)5, 9(A)7, 9(A)8, 9(A)9, 9(B), 9(C), 9(D), 10. 11, 12, 13, and 14.

(20) Cabot Performance Materials, OP–46–0037, issued 04/13/1999, except for the expiration date and Conditions 4, 5, 6, 7, 8, 9, 15(b), 15(c), 16, 17, 18, 19, 20, 21, 22, 23, and 24.


(22) CMS Gilbreth Packaging Systems, OP–09–0036, issued 01/07/1997, except for the expiration date and Conditions 3, 4, 19, 20, 21, 22, 23, 24, 25, 26, and 27.


(24) Congoleum Corporation, OP–23–0021, issued 12/31/1998, except for the expiration date and Conditions 3, 4, 5(A), 5(B), 5(D), 5(E), 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26.

(25) Epsilon Products Company, OP–23–0012, issued 02/15/1996, except for the expiration date and Conditions 3, 4(B), 4(C), 7, 9, 10, 12, 13, 14, and 15.


(27) Forms, Inc., Spectra Graphics, OP–46–0023, issued 11/09/1995, as revised on 03/25/1996, except for the expiration date, Conditions 4, the VOC lbs/hr limits in Condition 5 for both the heatset and nonheatset press materials, 6, 7, 9, 11 and 12.

(28) Global Packaging, Inc., OP–46–0026, issued 08/30/1996, as revised on 12/24/1997, except for the expiration date, Conditions 3, 4, 5, 6, the nitrogen oxide limits in Condition 7(B), 10, and 11. (Note: Pennsylvania issued the revised permit to Global Packaging, Inc. Global Packaging, Inc. acquired this facility through purchase of BG Packaging, Inc., which had owned the facility when the original RACT permit was issued. Accordingly, BG Packaging, Inc. is shown as the facility owner on the original permit.)
(29) Jefferson Smurfit Corporation (U.S.), OP 46–0041, issued 04/18/1997, except for the expiration date, Conditions 3, 4, 5, 15(B), 16, 17, 18, 19, 20, 21, and 22 and the record keeping and monitoring requirements of Condition No. 15(A) associated with Condition 4.


(31) Lonza, Inc., OP 46–0025, issued 04/22/1997, as revised on 06/16/1998, except for the expiration date, Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13(B), 13(D) and 13(E).

(32) Markel Corporation, OP 46–0081, issued 04/09/1999, except for the expiration date and Conditions 3, 4, 5, 6, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

(33) McCorquodale Security Cards, Inc., OP 15–0037, issued 09/03/1996, except for the expiration date and Conditions 3, 4, 5, 6, 7, 8, 9, 11, 15, 16, and 17.


(35) Minnesota Mining and Manufacturing Co. (3M), CP 09–0005, issued 08/08/1996, except for the expiration date and Conditions 4, 5, 6, 7, 8, 9, 10, 11(C), 12 (C), 12(D), 13(A), 13(C), 13(D), 14, 15, 16, 17, 18, 19, 20, 21, and 22.

(36) MM Biogas Power LLC, OP 46–0067, issued 10/31/1997, except for the expiration date and Conditions 3, 4, 5, 7, 9 (as it pertains to the Superior engine), 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21.

(37) Norwood Industries, Inc., OP 15–0011A, issued 12/20/1996, as revised on 12/02/1999, except for the expiration date, Conditions 3, 4, 5, 6(A), 6(B), 6(C), 6(D), 6(D)2a, 6(D)2b, 6(D)3, 6(D)5, 6(E), 6(F)1, 6(F)2, 6(F)3, 6(F)5, 6(F)6, 6(G), 7, 8(A), 8(C), 8(D), 8(E), 8(G), 8(H), 8(I) and 9.

(38) NVF Company, OP 15–0030, issued 04/13/1999, except for the expiration date and Conditions 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

(39) Occidental Chemical Corporation, OP 46–0015, issued 11/07/1996, except for the expiration date and Conditions 4, 5, 6(A), the capacity factor in 6(D), 6(E), 7, 8(A), 8(C), 8(D), 8(D)2a, 8(D)2b, 8(D)2c, 8(D)2d, 8(D)3, 8(D)4, 8(E), 9, 10, 11(B), 12.

(40) Philadelphia Newspapers, Incorporated, OP 46–0012, issued 08/30/1996, as revised on 03/15/2000, except for the expiration date, and Conditions 3, 4(A), 5, 9, and 11.

(41) Procter & Gamble Paper Products Company, OP 66–0001, issued 04/04/1997, except for the expiration date, and Conditions 3, 4, 6, 7, 8, 9, 10, 11, 14, 15, 17, 18, 19, 20, 21, and 22.

(42) Quebecor Printing Atglen, Inc., OP 15–0002, issued 12/10/1996 except for the expiration date and Conditions 3, 4(A) except as it relates to cleaning solvents, 4(B), 4(C), 5, 6, 7, 8(A), 8(B) and 8(D).

(43) Sartomer Company, Inc., OP 15–0015, issued 01/17/1996, as revised on 03/25/1998, except for the expiration date and Conditions 3, 4, 5, 8, 13, 14, 15(A), and 16.

(44) Silberline Manufacturing Company, Inc., OP 54–0041, issued 04/19/1999, except for the expiration date and Conditions 3, 4, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21.

(45) SmithKline Beecham Research Company, OP 46–0031, issued 10/31/1997, as revised on 05/01/1998, except for the expiration date and Conditions 3, 4, 5(a) as it pertains to the Cleaver Brooks boiler rated at 31.4 MMbtu/hr., 6(b), and 6(c).


(47) Sun Company, Inc. (R&M), OP 23–0010, issued 10/31/1996, except for the expiration date and Conditions 3, 4, 6, 7, 8 and 10.


(49) Universal Packaging Corporation, OP 46–0156, issued 04/08/1999, except for the expiration date, and Conditions 3, 4, 5, 9 and 11.

(50) Zenith Products Corporation, OP 23–0008, issued 04/07/1997, except for the expiration date, and Conditions 4, 6, 7, 8(A), 8(B), 9(B), 10, 11, and 12.


(52) Bellevue Cogeneration Plant, PLID 06513, effective 4/10/1995, except


(55) Trigen—Schuylkill Station, PLID 04942, effective 5/29/1995, except for Conditions related to low NOx burners found at 1.B(1) and 2(A), the provision in Condition 3.A(1) limiting NOx emissions to 1646 tons per year, 4 (B), 7, 8, and 9.

(56) Trigen—Edison Station, PLID 4902, effective 5/29/1995, excluding portions of Condition 3.A.1) limiting NOx emissions in tons per year and Conditions 7, 8, and 9.

(C) Letters from the Pennsylvania Department of Environmental Protection, dated 09/21/2000, and 10/20/2000, in which Pennsylvania provided supplemental information regarding many of the permits listed in (C) above, and in which Pennsylvania specified the permit conditions, listed in i(B) above, which it did not wish to have incorporated into the Pennsylvania State Implementation Plan.

(144) [Reserved]

(145) Revisions to the Pennsylvania State Implementation Plan adopting the Nitrogen Oxides Allowance Requirements submitted on December 19, 1997 and December 27, 1999 by the Secretary of the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference:

(A) Letter of December 19, 1997 from the Secretary of the Pennsylvania Department of the Environmental Protection transmitting the Nitrogen Oxides Allowance Requirements.

(B) Letter of December 27, 1999 from the Secretary of the Pennsylvania Department of the Environmental Protection transmitting the Nitrogen Oxides Allowance Requirements.

(C) Revisions to 25 PA Code, Chapters 121 and 123 pertaining to Nitrogen Oxides Allowance Requirements, effective November 1, 1997.

(1) Revisions to section 121.1—definitions of: account, account number, acquiring account, compliance account, electric generating facility, fossil fuel, fossil fuel fired, general account, heat input, indirect heat exchange combustion unit, maximum heat input capacity, NATS—NOx allowance tracking system, NETS—NOx emissions tracking system, NOx allocation, NOx allowance, NOx allowance CEMS—NOx allowance continuous emission monitoring system, NOx allowance control period, NOx allowance curtailment, NOx allowance deduction, NOx allowance transfer, NOx allowance transfer deadline, NOx budget, NOx budget administrator, OTC MOU—ozone transport commission memorandum of understanding, replacement source.

(2) Addition of sections 123.101 through 123.120, except for section 123.115.

(D) Revisions to 25 PA Code, Chapters 121 and 123 pertaining to Nitrogen Oxides Allowance Requirements, effective March 11, 2000.

(1) Revisions to section 121.1—definition of NOx affected source.

(2) Addition of section 123.115 and Appendix E.

(ii) Additional material.

(A) Nitrogen Oxide (NOx) Memorandum of Understanding Implementation Plan of December 9, 1997.

(B) Letter of March 31, 2000 from the Director of the Pennsylvania Department of the Environmental Protection amending the Chapter 123 NOx Allowance Program.

(146) [Reserved]

(147) Revisions to the Pennsylvania Regulations pertaining to certain VOC regulations submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to VOC regulations.

(B) Addition of the term “less water” to 25 PA Code Chapter 129, Standard for Sources, at section 129.67(b)(2) Graphic Arts Systems; addition of paragraph (h) to 25 PA Code Chapter 129, Standard for Sources, at section 129.56, Storage Tanks Less than 40,000 Gallons Capacity Containing VOCs; and revisions to
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25 PA Code Chapter 128 to remove section 128.14, pertaining to the Minnesota Mining and Manufacturing Company, Bristol, Pennsylvania. These revisions became effective on September 5, 1998.

(ii) Additional Material.—Remainder of March 6, 2000 submittal.

(148) Revisions to the Pennsylvania Regulations pertaining to certain VOC regulations submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to VOC regulations.

(B) Addition of definitions to 25 PA Code Chapter 121. General Provisions, at section 121.1 Definitions; addition of new section to 25 PA Code Chapter 129, Standards For Sources, section 129.75, Mobile Equipment Repair and Refinishing. These revisions became effective on November 27, 1999.

(ii) Additional material.

(A) Remainder of the March 6, 2000 submittal.


(i) Incorporation by reference.


(B) Plan approvals (PA) or Operating permits (OP):


(2) Armstrong World Industries, Inc., Beech Creek, Clinton County, OP–18–0003A, effective July 6, 1995, except for the expiration date and conditions 3, 4, 5, 7, 10, and 17 through 20 inclusive.


(5) CertainTeed Corporation, Mountaintop, Luzerne County, OP–40–0010, effective May 31, 1996, except for the expiration date and conditions 6 through 11 inclusive.

(6) CNG Transmission Corp., Ardell Station, Elk County. OP–24–120, effective September 30, 1995, except for the expiration date and conditions 3, 6, and 8 through 11 inclusive.

(7) CNG Transmission Corporation, Finnemrock Station, Clinton County, PA–18–0003A, effective February 29, 1996, except for the expiration date and conditions 6, 7, and 9 through 19 inclusive.


(9) Consolidated Rail Corporation (CONRAIL), Hollidaysburg Car Shop, Blair County, OP–07–2002, effective August 29, 1995, except for the expiration date and conditions 3, 5, 6, 11 and 12.


(12) Cooper Energy Services, Grove City, Mercer County, OP–43–003, effective July 25, 1996, except for conditions 3, 4, 10 and 11.

(13) Cyprus Cumberland Resources Corp., Greene County, OP–30–000–040, effective March 26, 1999, except for the expiration date and conditions 7, 8, 10, 11 and 12.
(14) Defense Distribution Susquehanna, York County, OP-67-02041, effective February 1, 2000, except for the expiration date and condition 3; Condition 4. (Sources, Continued), Paragraphs I.d. and III; General Conditions, conditions 5 and 6; Presumptive RACT, conditions 9 and 10; Stack Test, conditions 11 through 14 inclusive, 16 and 17; and Recordkeeping and Reporting, conditions 18 through 22 inclusive.

(15) EMI Company, Erie County, OP-25-070, effective October 24, 1996.


(17) Equitrans, Inc., Rogersville Station, Greene County, 30-000-109, effective July 10, 1995, except for the expiration date and conditions 4, 5 and 6.

(18) Equitrans, Inc., Pratt Station, Greene County, 30-000-110, effective July 10, 1995, except for the expiration date and conditions 4, 5, 6, 9 and 11 through 20 inclusive.

(19) Erie Coke Corporation, Erie County, OP 25-029, effective June 27, 1995, except for conditions 5, and 10 through 15 inclusive.

(20) Fleetwood Folding Trailers, Inc., Somerset County, 56-000-151, effective February 28, 1996, except for the expiration date and condition 5.


(22) Offset Paperback Manufacturers, Inc, Luzerne County, 40-0008, effective April 16, 1999, except for the expiration date and conditions 3, 4 and 16 through 20 inclusive.

(23) Overhead Door Corporation, Mifflin County, 41-2011, effective June 4, 1997, except for the expiration date and conditions 3 and 11.

(24) Sanyo Audio Manufacturing (USA), 44-2003, effective June 30, 1995, except for the expiration date and conditions 3, 4, and 7 through 10 inclusive.


(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in (i) (B), above.

(150) [Reserved]

(151) Revisions to the Allegheny County Air Pollution Control Regulations governing gasoline volatility requirements submitted on March 23, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 23, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to the low RVP gasoline volatility requirements for Allegheny County, Pennsylvania.

(B) The following revision to Article XXI, Rules and Regulations of the Allegheny County Health Department, effective May 15, 1998.


(2) Regulation 2107.15—Gasoline Volatility and RFG Methods.

(3) Regulation 2105.90—Gasoline Volatility, Paragraphs a and b.

(C) The following revision to Article XXI, Rules and Regulations of the Allegheny County Health Department, effective September 1, 1999.

(1) Regulation 2101.20—definition of "compliant fuel.

(2) Regulation 2105.90—Gasoline Volatility, Paragraphs c, d, and e.

(ii) Remainder of the March 23, 2000 submittal pertaining to Article XXI, regulations 2101.20, 2105.90, and 2107.15 as described above.

(152) Revisions to the Commonwealth of Pennsylvania Regulations pertaining to certain VOC regulations submitted on October 4, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of October 4, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to VOC regulations.

(B) Revisions to 25 PA Code, effective June 10, 2000.
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(1) Additions, Deletions and Revisions to Chapter 121, General Provisions, section 121.1, Definitions.

(2) Revisions to Chapter 129, Standards for Sources, Sources of VOC, section 129.52, Surface Coating Processes.

(3) Revision to Chapter 129, Standards for Sources, section 129.91, Control of Major Sources of NOx and VOCs, subsection (a).


(5) Revisions to Chapter 139, Sampling and Testing, section 139.4, References, and section 139.14, Emissions of VOCs.

(ii) Additional Material.—Remainder of October 4, 2000 submittal.

(154) Revisions to the Pennsylvania Regulations pertaining to Stage II VOC control requirements for Southwest Pennsylvania submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to the Stage II VOC control requirements for Southwest Pennsylvania.

(B) Revisions to 25 PA Code, Chapter 129, Standards for Sources at section 129.82, Control of VOCs from gasoline dispensing facilities (Stage II). These revisions became effective on April 10, 1999.

(ii) Additional Material.—Remainder of March 6, 2000 submittal.

(155) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NOx RACT for Merck and Company Inc.‘s West Point facility submitted by the Pennsylvania Department of Environmental Protection on July 2, 1997, as amended August 9, 2000.

(i) Incorporation by reference.

(A) Letter submitted on July 2, 1997 by the Pennsylvania Department of Environmental Protection transmitting VOC and NOx RACT determinations in the form of an operating permit (OP–46–0005) for Merck and Company Inc.‘s West Point facility located in Montgomery County Pennsylvania.

(B) Letter submitted on August 9, 2000 by the Pennsylvania Department of Environmental Protection transmitting VOC and NOx RACT determinations in the form of an operating permit (OP–46–0005) for Merck and Company Inc.‘s West Point facility located in Montgomery County Pennsylvania.

(C) Letter submitted on February 1, 2001 by the Pennsylvania Department of Environmental Protection providing supplementary clarifying information regarding Merck’s operating permit (OP–46–0005), in which Pennsylvania specified the portions of the permit, as listed in paragraph (c)(154)(i)(D) of this section, which it did not wish to have incorporated into the Pennsylvania State Implementation Plan.


(ii) Additional Material.

(A) Remainder of the July 2, 1997 submittal pertaining to Merck and Company, Inc.’s West Point facility located in Montgomery County.

(B) Remainder of the August 9, 2000 submittal pertaining to Merck and Company, Inc.’s West Point facility located in Montgomery County.

(C) Remainder of the February 1, 2001 submittal pertaining to Merck and Company, Inc.’s West Point facility located in Montgomery County.

(156) Revisions to the Pennsylvania Regulations pertaining to certain VOC regulations submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.
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(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to VOC regulations.

(B) Addition of definitions to 25 PA Code Chapter 121, General Provisions, at section 121.1. Definitions; addition of new section to 25 PA Code, Chapter 129, Standards For Sources, section 129.73. Aerospace manufacturing and rework; and revisions to Chapter 129, Standards For Sources, section 129.51. General. These revisions became effective on April 10, 1999.

(i) Additional material. Remainder of March 6, 2000 submittal.


(i) Incorporation by reference.

(A) Letter submitted on March 21, 1996 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NOx RACT determinations for the sources listed in paragraph (c)(156)(i) of this section.

(B) Operating Permit 5011, effective May 29, 1995.

(C) Operating Permit 6009, effective April 18, 1996 (as revised October 15, 1998), except for the expiration date.

(D) Johnson Matthey, Inc., OP-15-0027, effective August 3, 1998 (as revised April 15, 1999), except for the expiration date.


(F) Lawrence McFadden, Inc., PA-51-2074, for PLID 2074, effective June 11, 1997.


(L) The Philadelphian Building, PA-51-6552, effective April 27, 1997, except for the expiration date.


(N) Teva Pharmaceuticals USA, OP-09-0010, effective April 9, 1999, except for the expiration date.

(15) Webcraft Technologies, Inc., OP-09-0009, effective April 18, 1996 (as revised October 15, 1998), except for the expiration date.


(18) Webcraft Technologies, Inc., OP-09-0009, effective April 18, 1996 (as revised October 15, 1998), except for the expiration date.

(19) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraphs (c)(156)(i) and (156)(ii) of this section.

(157) [Reserved]

(158) Revision pertaining to NOx RACT for the Latrobe Steel Company located in Latrobe Borough, Westmoreland County, submitted by the Pennsylvania Department of Environmental Protection on March 21, 1996.

(i) Incorporation by reference.

(A) Letters submitted on March 21, 1996 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NOx RACT determinations.

(B) Operating Permit 65-000-016, effective December 22, 1995, for the Latrobe Steel Company in Latrobe Borough, Westmoreland County, except for...
the specified Permit Term: 12/22/95—12/22/00.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determination for the source listed in paragraph (c)(158)(i)(B) of this section.

(159) Revision pertaining to VOC and NO\textsubscript{X} RACT for the Allegheny Ludlum Corporation, Brackenridge facility, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997.

(i) Incorporation by reference.

(A) Letter submitted on July 1, 1997 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations.

(B) Consent Order No. 260, effective December 19, 1996, for the Allegheny Ludlum Corporation, Brackenridge facility, except for conditions 1.8 and 2.5.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determination for the source listed in paragraph (c)(159)(i)(B) of this section.

(160) Revisions pertaining to NO\textsubscript{X} and/or VOC RACT for major sources, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997, and April 9, 1999.

(i) Incorporation by reference.

(A) Letters dated July 1, 1997 and April 9, 1999, submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations.

(B) The following sources’ Enforcement Order (EO) or Operating Permit (OP):

(1) Kosmos Cement Company, EO 208, effective December 19, 1996, except for condition 2.5.


(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(160)(i)(B) of this section.

(161) Revisions pertaining to NO\textsubscript{X} and/or VOC RACT for major sources, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on January 6, 1995, September 13, 1996, and July 1, 1997.

(i) Incorporation by reference.

(A) Letters from the Pennsylvania Department of Environmental Protection dated January 6, 1995, September 13, 1996, and July 1, 1997, transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations.

(B) The following companies’ Plan Approvals (PA), or Consent Orders (CO):

(1) Duquesne Light Company’s Cheswick Power Station, CO 217, effective March 8, 1996, except for condition 2.5.

(2) Duquesne Light Company’s Elrama Plant, PA 63-000-014, effective December 29, 1994.


(ii) Additional materials.

(A) The federally enforceable Major Modification PSD Permit, ACHD Permit #0056, issued on March 5, 2001 to Orion Power Midwest L.P. for its Brunot Island Power Station (formerly owned by Duquesne Light Company).

(B) The Consent Order and Agreement, dated April 15, 1999, between the Commonwealth of Pennsylvania, Department of Environmental Protection and Duquesne Light Company, INC., regarding NO\textsubscript{X} Allowances, which states that the emission reductions resulting from the curtailment of operations at the Phillips Station prior to April 15, 1999 are not eligible to be used to generate emission reduction credits (ERCs) and cannot be used as credible emission reductions in any New Source Review (NSR) applicability determination.

(C) Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(161)(i)(B) of this section.

(162) Revisions pertaining to VOC RACT for IDL, Incorporated; Oakmont Pharmaceutical, Inc.; and USAir, Inc.
located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997.

(i) Incorporation by reference.
(A) Letter submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC RACT determinations dated July 1, 1997.
(B) Plan Approval and Agreement Upon Consent Orders (COs) for the following sources:
(I) IDL, Incorporated, CO 225, effective July 18, 1996, except for condition 2.5.
(2) Oakmont Pharmaceutical, Inc., CO 252, effective December 19, 1996, except for condition 2.5.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraphs (c)(163)(i)(B) and (D) of this section.

163 Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and NOx RACT, submitted by the Pennsylvania Department of Environmental Protection on April 9, 1999 and July 5, 2001.

(i) Incorporation by reference.
(A) Letter submitted on April 9, 1999 by the Pennsylvania Department of Environmental Protection transmitting source-specific RACT determinations in the form of operating permits.
(B) Operating permits (OP) for the following sources:
(I) Lukens Steel Corporation, Houston Plant; OP 63–000–080, effective date 02/22/99, except for the Permit Term and conditions 13–16, inclusive.
(2) Allegheny Ludlum Steel Corporation, West Leechburg Plant; OP 65–000–183, effective date 03/23/99, except for the Permit Term.
(3) Allegheny Ludlum Corporation, Jessop Steel Company Washington Plant; OP 63–000–027, effective date 03/26/99, except for the Permit Term and conditions 11–14, inclusive.
(C) Letter submitted on July 5, 2001 by the Pennsylvania Department of Environmental Protection transmitting source-specific RACT determinations in the form of operating permits.
(D) Koppel Steel Corporation, Koppel Plant’s OP 04–000–059, effective date, 3/23/01, except for the Permit Term.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraphs (c)(163)(i)(B) and (D) of this section.


(i) Incorporation by reference.
(B) The following companies’ Operating Permits (OP) or Enforcement Order (EO):
(2) Consolidated Natural Gas Transmission Corporation, Oakford Station, OP 65–000–837, effective October 13, 1995.
(7) Texas Eastern Transmission Corporation, Uniontown Station, OP 26–000–413, effective December 20, 1996.
(8) Consolidated Natural Gas Transmission Corporation, South Bend Station, OP 03–000–190, effective December 2, 1998.
(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(164)(i)(B) of this section.

(165) Revisions pertaining to VOC and NO\textsubscript{X} RACT for major sources, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997 and April 19, 2001:

(i) Incorporation by reference.
(A) Letters dated July 1, 1997 and April 19, 2001, submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and NO\textsubscript{X} RACT determinations.
(B) Plan Approval and Agreement Upon Consent Orders (COs) and an Enforcement Order (EO) for the following sources:

(1) Pruett Schaffer Chemical Company, CO 227, effective December 30, 1996, except for condition 2.5.
(2) PPG Industries, Inc., CO 254, effective December 19, 1996, except for condition 2.5.
(3) Reichhold Chemicals, Inc., CO 218, effective December 19, 1996, except for condition 2.5.
(4) Reichhold Chemicals, Inc., CO 219, effective February 21, 1996, except for condition 2.5.
(5) Valspar Corporation, EO 209, effective March 8, 1996.

(ii) Additional materials.
Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(165)(i)(B) of this section.

(166) Revisions pertaining to VOC and NO\textsubscript{X} RACT for Ashland Chemical Company; Hercules, Incorporated; and Neville Chemical Company located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on March 21, 1996, July 1, 1997, April 9, 1999 and April 19, 2001:

(i) Incorporation by reference.
(A) Letters dated March 21, 1996, July 1, 1997, April 9, 1999 and April 19, 2001 submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations, in the form of plan approvals, operating permits, and consent orders.
(B) Plan approvals (PA), Operating permits (OP), or Consent Orders (CO) for the following sources:

(1) Anchor Glass Container Corporation, Plant 5, PA–26–000–119, effective December 20, 1996.
(3) Corning Consumer Products Company, Charleroi Plant., PA–63–000–110, effective January 4, 1996, except for the third sentence of condition 3 (which references condition 13), and conditions 5, 6, 7, 13 in their entirety.

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(7) Allegheny County Sanitary Authority, CO-222, effective May 14, 1996, except for condition 2.5.
(8) Browning-Ferris Industries, Findlay Township Landfill, CO-236, effective December 30, 1996, except for condition 2.5.
(9) Chambers Development Company, Monroville Borough Landfill, CO-233, effective December 30, 1996, except for condition 2.5.
(10) Kelly Run Sanitation, Forward Township Landfill, CO-236, effective January 23, 1997, except for condition 2.5.

(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(167)(i)(B) of this section.

(168) Revisions submitted on October 30, 2000 and March 26, 2001 by the Secretary of the Pennsylvania Department of Environmental Protection requesting approval of Pennsylvania’s Nitrogen Oxides Budget Trading Program:

(i) Incorporation by reference.

(ii) Additional Materials:
(B) Plan approvals (PA), or Operating permits (OP) issued to the following sources:

(2) Schlosser Steel, Inc., OP-46-0051, effective February 1, 1996, except for the expiration date.
(3) Perkasie Industries Corporation, OP-09-0011, effective August 14, 1996, except for the expiration date.
(4) Quaker Chemical Corporation, OP-46-0071, effective September 26, 1996, except for the expiration date.
(7) Rohm and Haas Company, Bucks County Plant, OP-09-0015, effective April 20, 1999, except for the expiration date.
(1) Sunoco, Inc. (R&M), PA–1501/1517, for Plant ID: 1501 and 1517, effective August 1, 2000, except for conditions 1.A.(4) as it pertains to H–600, H–601, H–602, H–1 and H–3 heaters; 1.A. (7),(10); 1.A. (12) as it pertains to HTR 1H4; 1.A. (13) as it pertains to HTR PH2 and HTR PH7; 1.A. (15) as it pertains to HTR 11H2; 1.A. (16); 1.A. (18) as it pertains to HTR 2H1, HTR 2H6, and HTR 2H8; 1.A. (19); 1.A. (21); 1.A. (22); 2.B. as it pertains to Gas Oil HDS Unit 866: HTR 12H1; 2.E.; 2.L.; and condition 6.


(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the sources listed in paragraphs (c)(169)(i)(B) of this section.


(i) Incorporation by reference.


(B) Operating Permits (OPs) and Plan Approval and Agreement Upon Consent Orders (COs) for the following sources:


(2) Bacharach, Inc., CO 263, effective October 18, 1996, except for condition 2.5.

(3) Bakerstown Container Corporation, CO 221, effective May 14, 1996, except for condition 2.5.


(5) Flexsys America L.P., Monongahela Plant, OP 63–000–015, effective March 23, 2001, except for the PERMIT TERM.


(9) Witco Corporation, CO 210, effective May 14, 1996.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(170)(i)(B) of this section.

(170) Revisions pertaining to the GenCorp., Inc., Jeanette Plant; and to the CENTRIA, United Coaters Ambridge Coil Coating Operations Plant, located in the Pittsburgh-Beaver Valley ozone non-attainment area, submitted by the Pennsylvania Department of Environmental Protection on April 16, 1996 and August 9, 2000.

(i) Incorporation by reference.

(A) Letter submitted by the Pennsylvania Department of Environmental Protection, dated April 16, 1996, transmitting source-specific VOC and NOx RACT determinations.


(C) Letter submitted by the Pennsylvania Department of Environmental Protection, dated August 9, 2000, transmitting source-specific VOC and NOx RACT determinations.

(D) Operating Permit 04–000–043 issued to CENTRIA, Ambridge Coil Coating Operations Plant, effective May 17, 1999, except for the Permit Term.

(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraphs (c)(171)(i)(B) and (D) of this section.

(171) Revisions pertaining to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and NOx RACT for 11 iron and steel sources located in the Pittsburgh-Beaver Valley area, submitted by the

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations, on the following dates: January 21, 1997, July 1, 1997, March 3, 1999, April 9, 1999, and July 5, 2001.

(B) The following companies' Operating Permits (OP) or Consent Orders (CO):

(1) J & L Structural, Inc.-Aliquippa, OP 04-000-467, effective June 23, 1995, except for the Permit Term.


(3) Shenango, Inc., CO 233, effective December 30, 1996, except for conditions 1.7, 2.6, and 2.7.

(4) LTV Steel Company, CO 259, effective December 30, 1996, except for condition 2.5.

(5) U.S. Steel Clairton Works, CO 234, effective December 30, 1996, except for condition 2.5.

(6) USX Corporation, Edgar Thomson Works, CO 235, effective December 30, 1996, except for condition 2.5.

(7) USX Corporation, Irvin Works, CO 258, effective December 30, 1996, except for condition 2.5.

(8) Wheeling-Pittsburgh Steel Corporation, OP 63-000-066, effective February 8, 1999, except for the Permit Term.


(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(173)(1)(B) of this section.


(i) Incorporation by reference.


(B) Plan Approvals (PAs) and Operating Permits (OPs) for the following sources:


(2) Witco Corporation, Petrolia Facility, PA 10-037, effective June 27, 1995.


(4) Nova Chemicals, Inc., OP 04-000-033 (Permit No. 04-0033), effective as reissued January 24, 2001, except for the Permit Term and conditions 8, 9, and 10.


(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(173)(1)(B) of this section.


(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations, in the form of plan approvals and operating permits, on May 2, 1996, June 10, 1996, January 21, 1997, April 9, 1999, August 9, 2000, and two letters on March 23, 2001.
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(B) Plan approvals (PA), Operating permits (OP) issued to the following sources:


(3) Naval Surface Warfare Center—Carderock Division, PA–51–9724, for PLID 9724, effective December 27, 1997.


(5) U.S. Steel Group/USX Corporation, OP–09–0006, effective April 8, 1999, except for the expiration date.


(7) SUN CHEMICAL—General Printing Ink Division, PA–51–2052, for PLID 2052, effective July 14, 2000.


(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determination for the sources listed in paragraphs (c)(175) (i)(B) and (C) of this section.


(i) Incorporation by reference.


(B) The following companies’ Plan approvals (PA) or Operating permits (OP):


(2) West Penn Power Company, Mitchell Station, PA 63–000–016, effective June 12, 1995, except for the expiration date.


(4) Apollo Gas Company, Shoemaker Station, OP 03–000–183, effective September 12, 1996, except for the Permit Term.


(6) The Peoples Natural Gas Company, Valley Station, PA 03–000–125, effective October 31, 1994 except for the expiration date and time limits in condition 6.

(7) The Peoples Natural Gas Company, Girty Station, PA 03–000–076, effective as extended on October 27, 1995, except for the expiration date and time limit in condition 6.
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(ii) Additional materials.

(A) Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(176)(i)(B) of this section.

(B) Two Pennsylvania Department of Environmental Protection Interoffice Memoranda: Thomas Joseph to Krishnan Ramamurthy, “1500 $ per Ton” dated July 14, 1994; and Krishnan Ramamurthy to Thomas McGinley, Babu Patel, Ronald Davis, Richard Maxwell, and Devendra Verma, “RACT Cost Effectiveness Screening Level” dated July 15, 1994 pertaining to The Peoples Natural Gas Company, Valley Station.

(177) Revisions pertaining to the Chapter 129 for VOC and NO\textsubscript{X} RACT for sources located in the Pittsburgh-Beaver Valley nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on December 8, 1995, July 1, 1997, and April 19, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\textsubscript{X} RACT determinations, in the form of operating permits, enforcement orders, and consent orders on the following dates: December 8, 1995, July 1, 1997, and April 19, 2001.

(B) Operating Permits (OP), Enforcement Orders (EO), and Consent Orders (CO) issued to the following sources:


(2) Heinz USA, EO 211, effective March 8, 1996, except for conditions 1.5, 2.4, and 2.5; and CO 247, effective October 24, 1996, except for conditions 1.11 and 2.7.


(4) Nabisco Biscuit Company, CO 246, effective December 19, 1996, except for condition 2.5.


the Permit Term, and Conditions 4, 5 and 11.


(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(178)(i)(B) of this section.


(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO\(_X\) RACT determinations, in the form of plan approvals, operating permits, or compliance permits on the following dates: August 1, 1995, February 2, 1999, July 27, 2001, and August 8, 2001.

(B) Operating permits (OP), or Compliance Permits (CP) issued to the following sources:


(6) Sunoco, Inc. (R&M); Marcus Hook Plant; CP–23–001, effective June 8, 1995 as revised August 2, 2001, except for the expiration date.


(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(179)(i)(B) of this section.

(180) Revision pertaining to NO\(_X\) RACT for Koppel Steel Corporation’s Ambridge Plant located in Harmony Township, Beaver County, Pennsylvania, submitted by the Pennsylvania Department of Environmental Protection on August 8, 2001.

(i) Incorporation by reference.

(A) Letter submitted on August 8, 2001 by the Pennsylvania Department of Environmental Protection transmitting several source-specific NO\(_X\) and/or VOC RACT determinations.

(B) Operating Permit 04–000–227, effective October 12, 2000, issued to Koppel Steel Corporation, Ambridge Plant.

(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determination for the source listed in paragraph (c)(180)(i)(B) of this section.

(181) Revisions pertaining to NO\(_X\) RACT-related requirements for General Motors, Corp.; Oakmont Steel, Inc.; The Peoples Natural Gas, Co.; and U.S. Bureau of Mines located in Allegheny County portion of the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997.

(i) Incorporation by reference.

(A) Letter dated July 1, 1997, submitted by the Pennsylvania Department of Environmental Protection transmitting several source-specific VOC and/or NO\(_X\) RACT related determinations.

(B) Plan Approval and Agreement Upon Consent Orders (COs) and an Enforcement Order (EO) for the following sources:

(1) General Motors, Corp., CO 243, effective August 27, 1996, except for condition 2.5.

(2) Oakmont Steel, Inc., CO 226, effective May 14, 1996, except for condition 2.5.

(3) The Peoples Natural Gas, Co., CO 240, effective August 27, 1996, except for condition 2.5.
(d) U.S. Bureau of Mines, EO 215, effective March 8, 1996, except for condition 2.5.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the sources listed in paragraph (c)(181)(i)(B) of this section.

(182) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and NOx RACT, for three sources located in the Philadelphia area submitted by the Pennsylvania Department of Environmental Protection on April 20, 1999, June 28, 2000, and August 8, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NOx RACT determinations, in the form of plan approvals and operating permits on April 20, 1999, June 28, 2000, and August 8, 2001.

(B) Plan approvals (PA), or Operating Permits (OP) issued to the following sources:


(d) Tullytown Resource Recovery Facility (Waste Management of PA, Inc.), OP-09-0024, effective July 14, 1997, except for the expiration date.

(5) SPS Technologies, OP-46-0032, effective October 30, 1997, except for the expiration date.

(6) PECO Energy Company, OP-09-0037, effective December 19, 1997, except for the expiration date.


(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(182) (i)(B) of this section.

(183) [Reserved]


(i) Incorporation by reference.


(B) Plan approvals (PA), or Operating Permits (OP) issued to the following sources:


(d) Tullytown Resource Recovery Facility (Waste Management of PA, Inc.), OP-09-0024, effective July 14, 1997, except for the expiration date.

(5) SPS Technologies, OP-46-0032, effective October 30, 1997, except for the expiration date.

(6) PECO Energy Company, OP-09-0037, effective December 19, 1997, except for the expiration date.


(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(182) (i)(B) of this section.


(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NOx RACT determinations, in the form of plan approvals and

(B) Plan approvals (PA). Operating permits (OP) issued to the following sources:


(i) Incorporation by reference.


(B) Plan approvals (PA), and Operating permits (OP) for the following sources:

1. Allegheny Ludlum Steel Corporation, Westmoreland County, OP 65-000-137, effective May 17, 1999, except for the expiration date.

2. INDSPEC Chemical Corporation, Butler County, PA 10-021, as amended and effective on October 19, 1998 except for Condition 4.

(ii) Additional materials. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(186)(1)(B) of this section.


(i) Incorporation by reference.


(B) Plan approvals (PA), and Operating permits (OP) for the following sources:

1. Stoney Creek Technologies, L.L.C., PA-23-0002, effective February 24, 1999, except for the expiration date.


(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraph (c)(187)(i)(B) of this section.

(188) Revisions to the Pennsylvania Regulations including a 10-year ozone maintenance plan for the Pittsburgh-Beaver Valley area, submitted on May 21, 2001 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Letter dated May 21, 2001 submitted by the Pennsylvania Department of Environmental Protection transmitting the maintenance plan for Pittsburgh-Beaver Valley Area.

(B) The Pittsburgh-Beaver Valley Area ozone maintenance plan submitted by the Pennsylvania Department of Environmental Protection, effective May 15, 2001. This plan establishes motor vehicle emissions budgets for VOCs of 109.65 tons/day for 1999, 96.22 tons/day for 2007, and 102 tons/day for 2011. This plan also establishes motor vehicle emissions budgets for NOx of 171.05 tons/day for 1999, 129.12 tons/day for 2007, and 115.02 tons/day for 2011.

(ii) Additional material. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for a major source submitted by the Pennsylvania Department of Environmental Protection on December 21, 2001.

(i) Incorporation by reference.

(A) A letter submitted on December 21, 2001 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and NOx RACT determinations.

(B) Operating permit (OP) for Bethlehem Steel Corporation, Dauphin County, 22–0012, effective April 9, 1999.

(ii) Additional material. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the source listed in paragraph (c)(191)(i)(B) of this section.

2. At 67 FR 39856, June 11, 2002, §52.2020 was amended by adding paragraph (c)(191), effective Aug. 12, 2002. For the convenience of the user, the added text is set forth as follows:

§52.2020 Identification of plan.

* * * * *

(c) * * *

(191) Revisions pertaining to VOC and NOx RACT determinations for a major source submitted by the Pennsylvania Department of Environmental Protection on December 21, 2001.

(i) Incorporation by reference.

(A) A letter submitted on December 21, 2001 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and NOx RACT determinations.

(B) Operating permit (OP) for Bethlehem Steel Corporation, Dauphin County, 22–0012, effective April 9, 1999.

(ii) Additional material. Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the source listed in paragraph (c)(191)(i)(B) of this section.

3. At 67 FR 36109, June 21, 2002, §52.2020 was amended by adding paragraph (c)(189), effective Aug. 12, 2002. For the convenience of the user, the added text is set forth as follows:

§52.2020 Identification of plan.

* * * * *

(c) * * *

(189) Revisions to the Commonwealth of Pennsylvania Regulations pertaining to the Pennsylvania’s air resource regulations submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting revisions to the Commonwealth’s Regulations pertaining to the Pennsylvania’s air resource regulations.

(B) Revisions to 25 PA Code, Part I, Subpart C, Article III, effective December 27, 1997.

(j) Revisions to Chapter 121, General Provisions, section 121.1, revised definitions for coke oven battery, coke oven gas collector main, and door area.

(2) Revisions to Chapter 123, section 123.44, Visible Emissions—Limitations of fugitive air contaminants from operation of any coke oven battery, paragraphs (a) and (a)(1).

(3) Revisions to Chapter 137, section 137.4, Standby Plans, paragraphs (b), (c) and (f).

(4) Revisions to Chapter 139, section 139.12, Emissions of Particulate Matter, paragraphs (1) and (5).

(5) Revisions to Chapter 139, section 139.111, Waste Incinerator Monitoring Requirements,
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introductions, and paragraphs (1)(1), (2), and (3).

(6) Deletion of Chapter 139, section 139.61.

(7) Deletion of Chapter 139, section 139.104. In its place, the provisions of Chapter 139.101 will now apply.


(f) Revisions to Chapter 139, section 139.12, Emissions of Particulate Matter, paragraph (2).

(ii) Additional Material—Remainder of the State submittal(s) pertaining to the revisions listed in paragraph (c)(189)(i) of this section

3. At 67 FR 43004, June 26, 2002, §52.2020 was amended by adding paragraph (c)(194), effective Aug. 26, 2002. For the convenience of the user, the added text is set forth as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

§ 52.2021 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan Philadelphia Interstate</td>
<td>Particulate matter:</td>
</tr>
<tr>
<td></td>
<td>Sulfur oxides:</td>
</tr>
<tr>
<td></td>
<td>Nitrogen dioxide:</td>
</tr>
<tr>
<td></td>
<td>Carbon monoxide:</td>
</tr>
<tr>
<td></td>
<td>Ozone (hydrocarbons):</td>
</tr>
<tr>
<td>Northeast Pennsylvania-Upper Delaware Valley Interstate</td>
<td>I</td>
</tr>
<tr>
<td>South Central Pennsylvania Intrastate</td>
<td>I</td>
</tr>
<tr>
<td>Central Pennsylvania Intrastate</td>
<td>I</td>
</tr>
<tr>
<td>Southwest Pennsylvania Intrastate</td>
<td>I</td>
</tr>
<tr>
<td>Northwest Pennsylvania-Youngstown Intrastate</td>
<td>I</td>
</tr>
</tbody>
</table>


§ 52.2022 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submission of Pennsylvania’s plan for attainment and maintenance of the secondary standards for sulfur oxides and particulate matter in the Southwest Pennsylvania Intrastate Region and in Pennsylvania’s portion of the Metropolitan Philadelphia Interstate Region.

(b) The Administrator hereby extends for 2 years the attainment date for the national standards for carbon monoxide in the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region.

(c) The Administrator hereby extends for 18 months, until July 1, 1980, the statutory timetable for submission of Pennsylvania’s plan for attainment and maintenance of the secondary national ambient air quality standard for particulate matter in Pennsylvania’s portion of the Metropolitan Philadelphia Interstate Air Quality Control Region.

(d) The Administrator hereby extends the attainment date for the national ambient air quality standard for ozone to December 31, 1987 for the following counties:


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(e) The Administrator hereby extends the dates for attainment of the national ambient air quality standard for carbon monoxide to December 31, 1987 in Philadelphia County and to December 31, 1985 in Allegheny County.


EFFECTIVE DATE NOTE: At 67 FR 38896, June 6, 2002, §52.2022 was amended by adding paragraph (f), effective Aug. 5, 2002. For the convenience of the user, the added text is set forth as follows:

§52.2022 Extensions

* * * * *

(f) The Administrator hereby extends by 12 months the deadline by which Pennsylvania 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, Pennsylvania 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 January 1, 2003.

§52.2023 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Pennsylvania’s plan for attainment and maintenance of the national standards.

(b) With the exceptions set forth in this subpart, the Administrator approves Pennsylvania’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 that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

(c) The Allegheny County Bureau of Air Pollution Control (BAPC) Article XX, section 534 at paragraph D, does not fulfill its 1982 ozone SIP commitment to adopt all applicable control technique guidelines published by EPA. These regulations establish and require reasonable available control technology to control fugitive volatile organic compounds emissions (VOC) from synthetic organic chemical and polymer manufacturing—fugitive sources and associated test method required to determine compliance, but provide the Director of the Bureau authority to approve an alternative VOC emission reduction system and/or alternative monitoring procedure. The approval of any such alternatives by the Director of the BAPC cannot and would not amend the SIP. Only the Administrator of the United States Environmental Protection Agency (EPA) has the authority to approve an alternative VOC emission reduction system and/or the use of an alternative monitoring procedure as a revision to the SIP. Air Pollution Article XX, section 534 at paragraph D of the SIP will remain inadequate until this language providing for Director discretion is corrected to require that any such alternatives approved by the Director of BAPC must also be approved by EPA. The amended version of Article XX, section 534, paragraph D must be adopted by the Commonwealth, submitted to EPA and approved as a SIP revision to correct this deficiency in the Pennsylvania SIP.

(d) Limited approval/limited disapproval of revisions to the Pennsylvania Regulations, Chapter 129.82 pertaining to Stage II Vapor Recovery and the associated definition of gasoline dispensing facilities in Chapter 121.1 submitted on March 4, 1992, by the Pennsylvania Department of Environmental Resources. The Pennsylvania Stage II regulation is deficient in that it does not include the testing and certification procedures contained in EPA’s October 1991 Stage II guidance documents (EPA–450/3–91–022a and EPA–450/3–91–022b).

(e) Disapproval of the April 19, 1995 NOx RACT proposal for Pennsylvania Power Company—New Castle plant located in Lawrence County, Pennsylvania.

(f)–(i) [Reserved]

(j) The conditionally approved Pennsylvania enhanced I/M SIP revision (59 FR 44936) submitted on November 3, 1993 by the Pennsylvania Department of Environmental Resources was converted to a disapproval by an April 13, 1995 letter from EPA to Pennsylvania.

(k) Conditional limited approval of revisions to the Pennsylvania Regulations, Chapter 129.91 through 129.95,
§ 52.2024 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 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.

§ 52.2025 Legal authority.

(a) The requirements of §51.230(f) of this chapter are not met, since section 5–1104 of the Philadelphia Home Rule Charter could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 5–1104 is disapproved.

§ 52.2026 [Reserved]

§ 52.2027 Approval status of Pennsylvania’s Generic NOX and VOC RACT Rules.

(a) Effective November 15, 2001, EPA removes the limited nature of its approval of 25 PA Code of Regulations, Chapter 129.91 through 129.95 (see §52.2020 (c)(129)) as those regulations apply to the Pittsburgh-Beaver Valley area. Chapter 129.91 through 129.95 of Pennsylvania’s regulations are fully approved as they apply in Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties, the seven counties that comprise the Pittsburgh-Beaver Valley area.

(b) Effective November 29, 2001, EPA removes the limited nature of its approval of 25 PA Code of Regulations, Chapter 129.91 through 129.95 [see
§ 52.2030 Source surveillance.

(a)-(b) [Reserved]

(c) The requirements of §52.212 of this chapter are not met because the plan does not provide procedures for obtaining and maintaining data on actual emission reductions achieved as a result of implementing transportation control measures.


§ 52.2031 [Reserved]

§ 52.2032 Intergovernmental cooperation.

(a) The requirements of subpart M of this chapter are not met because the plan does not identify other State or local agencies or their responsibilities for implementing and carrying out designated portions of the plan.

(b) The requirements of subpart M of this chapter are not met because the plan does not indicate that Pennsylvania will transmit to the neighboring States of Maryland, New York, and West Virginia data about factors which may significantly affect air quality in those States.

[38 FR 7459, Mar. 22, 1973]

§ 52.2033 Control strategy: Sulfur oxides.

(a) The revision to the control strategy resulting from the modification to the emission limitation applicable to the sources listed below or the change in the compliance date for such sources with the present emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See §52.2036 for compliance schedule approvals and disapprovals pertaining to one or more of the sources listed below.)


<table>
<thead>
<tr>
<th>Source Location</th>
<th>Regulation involved</th>
<th>Date of submittal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clairton Coke and Coal Works (U.S. Steel).</td>
<td>Allegheny County.</td>
<td>Section 1809 (Ar- ticle XVII).</td>
</tr>
<tr>
<td>Industrial Boilers (U.S. Steel).</td>
<td>......do ......</td>
<td>......do ......</td>
</tr>
</tbody>
</table>


§§ 52.2028–52.2029 [Reserved]

§ 52.2034 Attainment dates for national standards.

With regard to Northumberland County, Snyder County, and Allegheny County, Pennsylvania has not submitted a plan, as of December 31, 1979, providing for the attainment and maintenance of the secondary sulfur dioxide (SO₂) standards.

[61 FR 16062, Apr. 11, 1996]

§ 52.2035 Photochemical Assessment Monitoring Stations (PAMS) Program.

On September 23, 1994 Pennsylvania’s Department of Environmental Resources (now known as the Department of Environmental Protection) 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 Pennsylvania SIP. As with all components of the SIP, Pennsylvania must implement the program as submitted and approved by EPA.

[60 FR 47084, Sept. 11, 1995]

§ 52.2036 1990 base year emission inventory.

(a) EPA approves as a revision to the Pennsylvania State Implementation Plan the 1990 base year carbon monoxide emission inventory for Philadelphia County, submitted by the Secretary, Pennsylvania Department of
Environmental Protection, on September 8, 1995 and October 30, 1995. This submittal consists of the 1990 base year stationary, area, non-road mobile and on-road mobile emission inventories for the Philadelphia County for the pollutant carbon monoxide (CO).

(b) The U.S. Steel—Fairless Hills 1990 VOC and NO\textsubscript{X} emissions for six emission units (no. 3 blast furnace, no. 1 open hearth furnace, no. 1 soaking pits and no. 2 soaking pits (units 1–8 and units 9–16), and 80 in. hot strip mill), submitted August 11, 1995, are approved. U.S. Steel—Fairless Hills is located in Montgomery County, Pennsylvania, which is part of the Philadelphia severe ozone nonattainment area. The VOC and NO\textsubscript{X} 1990 emissions from the no. 3 blast furnace are zero for both pollutants. The VOC and NO\textsubscript{X} 1990 emissions from the no. 1 open hearth furnace are 6.9 TPY and 455.5 TPY, respectively. The VOC and NO\textsubscript{X} emissions from the no. 1 soaking pits are 6.6 TPY and 455.5 TPY, respectively. The VOC and NO\textsubscript{X} emissions from the 80 in. hot strip mill are 1.9 TPY and 688.6 TPY, respectively. The VOC and NO\textsubscript{X} emissions for six emission units (Blast Furnace Operations, Basic Oxygen Furnace Shop, Blast Furnace Casthouse), submitted June 10, 1996, are approved. Sharon Steel Company is located in Mercer County, Pennsylvania, which is in a marginal ozone nonattainment area. The 1990 NO\textsubscript{X} emissions for the four kilns (no. 1 through 4) is 11.8 tons per year. This facility does not contain any other NO\textsubscript{X} emitting units.

(d) EPA grants full approval to the 1990 VOC emission inventory for the Pittsburgh ozone nonattainment area, which was provided by Pennsylvania as an element of a March 22, 1996 submittal of the 15 Percent Rate-of-Progress Plan for the Pittsburgh-Beaver Valley ozone nonattainment area. Supplemental 1990 VOC inventory information and estimates were submitted by the Secretary of the Department of Environmental Protection on February 19, 1997 and on July 22, 1998, as formal amendments to the Pittsburgh 15 Percent Plan for Pittsburgh.

(e) EPA approves as a revision to the Pennsylvania State Implementation Plan (SIP) the 1990 base year emission inventories for the Reading, Pennsylvania area (Berks County) submitted on January 28, 1997. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in the area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO\textsubscript{X}).

(f) Sharon Steel Company 1990 VOC and NO\textsubscript{X} emissions for three emission units (Blast Furnace Operations, Basic Oxygen Furnace Shop, Blast Furnace Casthouse), submitted June 10, 1996, are approved. Sharon Steel Company is located in Mercer County, Pennsylvania, which is in a marginal ozone nonattainment area. The 1990 VOC and NO\textsubscript{X} emissions from the Blast Furnace Operations (flame suppression, heaters and torpedo cars, flare stack, tuyeres) are 0.4 TPY and 49.3 TPY, respectively. The 1990 VOC and NO\textsubscript{X} emissions from the Basic Oxygen Furnace Shop (scrap preheating, ladle preheating and heaters) are 1.4 TPY and 39.6 TPY, respectively. The 1990 VOC and NO\textsubscript{X} emissions from the Blast Furnace Casthouse are 265.4 TPY and 11.0 TPY, respectively.

(g)–(h) [Reserved]

(i) The 1990 VOC emission inventory for the Philadelphia ozone nonattainment area, submitted on September 12, 1996 by Pennsylvania Department of Environmental Protection is approved, with the exception of the revisions to
Environmental Protection Agency

§ 52.2037 Control strategy and rate-of-progress plans: ozone.

(a) Part D—Conditional Approval—the Pennsylvania plan for carbon monoxide and ozone is approved provided that the following conditions are satisfied:

(1) Firm commitments to implement the Newton Branch electrification are submitted to EPA by December 30, 1980. If firm commitments are not submitted, the State must submit substitute measures with equivalent reductions by June 30, 1981.

(b)(1) [Reserved]

(2) Determination—EPA has determined that, as of July 19, 1995, the Reading 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 this 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 Reading ozone nonattainment area, these determinations shall no longer apply.

(c) VOC and NOx RACT determination for six emission units at U.S. Steel—Fairless: no. 3 blast furnace, no. 1 open hearth furnace, no. 1 soaking pits, no. 2 soaking pits (units 1–8), no. 2 soaking pits (units 9–16), 80 in. hot
strip mill. The NO\textsubscript{x} RACT determination for all the soaking pits and the 80 in. hot strip mill is low excess air (LEA), which is expected to result in a 13.5% emission reduction. NO\textsubscript{x} RACT for the other sources is determined to be good operating practices to minimize NO\textsubscript{x} emissions. VOC RACT for all the above sources is determined to be good operating practices to minimize VOC emissions.

(d) NO\textsubscript{x} RACT determination for the no. 2 glass melting furnace and the four kilns at the General Glass—Jeannette plant, which manufactured flat glass, is the current operation, consisting of no additional controls.

(e) Sharon Steel Company—VOC and NO\textsubscript{x} RACT determination for three emission units at Sharon Steel Company, not covered by plan approval PA 43-017: Blast Furnace Operations (flame suppression, heaters and torpedo cars, tuyeres), Basic Oxygen Furnace Shop (scrap preheating, ladle preheating and heaters), Blast Furnace Casthouse. NO\textsubscript{x} RACT for the Blast Furnace Operations is determined to be good air pollution control practices such that NO\textsubscript{x} emissions do not exceed: 100 pounds of NO\textsubscript{x} per million cubic feet (lb NO\textsubscript{x}/MMBtu\textsuperscript{3}) of natural gas and 0.04 TPY for flame suppression, heaters, and torpedo cars; and 140 lb NO\textsubscript{x}/MMBtu\textsuperscript{3} of natural gas and 0.6 TPY for tuyeres. VOC RACT for the Blast Furnace Operations is determined to be good air pollution control practices such that VOC emissions do not exceed: 3.8 lb VOC/MMBtu\textsuperscript{3} of natural gas and 0.41 TPY for flame suppression, heaters and torpedo cars; and 2.8 lb VOC/MMBtu\textsuperscript{3} of natural gas and 0.01 TPY for tuyeres.

NO\textsubscript{x} RACT for the Basic Oxygen Furnace Shop is determined to be good air pollution control practices such that NO\textsubscript{x} emissions do not exceed: 100 lb NO\textsubscript{x}/MMBtu\textsuperscript{3} of natural gas and 1.1 TPY for scrap preheating; and 140 lb NO\textsubscript{x}/MMBtu\textsuperscript{3} of natural gas and 10.8 TPY for ladle preheating and heaters. VOC RACT for the Basic Oxygen Furnace Shop is determined to be good air pollution control practices such that VOC emissions do not exceed: 3.8 lb VOC/MMBtu\textsuperscript{3} of natural gas and 0.04 TPY for scrap preheating; and 2.8 lb VOC/MMBtu\textsuperscript{3} of natural gas and 0.22 TPY for ladle preheating and heaters. NO\textsubscript{x} RACT for the Blast Furnace Casthouse is determined to be good air pollution control practices such that NO\textsubscript{x} emissions do not exceed 0.03 lb NO\textsubscript{x}/ton of steel processed and 11.0 TPY.

(f) Pennsylvania Electric Company—Williamsburg Station—VOC and NO\textsubscript{x} RACT determination for three emission units at Pennsylvania Electric Company (Penelec)—Williamsburg Station: unit #1 boiler, auxiliary boiler, fugitive VOC sources. NO\textsubscript{x} and VOC RACT for the unit #11 boiler is determined to be good air pollution control practices such that emissions limits shall be 21.7 pounds of NO\textsubscript{x} per ton of coal fired (lb/ton) and 0.1459 lb/MMBtu of No. 2 oil fired with annual fuel usage records, and no more than 867 tons per year (TPY) of NO\textsubscript{x} and 3 TPY of VOC. NO\textsubscript{x} and VOC RACT for the auxiliary boiler is determined to be the requirements of 25 Pa Code 129.93 (c)(1), pertaining to units with individual gross heat inputs less than 20 million British thermal units per hour (MMBtu/hr) of operation maintenance and operation in accordance with manufacturer’s specifications, and the units are operated using good air pollution control practices.

(g) Caparo Steel Company—VOC and NO\textsubscript{x} RACT determination for four emission units at Caparo Steel Company, not covered by operating permit OP 43-285: Package boilers, BW boiler #1, BW boiler #2, and BW boiler #3. NO\textsubscript{x} RACT for the package boilers is determined to be good air pollution control practices such that NO\textsubscript{x} emissions do not exceed 550 pounds of NO\textsubscript{x} per million cubic feet (lb NO\textsubscript{x}/MMBtu\textsuperscript{3}) of natural gas and 329.82 tons of NO\textsubscript{x} per year (TPY). VOC RACT for the package boilers is determined to be good air pollution control practices such that VOC emissions do not exceed 1.4 lb VOC/MMBtu\textsuperscript{3} of natural gas and 1.35 TPY. NO\textsubscript{x} RACT for each of the BW boilers is determined to be good air pollution control practices such that NO\textsubscript{x} emissions do not exceed 23 lb NO\textsubscript{x}/MMBtu\textsuperscript{3} of BFG and 80.1 TPY.

(h) VOC RACT determination for four emission units at Mercersburg Tanning Company—Franklin County: Spray Lines 3 thru 7, Attic Line, Spray Lines A and B, Spray Line C. The VOC RACT determination is as follows: for Spray...
Lines 3 thru 7; all work transferred to Spray Lines A and B, for Attic Line; all work transferred to Spray Line C, for Spray Lines A and B; vented to a Regenerative Thermal Oxidizer (RTO) with required 100% capture efficiency and 97% destruction efficiency, for Spray Line C; coating restrictions of 3.5 lb VOC/gal (less water) on base coats and 2.8 lb VOC/gal (less water) on intermediate coats. VOC RACT for cleaning solvents associated with Lines A and B vented to RTO and water utilized as cleaning solvent for Line C.


(j) EPA approves the one hour ozone attainment demonstration SIP for the Philadelphia-Wilmington-Trenton area submitted by the Pennsylvania Department of Environmental Protection on April 30, 1998, July 31, 1998, and July 19, 2001. The enforceable commitments are to:

1. 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.

2. Revise the SIP and motor vehicle emission budgets using MOBILE6 within one year after it is issued, and


(k) EPA approves the following mobile budgets of the Post-1996 plans and the 2005 attainment plan:

<table>
<thead>
<tr>
<th>Type of Control Strategy SIP</th>
<th>Year</th>
<th>VOC (TPD)</th>
<th>NOX (TPD)</th>
<th>Date of adequacy determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attainment Demonstration</td>
<td>2005</td>
<td>60.18</td>
<td>77.46</td>
<td>November 26, 2001.</td>
</tr>
</tbody>
</table>

(1) Please note that EPA is only approving the 2005 attainment demonstration and its current budgets because Pennsylvania provided enforceable commitments to adopt additional measures to strengthen the attainment demonstration by October 31, 2001 and to submit revised budgets by October 31, 2001 if the additional measures affect the motor vehicle emissions inventory. Therefore, we are limiting the duration of our approval of the current budgets only until such time as the revised budgets are found adequate. Those budgets will be more appropriate than the budgets we are approving for conformity purposes for the time being.

(2) Similarly, EPA is only approving the 2005 attainment demonstration and its current budgets because Pennsylvania provided enforceable commitments to adopt additional measures to strengthen the attainment demonstration by October 31, 2001 and to submit revised budgets by October 31, 2001 if the additional measures affect the motor vehicle emissions inventory. Therefore, we are limiting the duration of our approval of the current budgets only until such time as any such revised budgets are found adequate. Those revised budgets will be more appropriate than the budgets we are approving for conformity purposes for the time being.
§ 52.2038 Rate of Progress Plans: Ozone.

(a) EPA grants full approval to Pennsylvania’s 15 Percent Rate of Progress Plan for the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Secretary of the Pennsylvania Department of Environmental Protection on March 22, 1996, as formally revised on February 18, 1997 and on July 22, 1998.

(b) EPA grants full approval to the 15 Percent Rate of Progress Plan for Pennsylvania’s portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area. The area that is the subject of this action encompasses Bucks, Chester, Delaware, Philadelphia, and Montgomery Counties. The plan was formally submitted to EPA by the Secretary of the Pennsylvania Department of Environmental Protection on September 12, 1996, and was formally revised on April 10, 1997 and June 5, 1998.

§ 52.2054 Control of asphalt paving material.

(a) Notwithstanding any provisions to the contrary in the Pennsylvania Implementation Plan, the Pennsylvania Department of Transportation shall restrict the annual usage of asphalts to the limits listed below in the following sixteen county area of Pennsylvania: Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Fayette, Green, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Washington, and Westmoreland Counties:

1. No more than twenty percent of the total amount of liquid bituminous asphalt paving material used shall be cutback asphalt; and

2. No more than 2,615,000 gallons of cutback asphalts shall be used, of which no more than 1,400,000 gallons may be used for dust palliative work on roadways and shoulders; and

3. No more than 2,500,000 gallons total of emulsion Class E-4 and Class E-5 shall be used unless an equivalent reduction in the use of cutbacks is made to balance the additional hydrocarbon emissions from emulsions.

(b) The Pennsylvania Department of Transportation is required to submit to the Pennsylvania Department of Environmental Resources, on a quarterly basis, reports which list for each of the affected counties the number of gallons of each class of asphalt used. The first quarterly reports will be submitted in October 1977 for the period between July 1, 1977, and September 30, 1977. Copies of all reports will also be forwarded to Region III, EPA.

§ 52.2055 Review of new sources and modifications.

(a) Special permit requirement regulations are approved.

(b) [Reserved]

§ 52.2056 [Reserved]

§ 52.2057 Requirements for state implementation plan revisions relating to new motor vehicles.

Pennsylvania must comply with the requirements of § 51.120.

§ 52.2058 Prevention of significant air quality deterioration.

(a) The requirements of sections 160 through 165 of the Clean Air Act are met by the regulations (25 PA Code § 127.81 through 127.83) adopted by the Pennsylvania Environmental Resources on October 29, 1983. All PSD permit applications and requests for modifications thereto should be submitted to: Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North Third
§ 52.2059 Control strategy: Particulate matter.

(a) Pennsylvania has committed to undertake a comprehensive program to investigate non-traditional sources, industrial process fugitive particulate emissions, alternative control measures, and to develop and implement an effective control program to attain the primary and secondary NAAQS for particulates. The schedule for this study is as follows:

<table>
<thead>
<tr>
<th>Task</th>
<th>Completion date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scheduled tasks:</td>
<td></td>
</tr>
<tr>
<td>1. Quantify nontraditional sources .......</td>
<td>June 1, 1980.</td>
</tr>
<tr>
<td>3. Investigate source-receptor relation-</td>
<td>June 1, 1980.</td>
</tr>
<tr>
<td>ship.</td>
<td></td>
</tr>
<tr>
<td>Analysis and control strategy development:</td>
<td></td>
</tr>
<tr>
<td>1. Analyze Nonattainment Areas ............</td>
<td>July 1, 1981.</td>
</tr>
<tr>
<td>4. Implement SIP ................................</td>
<td>Begin—7/1/82.</td>
</tr>
</tbody>
</table>

(b) EPA approves the PM-10 attainment demonstration for the Liberty Borough Area of Allegheny County submitted by the Pennsylvania Department of Environmental Protection on January 6, 1994.

§ 52.2060 Small Business Assistance Program.

On February 1, 1993, the Secretary of the Pennsylvania Department of Environmental Resources submitted a plan for the establishment and implementation of the Small Business 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 Assistance Program on March 6, 1995, and made it part of the Pennsylvania SIP. As with all components of the SIP, Pennsylvania must implement the program as submitted and approved by EPA.

§ 52.2061 Operating permits.

(a) Emission limitations and related provisions which are established in Pennsylvania 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.

(b) Emission limitations and related provisions which are established in Pennsylvania general operating permits as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem general permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the general permit, general permit approval procedures, or general permit requirements which do not conform with the general operating permit program requirements or the requirements of EPA’s underlying regulations.

§ 52.2062 Plan approvals.

(a) Emission limitations and related provisions which are established in Pennsylvania plan approvals as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem plan approval conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the plan approval, the relevant approval procedures, or plan requirements which do not conform with the plan approval program requirements or the requirements of EPA’s underlying regulations.

(b) Emission limitations and related provisions which are established in Pennsylvania general plan approvals as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem general plan approval conditions not federally enforceable. Such a determination will be
made according to appropriate procedures, and be based upon the general plan approval, the relevant approval procedures, or plan requirements which do not conform with the general plan approval program requirements or the requirements of EPA’s underlying regulations.

[61 FR 39597, 39601, July 30, 1996]

**Subpart OO—Rhode Island**

§ 52.2070 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Rhode Island 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 paragraphs (c) and (d) of this section with an EPA approval date prior to August 9, 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 August 9, 1999, 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 9, 1999.

(3) Copies of the materials incorporated by reference may be inspected at the Region 1 EPA Office at One Congress Street, Boston, MA 02203; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(c) EPA approved regulations.

**EPA APPROVED RHODE ISLAND REGULATIONS**

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<td>Air Pollution Control Regulation 1.</td>
<td>Visible emissions.</td>
<td>02/22/77</td>
<td>05/07/81, 46 FR 25446.</td>
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<td>Air Pollution Control Regulation 2.</td>
<td>Handling of soft coal.</td>
<td>02/22/77</td>
<td>05/07/81, 46 FR 25446.</td>
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<td>Air Pollution Control Regulation 3.</td>
<td>Particulate emissions from industrial processes.</td>
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<td>05/07/81, 46 FR 25446.</td>
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<td>Air Pollution Control Regulation 4.</td>
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<td>Air Pollution Control Regulation 5.</td>
<td>Fugitive dust.</td>
<td>02/22/77</td>
<td>05/07/81, 46 FR 25446.</td>
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<td>Air Pollution Control Regulation 6.</td>
<td>Opacity monitors.</td>
<td>11/22/89</td>
<td>09/30/91, 56 FR 49416.</td>
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<td>Air Pollution Control Regulation 7.</td>
<td>Emission of air contaminants detrimental to persons or property.</td>
<td>07/19/77</td>
<td>05/07/81, 46 FR 25446.</td>
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<tr>
<td>Air Pollution Control Regulation 8.</td>
<td>Limitation of sulfur in fuels.</td>
<td>05/02/85</td>
<td>01/08/86, 51 FR 756.</td>
<td>Definition of VOC revised. All of No. 9 is approved with the exception of Sections 9.13, 9.14, 9.15, and Appendix A which Rhode Island did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 9.</td>
<td>Air Pollution Control Permits.</td>
<td>4/8/96</td>
<td>12/2/99, 64 FR 67500.</td>
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<td>Air Pollution Control Regulation 10.</td>
<td>Air pollution episodes.</td>
<td>02/22/77</td>
<td>05/07/81, 46 FR 25446.</td>
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<tr>
<td>Air Pollution Control Regulation 11.</td>
<td>Petroleum liquids marketing and storage.</td>
<td>01/31/93</td>
<td>12/17/93, 58 FR 65933.</td>
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<tr>
<td>Air Pollution Control Regulation 12.</td>
<td>Incinerators.</td>
<td>04/22/81</td>
<td>04/26/82, 47 FR 17817.</td>
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<tr>
<td>Air Pollution Control Regulation 13.</td>
<td>Particulate emissions from fossil fuel fired steam or hot water generating units.</td>
<td>10/05/82</td>
<td>03/29/83, 48 FR 13027.</td>
<td></td>
</tr>
<tr>
<td>Air Pollution Control Regulation 15.</td>
<td>Control of Organic Solvent Emissions.</td>
<td>4/8/96</td>
<td>12/2/99, 64 FR 67500.</td>
<td>Limited approval. Applicability threshold decreased to 50 tpy. Definition of VOC revised. All of No. 15 is approved with the exception of 15.2.2 which Rhode Island did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 16.</td>
<td>Operation of air pollution control system.</td>
<td>02/22/77</td>
<td>05/07/81, 46 FR 25446.</td>
<td></td>
</tr>
<tr>
<td>Air Pollution Control Regulation 17.</td>
<td>Odors.</td>
<td>02/22/77</td>
<td>05/07/81, 46 FR 25446.</td>
<td>No. 18 is superseded by No. 36.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 18.</td>
<td>Control of Emissions from Organic Solvent Cleaning.</td>
<td>Withdrawn</td>
<td>12/2/99, 64 FR 67500.</td>
<td>Definition of VOC revised. Wood products requirements deleted because state adopted new Regulation No. 36 which addresses wood products.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 19.</td>
<td>Control of Volatile Organic Compounds from Surface Coating Operations.</td>
<td>3/7/96</td>
<td>12/2/99, 64 FR 67500.</td>
<td>Applicability threshold decreased to 50 tpy. Definition of VOC revised. All of No. 21 is approved with the exception of Section 21.2.3 which the state did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 21.</td>
<td>Control of Volatile Organic Compounds from Printing Operations.</td>
<td>4/8/96</td>
<td>12/2/99, 64 FR 67500.</td>
<td>Definition of VOC revised. All of No. 25 is approved with the exception of Section 25.2.2 which the state did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 25.</td>
<td>Control of VOC Emissions from Cutback and Emulsified Asphalt.</td>
<td>4/8/96</td>
<td>12/2/99, 64 FR 67500.</td>
<td>Definition of VOC revised. All of No. 26 is approved with the exception of 26.2.3 which the state did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 27.</td>
<td>Control of nitrogen oxide emissions.</td>
<td>01/16/96</td>
<td>09/02/97, 62 FR 46202.</td>
<td>This rule limits a source's potential to emit, therefore avoiding RACT, Title V Operating Permit.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 29.3.</td>
<td></td>
<td>04/28/95</td>
<td>03/22/96, 61 FR 11735.</td>
<td></td>
</tr>
<tr>
<td>Air Pollution Control Regulation 30.</td>
<td>Control of VOCs from Automotive Refinishing.</td>
<td>4/8/96</td>
<td>12/2/99, 64 FR 67500.</td>
<td>Definition of VOC revised. All of No. 30 is approved with the exception of Section 30.2.2 which the state did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 31.</td>
<td>Control of VOCs from Commercial and Consumer Products.</td>
<td>4/8/96</td>
<td>12/2/99, 64 FR 67500.</td>
<td>Definition of VOC revised. All of No. 31 is approved with the exception of Section 31.2.2 which the state did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 32.</td>
<td>Control of VOCs from Marine Vessel Loading Operations.</td>
<td>4/8/96</td>
<td>12/2/99, 64 FR 67501.</td>
<td>Definition of VOC revised. All of No. 32 is approved with the exception of Section 32.2.2 which the state did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 33.</td>
<td>Control of VOCs from Architectural Coatings and Industrial Maintenance Coatings.</td>
<td>4/8/96</td>
<td>12/2/99, 64 FR 67501.</td>
<td>Definition of VOC revised. All of No. 33 is approved with the exception of Section 33.2.2 which the state did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation No. 34.</td>
<td>Rhode Island Motor Vehicle Inspection/Maintenance Program.</td>
<td>March 30, 2000</td>
<td>2/9/01, 66 FR 9663</td>
<td>Department of Environmental Management regulation containing I/M standards.</td>
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<tr>
<td>Air Pollution Control Regulation 35.</td>
<td>Control of VOCs and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations.</td>
<td>7/7/96</td>
<td>12/2/99, 64 FR 67501.</td>
<td>All of No. 35 is approved with the exception of Section 35.2.3 which the state did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 36.</td>
<td>Control of Emissions from Organic Solvent Cleaning.</td>
<td>4/18/96</td>
<td>12/2/99, 64 FR 67501.</td>
<td>All of No. 36 is approved with the exception of Section 36.2.2 which the state did not submit as part of the SIP revision.</td>
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<tr>
<td>Air Pollution Control Regulation 37.</td>
<td>Rhode Island’s Low Emission Vehicle Program.</td>
<td>12/7/99</td>
<td>3/9/00, 65 FR 12480</td>
<td>Includes National LEV as a compliance alternative.</td>
</tr>
<tr>
<td>Air Pollution Control Regulation 38.</td>
<td>Nitrogen Oxides Allowance Program, NOx Budget Trading Program.</td>
<td>06/10/98</td>
<td>06/02/99, 64 FR 29567</td>
<td></td>
</tr>
<tr>
<td>Air Pollution Control Regulation 41.</td>
<td>Rhode Island Motor Vehicle Inspection/Maintenance Program.</td>
<td>10/1/99, 1999</td>
<td>12/27/2000, 65 FR 81748</td>
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<tr>
<td>Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1.</td>
<td></td>
<td>3/31/01, 2001</td>
<td>2/9/01, 66 FR 9663</td>
<td>Department of Administration regulation for the IM program.</td>
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(d) EPA-approved State Source specific requirements.

### EPA-APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS

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<tr>
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<tr>
<td>Narragansett Electric Company South Street Station in Providence.</td>
<td>A.H. File No. 83–12–AP.</td>
<td>08/29/83</td>
<td>07/27/84, 49 FR 30177.</td>
<td>Revisions to Air Pollution Control Regulation 8, “Sulfur Content of Fuels,” specifying maximum sulfur-in-coal limits (1.21 lbs/MMBtu on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average). These revisions approve Section 8.3.4, “Large Fuel Burning Devices Using Coal,” for South Street Station only.</td>
</tr>
</tbody>
</table>
| Stanley Bostitch, Bostitch Division of Textron. | A.H. File No. 85–8–AP. | 06/06/85              | 12/11/86, 51 FR 44604.   | RI DEM and Bostitch administrative consent agreement effective 6/6/85. Requires Bostitch to reformulate certain solvent-based coatings to low/no solvent formulation by 12/31/86. Also addendum dated 9/20/85 defining emission limitations reformulated coatings must meet.  
(A) An administrative consent agreement between the RI DEM and Bostitch Division of Textron.  
(B) A letter to Bostitch Division of Textron from the RI DEM dated September 20, 1985 which serves as an addendum to the consent agreement. The addendum defines the emission limitations which Bostitch’s Division of Textron reformulated coatings must meet. |
| Keene Corporation, East Providence, RI. | A.H. File No. 85–10–AP. | 09/12/85              | 08/31/87, 52 FR 2793.    | RI DEM and Keene Corporation administrative consent agreement effective 9/12/85. Granting final compliance date extension for the control of organic solvent emissions from six paper coating lines.  
(A) Letter from the RI DEM dated November 5, 1985 submitting revisions to the RI SIP. |
## EPA-Approved Rhode Island Source Specific Requirements—Continued

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<tr>
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<td>Tech Industries</td>
<td>File No. 86–12–AP ....</td>
<td>11/24/87 03/10/89, 54 FR 10147.</td>
<td>RI DEM and Tech Industries original administrative consent agreement (86–12–AP) [except for provisions 7 and 8] effective 6/12/86, an addendum effective 11/24/87, defining and imposing reasonably available control technology to control volatile organic compounds.</td>
<td>(B) An administrative consent agreement (86–12–AP), except for Provisions 7 and 8, between the RI DEM and Tech Industries effective June 12, 1986.</td>
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<tr>
<td>University of Rhode Island</td>
<td>A.P. File No. 87–5–AP ....</td>
<td>03/17/87 09/19/89, 54 FR 38517.</td>
<td>Revisions to the SIP submitted by the RI DEM on April 28, 1989, approving a renewal of a sulfur dioxide bubble for the University of Rhode Island.</td>
<td>(C) Letters dated May 6, 1987; October 15, 1987; and January 4, 1988 submitted to the EPA by the RI DEM.</td>
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<tr>
<td>University of Rhode Island</td>
<td>File No. 95–50–AP ....</td>
<td>03/12/96 09/02/97, 62 FR 46202.</td>
<td>An administrative consent agreement between RIDE and University of Rhode Island. Alternative NOx RACT (RI Regulation 27.4.8)</td>
<td>(A) An administrative consent agreement (87–2–AP) between the RI DEM and Providence Metallizing effective July 24, 1987.</td>
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<tr>
<td>Providence Metallizing in Pawtucket, Rhode Island</td>
<td>File No. 87–2–AP ....</td>
<td>04/24/90 09/06/90, 55 FR 36635.</td>
<td>Define and impose RACT to control volatile organic compound emissions.</td>
<td>(D) An addendum to the administrative consent agreement (87–2–AP) between the RI DEM and Providence Metallizing effective April 24, 1990.</td>
</tr>
<tr>
<td>Tillotson-Pearson in Warren, Rhode Island</td>
<td>File No. 90–1–AP ....</td>
<td>06/05/90 08/31/90, 55 FR 35623.</td>
<td>Revisions to the SIP submitted by the RI DEM on May 24, 1990, to define and impose RACT to control volatile organic compound emissions.</td>
<td>(A) Letter from the RI DEM dated April 26, 1990, submitting a revision to the RI SIP.</td>
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<tr>
<td>Rhode Island Hospital</td>
<td>File No. 95–14–AP ....</td>
<td>11/27/95 09/02/97, 62 FR 46202.</td>
<td>Alternative NOx RACT. An administrative consent agreement between the RI DEM and Rhode Island Hospital.</td>
<td>(B) An Administrative consent agreement (90–1–AP) between the RI DEM and Tillotson-Pearson, effective September 4, 1996.</td>
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<tr>
<td>Osram Sylvania Incorporated</td>
<td>File No. 95–14–AP ....</td>
<td>09/04/96 09/02/97, 62 FR 46202.</td>
<td>Alternative NOx RACT.</td>
<td>(A) An Administrative consent agreement between the RI DEM and Osram Sylvania Incorporated, file no. 95–14–AP, effective September 4, 1996.</td>
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<td>Algonquin Gas Transmission Company</td>
<td>File No. 95–52–AP ..</td>
<td>12/05/95</td>
<td>09/02/97, 62 FR 46202.</td>
<td>Alternative NOx RACT. (A) Letter from the RI DEM dated September 17, 1996 submitting a revision to the RI SIP. (B) An administrative consent agreement between RIDEM and Algonquin Gas Transmission Company, effective on December 5, 1995.</td>
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<tr>
<td>Hoechst Celanese Corporation</td>
<td>File No. 95–62–AP ..</td>
<td>11/20/95</td>
<td>09/02/97, 62 FR 46202.</td>
<td>Alternative NOx RACT. An administrative consent agreement between RIDEM and Hoechst Celanese Corporation.</td>
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<td>Naval Education and Training Center in Newport</td>
<td>File No. 96–07–AP ..</td>
<td>03/04/96</td>
<td>09/02/97, 62 FR 46202.</td>
<td>Alternative NOx RACT. An administrative consent agreement between RIDEM and Naval Education and Training Center in Newport.</td>
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<tr>
<td>Rhode Island Economic Development</td>
<td>File No. 96–04–AP ..</td>
<td>09/02/97</td>
<td>06/02/99, 64 FR 29567.</td>
<td>Alternative NOx RACT. A consent agreement between RIDEM and Rhode Island Economic Development Corporation’s Central Heating Plant in North Kingstown.</td>
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(e) Nonregulatory.

### RHODE ISLAND NON-REGULATORY

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<tr>
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<tr>
<td>Miscellaneous non-regulatory additions to the plan correcting minor deficiencies.</td>
<td>Statewide .......... Submitted 02/29/72</td>
<td>07/27/72, 37 FR 15080.</td>
<td></td>
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<tr>
<td>Compliance schedules.</td>
<td>Statewide .......... Submitted 04/24/73</td>
<td>06/20/73, 38 FR 16144.</td>
<td>Submitted by RI Department of Health.</td>
<td></td>
</tr>
<tr>
<td>Letter identifying Metropolitan Providence as an AQMA.</td>
<td>Metropolitan Providence. Submitted 09/06/74</td>
<td>04/29/75, 40 FR 18726.</td>
<td>Submitted by the Governor.</td>
<td></td>
</tr>
<tr>
<td>A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58.</td>
<td>Statewide .......... Submitted 01/08/80</td>
<td>01/15/81, 46 FR 3516.</td>
<td>Submitted by the RI Department of Environmental Management Director.</td>
<td></td>
</tr>
<tr>
<td>Name of non regulatory SIP provision</td>
<td>Applicable geographic or non-attainment area</td>
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<tr>
<td>Attainment plans to meet the require-</td>
<td>Statewide ........................................</td>
<td>Submitted 05/14/79, 06/11/79, 08/</td>
<td>05/07/81, 46 FR 25446.</td>
<td>Attainment plans to meet the require-</td>
</tr>
<tr>
<td>ments of Part D of the Clean Air</td>
<td>13/79, 01/08/80, 01/24/80, 03/10/80, 03/31/80, 04/21/80, 06/06/80, 06/13/80, 08/20/80, 11/14/80, 03/04/81, 03/05/81 and, 04/16/81.</td>
<td>25446.</td>
<td>ments of Part D of the Clean Air Act, as amended in 1977.</td>
<td></td>
</tr>
<tr>
<td>Act, as amended in 1977. Included are plans to attain the carbon monoxide and ozone standards and information allowing for the re-designation of Providence to non-attainment for the primary TSP standard based on new data. A program for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. Certain miscellaneous provisions unrelated to Part D are also included.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Section VI, Part II, “Stationary Source Permitting and Enforcement” of the narrative.</td>
<td>Statewide ........................................</td>
<td>Submitted 05/14/82; and 07/01/82;</td>
<td>06/29/83, 48 FR 29690.</td>
<td>As submitted by RI DEM on May 14, 1982 and July 1, 1982 for review of new major sources and major modifications in nonattainment areas. Also included are revisions to add rules for banking emission reductions.</td>
</tr>
<tr>
<td>Statewide ........................................</td>
<td>Submitted 05/14/82, 07/01/82; 07/07/82; 10/04/82; and 03/02/83.</td>
<td>06/29/83, 48 FR 29690.</td>
<td></td>
<td>Submitted by the Department of Environmental Management.</td>
</tr>
<tr>
<td>Revisions to attain and maintain the lead NAAQS.</td>
<td>Statewide ........................................</td>
<td>Submitted 02/06/84; 01/02/84; and 06/06/84.</td>
<td>07/06/84, 49 FR 27749.</td>
<td>To incorporate the requirements for the Prevention of Significant Deterioration of 40 CFR 51.24, permitting major stationary sources of lead and other miscellaneous changes.</td>
</tr>
<tr>
<td>Section VI, Part II of the associated narrative of the RI SIP.</td>
<td>Statewide ........................................</td>
<td>Submitted 01/14/94; and 06/14/94.</td>
<td>10/30/96, 61 FR 55897.</td>
<td>A revision to the RI SIP regarding ozone monitoring. RI will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites. The State’s SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.</td>
</tr>
<tr>
<td>Letter from RI DEM submitting an amendment to the RI State Implementation Plan.</td>
<td>Statewide ........................................</td>
<td>Submitted 01/14/94; and 06/14/94.</td>
<td>10/30/96, 61 FR 55897.</td>
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<tr>
<td>Letter from RI DEM submitting revisions.</td>
<td>Statewide</td>
<td>Submitted 03/15/94</td>
<td>10/30/96, 61 FR 55903</td>
<td>Revision to the RI SIP regarding the States’ Contingency Plan.</td>
</tr>
<tr>
<td>Letter from RI DEM submitting revision—Rhode Island’s 15 Percent Plan and Contingency Plan.</td>
<td>Statewide</td>
<td>Submitted 03/15/94</td>
<td>04/17/97, 62 FR 18712</td>
<td>The revisions consist of the State’s 15 Percent Plan and Contingency Plan. EPA approved only the following portions of these submittals:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15 Percent Plan—the EPA approved the calculation of the required emission reductions, and the emission reduction credit claimed from surface coating, printing operations, marine vessel loading, plant closures (0.79 tons per day approved out of 0.84 claimed), cutback asphalt, auto refinishing, stage II, reformulated gas in on-road and off-road engines, and tier I motor vehicle controls. Contingency Plan—the EPA approved the calculation of the required emission reduction, and a portion of the emission reduction credits claimed from Consumer and Commercial products (1.1 tons per day approved out of 1.9 tons claimed), and architectural and industrial maintenance (AIM) coatings (1.9 tons per day approved out of 2.4 tons claimed). EPA concurrently disapproved portions of these SIP submissions, as discussed within Section 52.2084(a)(2).</td>
</tr>
<tr>
<td>Letter from RI DEM submitting revision for Clean Fuel Fleet Substitution Plan.</td>
<td>Providence (all of Rhode Island) nonattainment area</td>
<td>10/5/94</td>
<td>3/9/00, 65 FR 12476</td>
<td>Includes details of the State’s commitment to National LEV.</td>
</tr>
<tr>
<td></td>
<td>Statewide</td>
<td>Submitted 4/5/95</td>
<td>12/2/99, 64 FR 67485</td>
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</tr>
<tr>
<td>“NOx State Implementation Plan (SIP) Call Narrative.”</td>
<td>Statewide</td>
<td>Submitted October 1, 1999</td>
<td>12/27/2000, 65 FR 81748</td>
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</tr>
</tbody>
</table>
§ 52.2071 Classification of regions.

The Rhode Island plan was evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Particulate matter</td>
</tr>
<tr>
<td>Metropolitan Providence Interstate</td>
<td>1</td>
</tr>
</tbody>
</table>

§ 52.2072 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Rhode Island's plan, as identified in § 52.2070 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 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 submittal of RACT requirements by January 1, 1981 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January as additional RACT requirements for sources covered by CTGs issued by the previous January.

§ 52.2073 General requirements.

(a) The requirements of §51.116(e) 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) Information obtained from owner or operators of stationary sources pursuant to §52.2075 will be correlated with applicable emission limitations and other control regulations and will be made available for public inspection at the Rhode Island Department of Health, 204 Health Building, Providence, RI.

§ 52.2074 Legal authority.

(a) The requirements of §51.230(e) of this chapter are not met. Authority to require recordkeeping is deficient to the extent that section 23–25–13 requires only those sources with an air pollution control program to keep records.

(b) The requirements of §51.230(f) of this chapter are not met. Authority to release emission data to the public is
§ 52.2075 Source surveillance.

(a) The requirements of §51.211 of this chapter are not met since the plan lacks adequate legal authority to require owners or operators of stationary sources to maintain records of, and periodically report information as may be necessary to enable the state to determine whether such sources are in compliance with applicable portions of the control strategy.

(b) Regulation for source recordkeeping and reporting.

(1) The owner or operator of all stationary sources which have the potential to emit a total of 100 tons or more per year of any one air contaminant for which there is a national standard shall maintain records of, and submit to the Director, data on operational processes, fuel usage, emission, stack parameters, boiler capacities, types of equipment generating air contaminants and air contaminant control devices that may be necessary to determine if the source is in compliance with applicable rules and regulations of the Department. Upon notification of the Administrator, or the Director of the Rhode Island Department of Health, sources with the potential to emit less than 100 tons per year of any air contaminant shall also be subject to the requirements of this paragraph. For the purposes of this paragraph, potential emissions shall be calculated at the design load assuming no control equipment is in use and fuel having a sulfur content of 2.2 percent by weight (dry basis) is being burned.

(2) The information recorded by the owner or operator of a stationary source shall be summarized and reported to the Director of the Department of Health on forms furnished by him. They shall be submitted within 30 days following 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 the summarizing reports submitted to the Director shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

§ 52.2076 Attainment of dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Rhode Island’s plan, except where noted.

<table>
<thead>
<tr>
<th>Air quality control region ¹</th>
<th>Pollutant</th>
<th>TSP Primary</th>
<th>TSP Secondary</th>
<th>SO₂ Primary</th>
<th>SO₂ Secondary</th>
<th>NOₓ</th>
<th>CO</th>
<th>O₃</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providence</td>
<td>a</td>
<td>d</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>c</td>
<td>c</td>
<td>c</td>
</tr>
<tr>
<td>E. Providence</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>a</td>
<td>a</td>
<td>c</td>
</tr>
<tr>
<td>Cranston</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>a</td>
<td>a</td>
<td>c</td>
</tr>
<tr>
<td>Warwick</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>a</td>
<td>a</td>
<td>c</td>
</tr>
<tr>
<td>Pawtucket</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>a</td>
<td>a</td>
<td>c</td>
</tr>
<tr>
<td>Central Falls</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>a</td>
<td>a</td>
<td>c</td>
</tr>
<tr>
<td>Remainder of Rhode Island portion of AQCR 120.</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>b</td>
<td>a</td>
<td>a</td>
<td>a</td>
<td>c</td>
</tr>
</tbody>
</table>

1 Sources subject to plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2076 (1976).
§ 52.2078 Enforcement.

(a) Sections 23–25-5(h) and 23–25-8(a) of the General Laws of Rhode Island are disapproved insofar as they permit the Rhode Island Director of the Department of Health to issue abatement orders (1) that defer compliance with plan requirements beyond the dates required for attainment of the national standards, (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

(b) Regulation limiting administrative abatement orders. (1) No order deferring compliance with a requirement of the Rhode Island Implementation Plan shall be issued by the Director of the Department of Health which does not meet the following requirements:

(i) An order must require compliance with the plan requirement within the times and under the conditions specified in §51.261 (a) and (b) of this chapter.

(ii) An order may not defer compliance beyond the last date permitted by section 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§51.104, 51.105, 51.261 and 51.262(a).

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

§ 52.2079 Requirements for state implementation plan revisions relating to new motor vehicles.

Rhode Island must comply with the requirements of §51.120.


§ 52.2080 Revisions.

(a) The revision procedures of the Rhode Island plan are not adequate since the plan does not expressly provide for revisions at the times and under the conditions set forth in §51.104 of this chapter.

(b) Regulation for plan revisions. (1) The Rhode Island implementation plan shall be revised:

(i) When necessary to take account of a revision of the national primary or secondary ambient air quality standard which it implements;

(ii) When improved or more expeditious methods of attaining a national standard which it implements become available;

(iii) When the Administrator finds that the plan is substantially inadequate to attain or maintain the national standard which it implements and issues notice of such finding pursuant to §51.104 of this chapter.

(2) The Rhode Island implementation plan may be revised from time to time to the extent such revisions are consistent with the requirements applicable to implementation plans set forth in this chapter and the Act.

(3) No revisions shall be effective until the hearing requirements of §51.102 of this chapter have been satisfied.


§ 52.2081 EPA-approved EPA Rhode Island State regulations.

The following table identifies the State regulations which have been approved by EPA and incorporated by reference into the Rhode Island State Implementation Plan. This table is for informational purposes only and does not
have any independent regulatory requirements for a specific situation consult the plan identified in §52.2070. To the extent that this table conflicts with §52.2070, §52.2070 governs.

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
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<th>Date approved by EPA</th>
<th>FR citation</th>
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<td>5/31/72</td>
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<td></td>
<td>2/28/72</td>
<td>5/31/72</td>
<td>37 FR 10842</td>
<td>(b)</td>
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<td></td>
<td>2/22/77</td>
<td>5/07/81</td>
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<td>(c)(12)</td>
<td></td>
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<td>Handfiring of soft coal ..................</td>
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<td>5/31/72</td>
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<td></td>
<td></td>
<td>2/28/72</td>
<td>5/31/72</td>
<td>37 FR 10842</td>
<td>(b)</td>
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<td></td>
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<td>5/07/81</td>
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<td>5/31/72</td>
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<td>37 FR 10842</td>
<td>(b)</td>
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<td>5/07/81</td>
<td>46 FR 25446</td>
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<td>No. 5 ....</td>
<td>Fugitive dust ................................</td>
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<td>5/31/72</td>
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<td></td>
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<td>5/07/81</td>
<td>46 FR 25446</td>
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<td>No. 6 ....</td>
<td>Opacity monitors ..........................</td>
<td>8/02/67</td>
<td>5/31/72</td>
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<td>(b)</td>
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<td></td>
<td>2/22/77</td>
<td>5/07/81</td>
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<td>11/22/89</td>
<td>9/30/91</td>
<td>56 FR 49416</td>
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<td>No. 7 ....</td>
<td>Emission of air contaminants detrimental to persons or property.</td>
<td>8/02/67</td>
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<td></td>
<td>7/19/77</td>
<td>5/07/81</td>
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<td>Sulfur content of fuels ........................</td>
<td>10/01/71</td>
<td>5/31/72</td>
<td>37 FR 10842</td>
<td>(b)</td>
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<td>5/28/74</td>
<td>11/03/75</td>
<td>46 FR 51044</td>
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<td>1/21/81</td>
<td>46 FR 5980</td>
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<td>46 FR 25446</td>
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<tr>
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<td>12/30/81</td>
<td>46 FR 63043</td>
<td>(c)(14)</td>
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</tbody>
</table>
### TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

<table>
<thead>
<tr>
<th>State citation</th>
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<th>Date adopted by State</th>
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<th>FR citation</th>
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<td>...............</td>
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<td>10/03/71</td>
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<td>(c)(12)</td>
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<td>4/12/81</td>
<td>5/07/81</td>
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<td>4/05/82</td>
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<td>2/13/84</td>
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<td>5/02/85</td>
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<td>Air Pollution Control Permits.</td>
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<td>5/20/91</td>
<td>10/7/91</td>
<td>56 FR 50516</td>
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<td>10/03/93</td>
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<td>Air Pollution Control Permits.</td>
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<td>No. 10</td>
<td>Air pollution episodes</td>
<td>2/28/72</td>
<td>5/31/72</td>
<td>37 FR 10842</td>
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<td>10/11/75</td>
<td>11/03/75</td>
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</table>

- Temporary Relaxation for Kenyon Piece Dye Works.
- Conversion/Conservation Incentive/Bubble.
- Narragansett Electric (South Street).
- Requires sampling valve.
- Temporary relaxation for Seville Dyeing Corporation in Woonsocket.
- URI bubble renewal.
- No action on 9.2.3(b) and 9.12.
- NSR fully approved, 9.12 Emission Banking approved.
- PSD fully approved, 9.2.2(b) approved.
- Additional BACT requirements.
- Addition of PSD NOX increments.
- Addition of NSR and other CAAA requirements under Amended Regulation No. 9 except for Chapters 9.13, 9.14, 9.15, and Appendix A.
- Changes in 9.1.7, 9.1.18, and 9.5.1(c) to add Dual Source Definition. Changes in 9.1.24(b)(3), 9.5.2(b)(2)(i), 9.5.1(d) and 9.5.1(f) to change Particulate Increment. Changes in 9.1.6 to revise BACT definition.
### TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

<table>
<thead>
<tr>
<th>State citation</th>
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<th>Date approved by EPA</th>
<th>FR citation</th>
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<tr>
<td>2/22/77</td>
<td>Petroleum liquids marketing and storage.</td>
<td>5/07/81</td>
<td>46 FR 25446</td>
<td>(c)(12)</td>
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<td>7/05/79</td>
<td>Petroleum liquids marketing and storage.</td>
<td>5/07/81</td>
<td>46 FR 25446</td>
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<tr>
<td>4/22/81</td>
<td>Petroleum liquids marketing and storage.</td>
<td>4/26/82</td>
<td>47 FR 17817</td>
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<td>1/20/87</td>
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<td>11/07/88, 04/24/89</td>
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<td>2/28/72</td>
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<td>6/22/73</td>
<td>38 FR 16351</td>
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<td>Incinerators</td>
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<td>Particulate emissions from fossil fuel fired steam or hot water generating units.</td>
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<td>7/05/79</td>
<td>Record keeping and reporting.</td>
<td>5/07/81</td>
<td>46 FR 25446</td>
<td>(c)(12)</td>
<td>...</td>
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<tr>
<td>1/11/93</td>
<td>Record keeping and reporting.</td>
<td>1/10/95</td>
<td>60 FR 2526</td>
<td>(c)(42)</td>
<td>...</td>
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<tr>
<td>8/21/75</td>
<td>Control of organic solvent emissions.</td>
<td>5/07/81</td>
<td>46 FR 25446</td>
<td>(c)(12)</td>
<td>...</td>
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### Table 52.2081—EPA-Approved Rules and Regulations—Continued

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<tr>
<td>3/14/83</td>
<td></td>
<td>7/06/83</td>
<td>48 FR 31026 ..........</td>
<td>(c)(19)</td>
<td></td>
<td>Includes 100 TPY RACT Reg/Generic Bubble Rule.</td>
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<tr>
<td>6/5/90</td>
<td></td>
<td>8/31/90</td>
<td>55 FR 35625 ..........</td>
<td>(c)(36)</td>
<td></td>
<td>RACT determination for Tillotson-Pearson under 15.5.</td>
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<tr>
<td>4/24/90</td>
<td></td>
<td>9/6/90</td>
<td>55 FR 36638 ..........</td>
<td>(c)(35)</td>
<td></td>
<td>RACT determination/Bubble for Providence Metallizing under 15.5.</td>
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<tr>
<td>12/10/89</td>
<td></td>
<td>9/30/91</td>
<td>56 FR 49416 ..........</td>
<td>(c)(37)</td>
<td></td>
<td>Amended Regulation No. 15, except subsections 15.1.16 and 15.2.2.</td>
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<tr>
<td>2/22/77</td>
<td>Operation of air pollution control system.</td>
<td>5/07/81</td>
<td>46 FR 25446 ..........</td>
<td>(c)(12)</td>
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<td></td>
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<tr>
<td>2/22/77</td>
<td>Odors ------------</td>
<td>5/07/81</td>
<td>46 FR 25446 ..........</td>
<td>(c)(12)</td>
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<tr>
<td>No. 18</td>
<td>Control of emissions from solvent metal cleaning.</td>
<td>7/5/79</td>
<td>46 FR 25446 ..........</td>
<td>(c)(12)</td>
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<td>4/22/81</td>
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<td>4/26/82</td>
<td>47 FR 17817 ..........</td>
<td>(c)(15)</td>
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<tr>
<td>12/10/89</td>
<td></td>
<td>9/30/91</td>
<td>56 FR 49416 ..........</td>
<td>(c)(37)</td>
<td></td>
<td>Amended Regulation No. 18, except subsections 18.1.8, 18.2.1, 18.3.2(d), 18.3.3(f), and 18.5.2.</td>
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<tr>
<td>11/13/79</td>
<td>Control of VOCs from surface coating operations.</td>
<td>5/07/81</td>
<td>46 FR 25446 ..........</td>
<td>(c)(12)</td>
<td></td>
<td>Conditional approval.</td>
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<tr>
<td>4/05/82</td>
<td></td>
<td>7/06/83</td>
<td>48 FR 31026 ..........</td>
<td>(c)(19)</td>
<td></td>
<td>Removes Conditions/Generic Bubble Rule.</td>
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<tr>
<td>9/12/85</td>
<td></td>
<td>8/31/87</td>
<td>52 FR 32794 ..........</td>
<td>(c)(28)</td>
<td></td>
<td>Compliance date extension for Keene Corporation under 19.3.</td>
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<td>1/20/87</td>
<td></td>
<td>9/1/87</td>
<td>52 FR 32920 ..........</td>
<td>(c)(30)</td>
<td></td>
<td>Amended Regulation No. 19, Subsection 19.7.1.</td>
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<td>12/31/86</td>
<td></td>
<td>2/10/88</td>
<td>53 FR 3890 ..........</td>
<td>(c)(29)</td>
<td></td>
<td>Alternative RACT for Kenyon Industries under 19.3.3.</td>
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### Table 52.2081—EPA-Approved Rules and Regulations—Continued

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<tr>
<td>12/10/89</td>
<td></td>
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<td>9/30/91</td>
<td>56 FR 49416</td>
<td>(c)(37)</td>
<td>Amended Regulation No. 19, except subsections 19.1.11, 19.2.2, and 19.3.2(a).</td>
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<tr>
<td>10/30/92</td>
<td></td>
<td></td>
<td>10/18/94</td>
<td>59 FR 52429</td>
<td>(c)(40)</td>
<td>All of No. 19 is approved with the exception of 19.2.2, and the last sentence of 19.1.1, which Rhode Island did not submit as part of the SIP revision. No. 19 was amended to change applicability and to add emission limitations for metal coil coating, metal furniture coating, magnet wire coating, large appliance coating, miscellaneous metal parts coating, wood products coating, and flat wood paneling coating.</td>
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<tr>
<td></td>
<td>No. 21</td>
<td>Control of VOCs from printing operations.</td>
<td>4/05/82</td>
<td>7/06/83</td>
<td>48 FR 31026</td>
<td>(c)(19)</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>1/20/87</td>
<td>9/1/87</td>
<td>52 FR 32920</td>
<td>(c)(30)</td>
</tr>
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<td>12/10/89</td>
<td>9/30/91</td>
<td>56 FR 49416</td>
<td>(c)(37)</td>
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<td>10/30/92</td>
<td>No. 25</td>
<td>Control of Volatile Organic Compound Emissions from Cutback and Emulsified Asphalt.</td>
<td>10/18/94</td>
<td>59 FR 52429</td>
<td>(c)(40)</td>
<td>All of No. 25 is approved, with the exception of 25.2.2, which was not submitted by Rhode Island as part of the SIP revision.</td>
</tr>
<tr>
<td>10/30/92</td>
<td>No. 26</td>
<td>Control of Organic Solvent Emissions from Manufacture of Synthesized Pharmaceutical Products.</td>
<td>10/18/94</td>
<td>59 FR 52429</td>
<td>(c)(40)</td>
<td>All of No. 26 is approved, with the exception of 26.2.3, which was not submitted by Rhode Island as part of the SIP revision.</td>
</tr>
<tr>
<td>9/2/97</td>
<td>No. 27</td>
<td>Control of Nitrogen Oxides Emissions.</td>
<td>6/2/99</td>
<td>64 FR 29570</td>
<td>(c)(55)</td>
<td>Establishes alternative NOx RACT for Rhode Island Economic Development Corporation in North Kingstown, RI. This rule limits a source’s potential to emit, therefore avoiding RACT. Title V operating permits.</td>
</tr>
<tr>
<td></td>
<td>No. 29.3</td>
<td>EMISSIONS ...............</td>
<td>3/22/96</td>
<td>61 FR 11735</td>
<td>(c)(45)</td>
<td></td>
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<tr>
<td>6/27/95</td>
<td>No. 30</td>
<td>Control of VOC from Automobile Refinishing Operations.</td>
<td>2/2/96</td>
<td>61 FR 3827</td>
<td>(c)(44)</td>
<td>Control of VOC From Automobile Refinishing Operations.</td>
</tr>
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<th>Comments/Unapproved sections</th>
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<tbody>
<tr>
<td>No. 31</td>
<td>Consumer and Commercial Products.</td>
<td>3/11/94</td>
<td>10/30/96</td>
<td>61 FR 55903</td>
<td>(c)(47)</td>
<td>VOC control reg. submitted as part of State’s Contingency Plan. Section 31.2.2 not approved.</td>
</tr>
<tr>
<td>No. 32</td>
<td>Marine Vessels</td>
<td>3/11/94</td>
<td>4/4/96</td>
<td>60 FR 14978</td>
<td>(c)(43)</td>
<td>All of No. 32 is approved with the exception of Section 32.2.2 which Rhode Island did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>No. 33</td>
<td>Architectural and Industrial Maintenance Coatings.</td>
<td>3/11/94</td>
<td>10/30/96</td>
<td>61 FR 55903</td>
<td>(c)(47)</td>
<td>VOC control reg. submitted as part of State’s Contingency Plan Section 33.2.2 not approved.</td>
</tr>
<tr>
<td>No. 38</td>
<td>Nitrogen Oxides Allowance Program.</td>
<td>5/21/96</td>
<td>6/2/99</td>
<td>64 FR 29570</td>
<td>(c)(55)</td>
<td>Adds ozone season NOx emission limitations at certain stationary sources.</td>
</tr>
</tbody>
</table>

§ 52.2082 [Reserved]

§ 52.2083 Significant deterioration of air quality.
(a) The Rhode Island plan, as submitted, is approved as meeting the requirements of Subpart 1, Part C, Title I, of the Clean Air Act.
(49 FR 27750, July 6, 1984)

§ 52.2084 Rules and regulations.
(a) Part D—Disapproval.
(1) On November 5, 1985, the Rhode Island Department of Environmental Management submitted a revision to the Rhode Island State Implementation Plan (SIP) for Arkwright Incorporated. This revision is an alternative reasonably available control technology determination for the control of volatile organic compounds (VOC) from three paper coating lines at Arkwright Incorporated’s Fiskeville, Rhode Island facility. As a result of EPA’s disapproval of this revision, the existing VOC rules applicable to Arkwright Incorporated and contained in the Rhode Island SIP remain in effect (Rhode Island Air Pollution Control Regulation No. 19 as approved by EPA in 40 CFR 52.2080(c)(19)).
(2) [Reserved]
(b) Non-Part D—No Action—EPA is neither approving nor disapproving the following elements of the revisions:
(i) [Reserved]
(ii) Consultation.
(iii) Permit fees.
(iv) Stack height requirements.
(v) Public notification.

§ 52.2085 Stack height review.
The State of Rhode Island 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. Such declarations were submitted to EPA on March 27, 1986. The State has further declared, in letters from Thomas D. Getz, dated October 15, 1985 and March 27, 1986, that "Rhode Island will use the 8 July 1985 revised height regulations in administering section 9.18 of its new source review regulations." Thus, Rhode Island has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

§ 52.2086 Emission inventories.

(a) The Governor's designee for the State of Rhode Island submitted the 1990 base year emission inventory for the Providence ozone nonattainment area on January 12, 1993 as a revision to the State Implementation Plan (SIP). 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 this 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 Providence nonattainment area is classified as serious and includes the entire state of Rhode Island.

(d) Minor revisions to the Providence 1990 base year emission inventory were submitted to EPA on September 21, 1998. The revised emission estimates were prepared in accordance with EPA guidance, and are approved into the State's SIP.

§ 52.2087 Original identification of plan section.

(a) This section identifies the original "Air Implementation Plan for the State of Rhode Island" and all revisions submitted by Rhode Island that were federally approved prior to August 9, 1999.

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

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

(1) Notice of public hearing submitted on February 9, 1972, by the Rhode Island Department of Health.

(2) Miscellaneous non-regulatory additions to the plan correcting minor deficiencies submitted on February 29, 1972, by the Rhode Island Department of Health.

(3) Regulation 12 requiring prevention and control of air pollution from incinerators submitted on March 7, 1973, by the Rhode Island Department of Health.

(4) Regulation 13 requiring prevention and control of air pollution from fuel burning equipment submitted on March 19, 1973, by the Rhode Island Department of Health.

(5) Compliance schedules submitted on April 24, 1973, by the Rhode Island Department of Health.


(7) AQMA identifications submitted on April 11, 1974, by the Rhode Island Department of Health.

(8) Revision to Regulation 8, Limitation of Sulfur in Fuels, submitted on May 22, 1974, by the Rhode Island Department of Health.

(9) Letter identifying Metropolitan Providence as an AQMA submitted on September 6, 1974, by the Governor.

(10) Revision to Regulation 14, Source Recordkeeping and Reporting, submitted on September 5, 1973, by the Rhode Island Department of Health.

(11) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58, was submitted by the Rhode Island Department of Environmental Management Director on January 8, 1980.

(12) Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977, were submitted on May 14, 1979, June 11, 1979, August 13, 1979, January 8, January 24, March 10, March 31, April 21, June 6, June 13, August 20, November 14, March 4, March 5, and April 16, 1981. Included
are plans to attain the carbon monoxide and ozone standards and information allowing for the redesignation of Providence to non-attainment for the primary TSP standard based on new data. 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 unrelated to Part D are also included.


(15) Revisions for Group II CTGs: Storage of Petroleum Liquids—External Floating Roof Vessels (Regulation 11.6); and revisions to existing regulations: Stage I Vapor Controls (Regulation 11.5), Hazardous Waste Incinerators (Regulation 12.7.1), and Control of Solvent Metal Cleaning Emissions (Regulation 18) were submitted on January 9, July 23, and August 17, 1981.


(17) Revisions to Regulations 8, "Sulfur Content of Fuels" and 13, "Particulate Emissions from Fossil Fuel Fired Steam or Hot Water Generating Units" were submitted on November 9, 1982 by the Division of Air and Hazardous Materials.

(18) Revisions to Air Pollution Control Regulation Number 9, Approval to Construct, Install, Modify, or Operate (except to subsection 9.1.1), and Section VI, Part II, "Stationary Source Permitting and Enforcement" of the narrative as submitted by the Department of Environmental Management on May 14, 1982 and July 1, 1982 for review of new major sources and major modifications in nonattainment areas. Also included are revisions to add rules for banking emission reductions.

(19) Revisions to the Rhode Island State Implementation Plan for attainment of the primary National Ambient Air Quality Standard for ozone as submitted on May 14, 1982; July 1, 1982; July 7, 1982; October 4, 1982 and March 2, 1983 by the Department of Environmental Management. Also included are generic bubble rules which provide for regulatory flexibility for VOC sources subject to RACT requirements under Regulations 15, 19 and 21 of the Rhode Island SIP

(20) Revisions to attain and maintain the lead NAAQS as submitted on July 7, 1983 by the Department of Environmental Management.

(21) The permit issued to the University of Rhode Island in Kingston improving a three-year bubble to control sulfur dioxide emissions. The Rhode Island Department of Environmental Management issued the permit in accordance with Regulation 8, § 8.3.2, "Emissions Bubbling" and submitted it to EPA as a SIP revision on January 16, 1984.

(22) Revisions to Regulation 9, "Approval to Construct, Install, Modify or Operate", and Section VI, Part II of the associated narrative of the Rhode Island SIP, to incorporate the requirements for the Prevention of Significant Deterioration of 40 CFR 51.24, permitting major stationary sources of lead and other miscellaneous changes as submitted on February 6, 1984 by the Rhode Island Department of Environmental Management. Clarifying letters dated January 27, 1984 and June 6, 1984.

(23) Revisions to Air Pollution Control Regulation 8, "Sulfur Content of Fuels," submitted on July 19, 1983, specifying maximum sulfur-in-coal limits (1.21 lbs/MMBtu on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average) for the Narragansett Electric Company South Street Station in Providence. These revisions approve Section 8.3.4, "Large Fuel Burning Devices Using Coal," for South Street Station only.

(24) Revisions to the State Implementation Plan were submitted by the Rhode Island Department of Environmental Management on May 28, 1985 and October 15, 1985.
(i) Incorporation by reference. (A) Amendments to Regulation 8, “Sulfur Content of Fuels” at 8.4.1(b) requiring owners/operators of fuel burning sources to have a sampling valve in the fuel line to the boiler to facilitate fuel sampling, amended on May 2, 1985.

(B) Amendments to Regulation 9, “Approval to Construct, Install, Modify, or Operate” requiring best available control technology (BACT) for each air pollutant emitted when permitting all new stationary sources and modifications not otherwise subject to lowest achievable emission rate (LAER) requirements under Rhode Island’s approved new source review plan. The amended sections are 9.1.9, 9.1.14, 9.1.21, 9.1.22, 9.1.33, 9.1.36, 9.3.1, 9.3.3, 9.3.5, and 9.13.1. Regulation 9 was incorporated by reference in its present form on July 6, 1984 at paragraph (c)(22), above. The entire Regulation is being reincorporated by reference here to maintain consistency in the numbering and format, amended May 2, 1985.

(ii) October 15, 1985 letter from Rhode Island DEM to EPA which commits to implement the stack height related requirements of Regulation 9 in accordance with the Stack Height regulations at 40 CFR part 51, subpart B.

(25) A revision submitted on December 16, 1985 and January 23, 1986 allowing the burning of 2.2% sulfur content fuel oil at the Seville Dyeing Corporation facility in Woonsocket, Rhode Island for a period of up to 30 months, commencing on August 1, 1986, the savings from which will be used to pay for permanent energy conservation measures to reduce on-site consumption of petroleum products by at least 50,000 gallons per year (estimated 250,000 gallons per year).

(i) Incorporation by reference.

(A) Letter from Doug L. McVay, Principal Engineer, to Seville Dyeing Corporation, dated December 16, 1985 allowing the temporary use of less expensive 2.2% sulfur fuel oil until February 1, 1989. At the end of the temporary use period, Seville Dyeing Corporation 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) Letter to Louis F. Gitto, Director of Air Management Division, EPA Region I from Thomas D. Getz, Director of Air & Hazardous Materials, RI DEM dated January 23, 1986; subject: Response to EPA questions regarding Seville Dyeing Corporation, and outline of the permanent energy conservation measures to be used.

(26) Revisions submitted on November 5, 1985, June 16, 1986 and November 3, 1986 by the Rhode Island Department of Environmental Management (DEM) consisting of an administrative consent agreement between the DEM’s Division of Air and Hazardous Materials and Whitman Products Limited (now James River Corporation’s Decorative Product Division) in Johnston, Rhode Island. When the consent agreement expires on December 31, 1986, James River Corporation will be subject to the emission limits in Rhode Island Regulation No. 19, subsection 19.3.1.

(i) Incorporation by reference.

(A) An administrative consent agreement between the Rhode Island and Providence Plantation Department of Environmental Management and Whitman Products Limited. The consent agreement became effective on May 29, 1985.

(B) Letters of June 16, 1986 and September 17, 1985 from the Department of Environmental Management to EPA.

(ii) Additional material.

(A) Letter submitted on November 3, 1986 affirming that a sufficient growth margin exists, below the level of emissions necessary to show attainment of the national ambient air quality standard for ozone in Rhode Island, to absorb the increased emissions resulting from this compliance date extension.

(27) Revision submitted on November 5, 1985 by the Rhode Island Department of Environmental Management consisting of an administrative consent agreement defining reasonably available control technology for Stanley Bostitch (formerly Bostitch Division of Textron) (i) Incorporation by reference.

(A) An administrative consent agreement between the Rhode Island Department of Environmental Management and Bostitch Division of Textron. The consent agreement became effective on June 6, 1985 and requires Bostitch Division of Textron to reformulate certain
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solvent-based coatings to low/no solvent formulations by December 31, 1986.

(B) A letter to Bostitch Division of Textron from the Rhode Island Department of Environmental Management dated September 29, 1985 which serves as an addendum to the consent agreement. The addendum defines the emission limitations which Bostitch's Division of Textron reformulated coatings must meet.

(28) Revision submitted on November 5, 1985 by the Rhode Island Department of Environmental Management consisting of an administrative consent agreement granting a final compliance date extension for the control of organic solvent emissions from six paper coating lines at Keene Corporation in East Providence, Rhode Island.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated November 5, 1985 submitting revisions to the Rhode Island State Implementation Plan.

(B) An administrative consent agreement between the Rhode Island Department of Environmental Management and Keene Corporation, effective on September 12, 1985.


(i) Incorporation by reference.

(A) Letter from the State of Rhode Island and Providence Plantations dated April 15, 1987 submitting revisions for Kenyon Industries to the Rhode Island State Implementation Plan.

(B) An administrative consent agreement between the State of Rhode Island and Providence Plantations Department of Environmental Management and Kenyon Industries, Inc., signed on December 31, 1986.

(ii) Additional material.

(A) A letter dated May 14, 1987 from the Department of Environmental Management containing technical support demonstrating that the revised consent agreement is at least as stringent as the consent agreement between the Rhode Island Department of Environmental Management and Kenyon effective in Rhode Island May 13, 1985.

(B) Original consent agreement between the Rhode Island Department of Environmental Management and Kenyon effective on May 13, 1985 submitted to EPA on November 5, 1985.

(C) Letter dated February 21, 1986 from Rhode Island describing required recordkeeping for Kenyon.

(30) Revisions to the State Implementation Plan were submitted by Rhode Island Department of Environmental Management on February 27, 1987. These revisions were effective as of January 20, 1987 in the State of Rhode Island.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated February 27, 1987 submitting revisions to the Rhode Island State Implementation Plan.

(B) Amendment to Air Pollution Control Regulation No. 11, at subsection 11.4.5 adopted on January 20, 1987 in Rhode Island.

(C) Amendment to Air Pollution Control Regulation No. 19, at subsection 19.7.1 adopted on January 20, 1987 in Rhode Island.

(D) Amendment to Air Pollution Control Regulation No. 21, at subsection 21.6.1 adopted on January 20, 1987 in Rhode Island.

(31) [Reserved]

(32) Revisions submitted on May 6, 1987, October 15, 1987, and January 4, 1988 by the Rhode Island Department of Environmental Management consisting of an administrative consent agreement which defines and imposes RACT to control volatile organic comp.

(i) Incorporation by reference.

(A) An administrative consent agreement (86–12–AP), except for Provisions 7 and 8, between the Rhode Island Department of Environmental Management and Tech Industries effective June 12, 1986.

(B) An addendum to the administrative consent agreement (86–12–AP) between the Rhode Island Department of Environmental Management and Tech Industries. The addendum was effective November 24, 1987.
(C) Letters dated May 6, 1987; October 15, 1987; and January 4, 1988 submitted to the Environmental Protection Agency by the Rhode Island Department of Environmental Management.

(33) Revisions to federally approved Air Pollution Control Regulation Number 11 submitted on November 7, 1988 and April 24, 1989 by the Rhode Island Department of Environmental Management, limiting the volatility of gasoline from May 1 through September 15, beginning 1989 and continuing every year thereafter, including any waivers to such limits Rhode Island may grant. In 1989, the control period will begin on June 30.

(i) Incorporation by reference.
   (A) Amendments to Rhode Island Air Pollution Control Regulation No. 11, effective July 5, 1979, entitled, “Petroleum Liquids Marketing and Storage,” sections 11.7.1 filed with the Secretary of State of Rhode Island on August 11, 1988, and effective in the State of Rhode Island on August 31, 1988.
   (B) Amendments to Rhode Island Air Pollution Control Regulation No. 11, effective July 5, 1979, entitled, “Petroleum Liquids Marketing and Storage,” amendments to section 11.7.2 filed with the Secretary of State of Rhode Island on April 27, 1989, and effective in the State of Rhode Island on May 17, 1989.

(34) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on April 28, 1990, approving a renewal of a sulfur dioxide bubble for the University of Rhode Island originally approved at paragraph (c)(21), of this section.

(i) Incorporation by reference.
   (A) Letter from the Rhode Island Department of Environmental Management dated April 26, 1990 submitting a revision to the Rhode Island State Implementation Plan.
   (B) An administrative consent agreement (87–2–AP) between the Rhode Island Department of Environmental Management and Providence Metallizing effective July 24, 1987.
   (C) An amendment to the administrative consent agreement (87–2–AP) between the Rhode Island Department of Environmental Management and Providence Metallizing effective May 4, 1989.
   (D) An addendum to the administrative consent agreement (87–2–AP) between the Rhode Island Department of Environmental Management and Providence Metallizing effective April 24, 1990.

(ii) Additional materials.
   (A) Nonregulatory portions of the State submittal.
   (35) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on May 24, 1990, which define and impose RACT to control volatile organic compound emissions from Tillotson-Pearson in Warren, Rhode Island.

(i) Incorporation by reference.
   (A) Letter from the Rhode Island Department of Environmental Management dated May 24, 1990 submitting a revision to the Rhode Island State Implementation Plan.
   (B) An administrative consent agreement (90–1–AP) between the Rhode Island Department of Environmental Management and Tillotson-Pearson effective June 5, 1990.


(i) Incorporation by reference.
   (B) Amendments to Rhode Island’s Air Pollution Control Regulation Number 6, amended and effective November 22, 1989.
(C) Amendments to Rhode Island's Air Pollution Control Regulation Numbers 11; 15, excluding subsections 15.1.16 and 15.2.2; 18, excluding subsections 18.1.8, 18.2.1, 18.3.2(d), 18.3.3(f), and 18.5.2; 19, excluding subsections 19.1.11, 19.2.2, and 19.3.2(a); and 21, except subsections 21.1.15 and 21.2.2, and portion of subsection 21.5.2(h) which states "equivalent to" in the parenthetical, amended and effective December 10, 1989.

(38) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on May 22, 1991.

(i) Incorporation by reference.
(B) Section 9.1.36 "baseline concentration," section 9.1.39 "increment," section 9.1.40 "major source baseline date," section 9.1.42 "minor source baseline date," section 9.1.43 "net emissions increase," and section 9.15.11(c)(5)—exclusion from SIP-approved temporary increases of emissions, of the Rhode Island Air Pollution Control Regulation No. 9 entitled "Approval to Construct, Install, Modify or Operate," effective in the State on May 20, 1991.

(ii) Additional materials.
(A) Nonregulatory portions of the submittal.

(39) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on January 12, 1993.

(i) Incorporation by reference.
(A) Letter from the Rhode Island Department of Environmental Management dated January 12, 1993 submitting a revision to the Rhode Island State Implementation Plan.
(B) Rhode Island Department of Environmental Protection, Division of Air and Hazardous Materials, Air Pollution Control Regulations No. 19, entitled "Control of Volatile Organic Compounds from Surface Coating Operations," submitted to the Secretary of State on October 30, 1992 and effective on November 20, 1992.

(C) Rhode Island Department of Environmental Protection, Division of Air and Hazardous Materials, Air Pollution Control Regulations No. 25, entitled "Control of Volatile Organic Compound Emissions from Cutback and Emulsified Asphalt," submitted to the Secretary of State on October 30, 1992 and effective on November 20, 1992.


(ii) Additional materials.
(A) Letter from the Rhode Island Department of Environmental Protection, dated February 10, 1993, clarifying the November 13, 1992 revision to the SIP.
(B) Nonregulatory portions of the submittal.

(40) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on November 13, 1992.

(i) Incorporation by reference.
(A) Letter from the Rhode Island Department of Environmental Management dated November 13, 1992 submitting a revision to the Rhode Island State Implementation Plan.
(B) Rhode Island Department of Environmental Protection, Division of Air and Hazardous Materials, Air Pollution Control Regulations No. 11, entitled "Control of Petroleum Liquids Marketing Storage," submitted to the Secretary of State on January 11, 1993.

(C) Letter from the Rhode Island Department of Environmental Protection, dated February 10, 1993, stating that Regulation No. 11 became effective on January 31, 1993, 20 days after being filed with the Secretary of State.

(ii) Additional materials.
(A) Nonregulatory portions of the submittal.

(41) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on March 11, 1993.

(i) Incorporation by reference.
(A) Letter from the Rhode Island Department of Environmental Protection, dated February 10, 1993, clarifying the November 13, 1992 revision to the SIP.
(B) Nonregulatory portions of the submittal.

(42) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on March 5, 1993 submitting a
revision to the Rhode Island State Implementation Plan.

(B) Rhode Island’s Air Pollution Control Regulation No. 9 entitled, “Air Pollution Control Permits,” except for Chapter 9.13, Application for an Air Toxics Operating Permit; Chapter 9.14, Administrative Action: Air Toxics Operating Permits; and Chapter 9.15, Transfer of an Air Toxics Operating Permit; and Appendix A, Toxic Air Pollutants, Minimum Quantities. This regulation was effective in the State of Rhode Island on March 24, 1993.

(ii) Additional materials.
(A) A fact sheet on the proposed amendments to Regulation No. 9 entitled, “Approval to Construct, Install, Modify or Operate”.
(B) Nonregulatory portions of the State submittal.

(42) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on January 12, 1993.
(i) Incorporation by reference.
(A) Letter from the Rhode Island Department of Environmental Management dated January 12, 1993 submitting a revision to the Rhode Island State Implementation Plan.
(B) Revisions to Air Pollution Control Regulation No. 14, “Record Keeping and Reporting,” filed with the Secretary of State on January 11, 1993 and effective in the State of Rhode Island on January 31, 1993.
(ii) Additional materials.
(A) Nonregulatory portions of the submittal.

(i) Incorporation by reference.
(A) Letter from the Rhode Island Department of Environmental Management dated March 15, 1994 submitting a revision to the Rhode Island State Implementation Plan.
(B) Rhode Island Department of Environmental Management, Division of Air Resources, Air Pollution Control Regulation No. 32, “Control of Volatile Organic Compounds from Marine Vessel Loading Operations” effective in the State of Rhode Island on March 31, 1994, with the exception of Section 32.2.2 which Rhode Island did not submit as part of the SIP revision.

(ii) Additional materials.
(A) Nonregulatory portions of the submittal.

(44) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on June 27, 1995.
(i) Incorporation by reference.
(A) Letter from the Rhode Island Department of Environmental Management dated June 27, 1995 submitting a revision to the Rhode Island State Implementation Plan.
(B) The following portions of the Rules Governing the Control of Air Pollution for the State of Rhode Island effective on July 17, 1995: Air Pollution Control Regulation No. 30, Control of Volatile Organic Compounds from Automotive Refinishing Operations.

(45) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on May 15, 1995.
(i) Incorporation by reference.
(A) Letter from the Rhode Island Department of Environmental Protection dated May 15, 1995 submitting a revision to the Rhode Island State Implementation Plan.
(B) Air Pollution Control Regulation 29.3 “Emissions Caps”; effective in the State of Rhode Island on May 18, 1995.

(ii) Additional materials.
(A) Non-regulatory portions of the submittal.

(46) A revision to the Rhode Island SIP regarding ozone monitoring. The State of Rhode Island will modify its SLAMS and its NAMS monitoring systems 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) Letter from the Rhode Island Department of Environmental Management dated January 14, 1994 submitting an amendment to the Rhode Island State Implementation Plan.
(B) Letter from the Rhode Island Department of Environmental Management dated June 14, 1994 submitting an amendment to the Rhode Island State Implementation Plan.
(C) Section VII of the Rhode Island State Implementation Plan, Ambient Air Quality Monitoring.


(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated March 15, 1994 submitting revisions to the Rhode Island State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the State of Rhode Island, with the exception of Section 31.2.2, effective 90 days after the date that EPA notifies Rhode Island that the State has failed to achieve a 15% reduction of VOC emission from the 1990 emission levels, in accordance with the contingency measure provisions of the Rhode Island SIP, (except for Section 31.5.2, which requires records of amount of product sold, beginning July, 1994): Air Pollution Control Regulation No. 31, Control of Volatile Organic Compounds from Commercial and Consumer Products.

(C) The following portions of the Rules Governing the Control of Air Pollution for the State of Rhode Island, with the exception of Section 33.2.2, effective 90 days after the date that EPA notifies Rhode Island that the State has failed to achieve a 15% reduction of VOC emission from the 1990 emission levels, in accordance with the contingency measure provisions of the Rhode Island SIP, (except for Section 33.5.2, which requires records of amount of product sold, beginning July, 1994): Air Pollution Control Regulation No. 33, Control of Volatile Organic Compounds from Architectural and Industrial Maintenance Coatings.

(48) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on September 17, 1996, submitting revisions to the Rhode Island State Implementation Plan.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated September 17, 1996, submitting revisions to the Rhode Island State Implementation Plan.

(B) Regulation number 27, “Control of Nitrogen Oxide Emissions,” as adopted on December 27, 1995, effective January 16, 1996.

(C) An administrative consent agreement between Rhode Island Department of Environmental Management and Rhode Island Hospital, file no. 95–14–AP, effective on November 27, 1995.

(D) An administrative consent agreement between Rhode Island Department of Environmental Management and Osram Sylvania Incorporated, file no. 96–06–AP, effective on September 4, 1996.

(E) An air pollution permit approval, no. 1350, for Osram Sylvania Incorporated issued by the Rhode Island Department of Environmental Management on May 14, 1996 and effective on that date.

(49) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on September 17, 1996, which define and impose alternative reasonably available control technology (RACT) requirements to control nitrogen oxides emissions at certain major stationary sources in Rhode Island.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated September 17, 1996, submitting revisions to the Rhode Island State Implementation Plan.

(B) An administrative consent agreement between Rhode Island Department of Environmental Management and Algonquin Gas Transmission Company, file no. 95–52–AP, effective on December 5, 1995.


(D) An administrative consent agreement between Rhode Island Department of Environmental Management and Hoechst Celanese Corporation, file no. 95–62–AP, effective on November 29, 1995.
§ 52.2088 Control strategy: Ozone.

Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on September 21, 1998. 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 Providence serious ozone non-attainment area.

[66 FR 30815, June 8, 2001]

Subpart PP—South Carolina

§ 52.2120 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan (SIP) for South Carolina 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.
Environmental Protection Agency

§52.2120

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1997 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, 1997, 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 July 1, 1997.

(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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., Washington, DC 20460.

(c) EPA approved regulations.

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**Standard No. 1 Emissions from Fuel Burning Operations**

| Section I       | Visible Emissions ......................................... | 3/16/89              | 7/2/90            | 55 FR 27226.          |
| Section II      | Particulate Emissions .................................... | 3/16/89              | 7/2/90            | 55 FR 27226.          |
| Section III     | Sulfur Dioxide Emissions ................................ | 3/16/89              | 7/2/90            | 55 FR 27226.          |
| Section IV      | Opacity Monitoring Requirements                   | 3/16/89              | 7/2/90            | 55 FR 27226.          |
| Section V       | Exemptions .................................................. | 3/16/89              | 7/2/90            | 55 FR 27226.          |
| Section VI      | Periodic Testing .......................................... | 3/16/89              | 7/2/90            | 55 FR 27226.          |
| Section VII     | Source Test Requirements ................................ | 3/16/89              | 7/2/90            | 55 FR 27226.          |

**Standard No. 2 Ambient Air Quality Standards**

| 03/16/89 | 07/2/90 | 55 FR 27227. |

**Standard No. 3 Emissions from Incinerators**

| 01/07/81 | 09/03/82 | 47 FR 38885. |

**Standard No. 4 Emissions from Process Industries**

| Section I       | General ...................................................... | 03/24/86              | 2/17/87           | 52 FR 4772.           |
| Section II      | Sulfuric Acid Manufacturing ............................. | 03/24/86              | 2/17/87           | 52 FR 4772.           |
| Section III     | Kraft Pulp and Paper Manufacturing .................... | 03/24/86              | 2/17/87           | 52 FR 4772.           |
| Section IV      | Portland Cement Manufacturing ......................... | 03/24/86              | 2/17/87           | 52 FR 4772.           |
| Section V       | Cotton Gyms .................................................. | 03/24/86              | 2/17/87           | 52 FR 4772.           |
| Section VI      | Hot Mix Asphalt Plants .................................... | 06/05/85              | 10/3/89           | 54 FR 40660.          |
| Section VII     | Other Manufacturing ....................................... | 06/05/85              | 10/3/89           | 54 FR 40660.          |
| Section VIII    | Total Reduced Sulfur Emissions of Kraft Pulp Mills | 06/05/85              | 10/3/89           | 54 FR 40660.          |
| Section IX      | Visible Emissions ......................................... | 06/05/85              | 10/3/89           | 54 FR 40660.          |
| Section X       | Non-Enclosed Operations .................................. | 06/05/85              | 10/3/89           | 54 FR 40660.          |
| Section XI      | Non-Enclosed Operations .................................. | 06/05/85              | 10/3/89           | 54 FR 40660.          |
| Section XII     | Source Test Requirements ................................ | 06/05/85              | 10/3/89           | 54 FR 40660.          |
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**Regulation No. 62.6**

| Control of Fugitive Particulate Matter | | 06/05/85 | 10/03/89 | 54 FR 40660. |

**Regulation No. 62.7**

| Control of Fugitive Particulate Matter in Non-Attainment Areas | | |
| Control of Fugitive Particulate Matter Statewide | | |
| Effective Date | | |
| Good Engineering Practice Stack Height | | 06/11/86 | 05/28/87 | 52 FR 19859 |

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

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(e) EPA-approved South Carolina non-regulatory provisions.

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§52.2120 Identification of plan.

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§52.2120 Identification of plan.

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<td>Section I</td>
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<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Section II</td>
<td>Permit requirements</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Regulation No. 62.3</td>
<td>Air Pollution Episodes</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Section I</td>
<td>Episode Criteria</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Regulation No. 62.5</td>
<td>Air Pollution Control Standards</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Section I</td>
<td>Visible Emissions</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Standard No. 4</td>
<td>Emissions from Process Industries</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Section V</td>
<td>Cotton Gins</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Section VIII</td>
<td>Other Manufacturing</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Section XI</td>
<td>Total Reduced Sulfur Emissions of Kraft Pulp Mills.</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Standard No. 5</td>
<td>Volatile Organic Compounds</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
<tr>
<td>Section I</td>
<td>General Provisions</td>
<td>10/26/01</td>
<td>May 7, 2002</td>
<td>67 FR 30596.</td>
</tr>
</tbody>
</table>
§ 52.2121 Identification of plan

2. At 67 FR 43547, June 28, 2002, § 52.2120(c) was amended by adding 2 new entries “Regulation No. 62.96” and “Regulation No. 62.99” at the end of the table, effective July 29, 2002. For the convenience of the user, the added text is set forth as follows:

2002.06.28

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Federal register notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation No. 62.96</td>
<td>NOx Budget Trading Program.</td>
<td>05/24/02 June 28, 2002</td>
<td>67 FR 43547</td>
<td></td>
</tr>
<tr>
<td>Regulation No. 62.99</td>
<td>Nitrogen Oxides (NOx) Budget Program Requirements for Stationary Sources Not in the Trading Program.</td>
<td>05/24/02 June 28, 2002</td>
<td>67 FR 43547</td>
<td></td>
</tr>
</tbody>
</table>

§ 52.2121 Classification of regions.

The South Carolina plan was evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Augusta (Georgia)-Aiken (South Carolina) Interstate</td>
<td>I</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Metropolitan Charlotte Interstate</td>
<td>I</td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Camden-Sumter Intrastate</td>
<td>I</td>
<td>III</td>
<td>II</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Charleston Intrastate</td>
<td>I</td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>
§ 52.2122 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves South 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 elsewhere in this subpart. 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 CTG’s 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) EPA disapproved South Carolina’s generic bubble regulation submitted for approval into the State Implementation Plan (SIP) on June 5, 1985.

§ 52.2124 Legal authority.

(a)–(c) [Reserved]

(d) 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.

§ 52.2125 [Reserved]

§ 52.2126 VOC rule deficiency correction.

Sections I and II of South Carolina’s Regulations 62.1 and 62.5 is approved. The State submitted these regulations to EPA for approval on September 18, 1990. Sections I and II of Regulation 62.5 were intended to correct deficiencies cited in a letter calling for the State to revise its SIP for ozone from Mr. Greer C. Tidwell, the EPA Regional Administrator, to Governor Carroll A. Campbell on May 26, 1988, and clarified in a letter from Mr. Winston A. Smith, EPA Region IV, Air, Pesticides and Toxics Management Division, to Mr. Otto E. Pearson, former Director of the South Carolina Department of Health and Environmental Control:

(a) South Carolina’s VOC regulations contain no method for determining capture efficiency. This deficiency must be corrected after EPA publishes guidance on the methods for determining capture efficiency before the SIP for ozone can be fully approved.

§ 52.2127–52.2129 [Reserved]

§ 52.2130 Control strategy: Sulfur oxides and particulate matter.

In letters dated May 7, and December 2, 1986, the South Carolina Department
§ 52.2131 Significant deterioration of air quality.

(a)–(b) [Reserved]

(c) All applications and other information required pursuant to § 52.21 from sources located in the State of South Carolina shall be submitted to the Office of Environmental Quality Control, Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201, instead of the EPA Region IV office.


§ 52.2132 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. The provisions of § 52.26 are hereby incorporated and made a part of the applicable plan for the State of South Carolina.

(c) Long-term strategy. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of South Carolina.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.2133 General conformity.

The General Conformity regulations adopted into the South Carolina State Implementation Plan which were submitted on November 8, 1996. South Carolina incorporated by reference regulations 40 CFR part 51, subpart W—determining conformity of General Federal Actions to State or Federal Implementation Plans.

[82 FR 32538, June 16, 1997]
Company’s Hagood Plant in Charleston; for these two sources, the plan’s original emission limits continue to apply.)

(10) Permit changes, specified below, were submitted by the South Carolina Department of Health and Environmental Control on May 9, 1979. These changes provide emissions offset for R. R. Donnelley and Sons Company, and apply to M. Lowenstein and Sons, Inc., as follows:

(i) Operating permit number O/P–42–167 for the operation of five (5) Kingsley Roller Print Dryers (Nos. 3, 4, 5, 6, and 7) is cancelled with these dryers not to be operated after June 1, 1979.

(ii) Operating permit number O/P–42–170 through O/P–42–179 for screen print machine Nos. 3, 4, 5, 6, 7, 8, 10, 11, and 12 are reissued to reflect the total and permanent transition from solvent-based print pastes to water-based print pastes on these machines as of June 1, 1979.

(11) 1979 implementation plan revision for nonattainment areas, submitted on December 20, 1978, by the South Carolina Department of Health and Environmental Control.

(12) Variance granted to Bowater Carolina Corporation until April 1, 1981, for increased particulate emissions and opacity limits, and revised regulation 61.62.1(B)(II), submitted on April 24, 1980, by the South Carolina Department of Health and Environmental Control.

(13) Changes in and supplements to 1979 implementation plan revisions for nonattainment areas, submitted on April 4, June 13, July 6, August 14, August 22, 1979, and on April 29, 1981, by the South Carolina Department of Health and Environmental Control. Included are a special operating permit for Macalloy Corporation and the following regulation changes:

R. 62.5, Standard No. 5, Section II, revised definition of VOC (formerly located in R. 62.5, Section I, Part A); R. 62.5, Standard No. 5, Section II, revised VOC regulation-Petroleum liquid storage tanks (formerly R. 62.3, Standard 5, Section II, Part B); R. 62.1, Section I, revised definition of “fugitive dust”;

R. 62.5, Standard No. 5, Section I, Part E—VOC—Case-by-Case Exceptions;


(14) Revisions in emergency episode plan, submitted on September 10, 1980, by the South Carolina Department of Health and Environmental Control.

(15) Air quality surveillance plan revision to satisfy the requirements of 40 CFR part 58, submitted on March 10, 1980 by the South Carolina Department of Health and Environmental Control.

(16) Provision for public participation to satisfy section 127(a) of the Clean Air Act, submitted on March 10, 1980 by the South Carolina Department of Health and Environmental Control.


(18) Set II VOC regulations, submitted on September 10, 1980, by the South Carolina Department of Health and Environmental Control.


(20) Implementation plan for lead, submitted on May 1, 1980, by the South Carolina Department of Health and Environmental Control.


(22) Provision for variance from conditions of operating permits, submitted on June 7, 1982, by the South Carolina Department of Health and Environmental Control.

(23) Revised visible emissions standard for incinerators and revised regulation for alternate emission limitation options (bubbles), submitted on June 7, 1982, by the South Carolina Department of Health and Environmental Control. EPA is not taking action on that portion of this regulation (Regulation No. 62.5, Standard No. 6, Section II, Part D) pertaining to alternative emission limitation options for designated pollutants subject to regulation under section 111(d) of the Clean Air Act.
(24) Special Operating Permit for South Carolina Electric and Gas Company-Williams Power Station, submitted on June 25, 1982, by the South Carolina Department of Health and Environmental Control.

(25) Visibility new source review regulations and narrative visibility SIP were submitted to EPA on June 3, 1985.

(i) Incorporation by reference.


(ii) Additional material.


(28) Stack height regulations were submitted to EPA on June 11, 1986.

(i) Incorporation by reference.

(A) Letter of June 11, 1986, from the South Carolina Department of Health and Environmental Control transmitting stack height regulations.

(B) Regulation 62.7, Good Engineering Practice Stack Height, adopted on April 24, 1986, and effective on May 23, 1986.

(C) Addition of item 10 to Section I, Definitions, of regulation 62.1, adopted on April 24, 1986, and effective on May 23, 1986.

(D) Addition of item A.2.f to Section II, Permit Requirements, of regulation 62.1, adopted on April 24, 1986, and effective on May 23, 1986.

(ii) Other material—none.

(29) Process opacity monitoring requirements were submitted to EPA on March 24, 1986 and July 8, 1986.

(i) Incorporation by reference.

(A) Letter of March 24, 1986 to EPA from the South Carolina Department of Health and Environmental Control, and amendments to Air Pollution Control Regulation No. 62.5, Standard No. 4, which was effective on February 28, 1986.

(ii) Other material—none.

(30) [Reserved]

(31) Changes in South Carolina’s SIP submitted to EPA on June 5, 1985, by the South Carolina Department of Health and Environmental Control.

(i) Incorporation by reference.

(A) Changes in South Carolina’s Regulations which were adopted May 24, 1985:

(1) Regulations 62.1, Section I (Definitions) No. 1 and Section III (Emission Inventory)

(2) Regulation 62.2 (Prohibition of Open Burning)

(3) Regulation 62.3 (Air Pollution Episodes); except for Section I and Section II Introductory paragraph

(4) Regulation 62.5, Standard No. 1 (Emissions From Fuel Burning Operations), Section IV, Part B, Section V, and Section VII

(5) Regulation 62.5, Standard No. 4 (Emissions from Process Industries), Except for Section III, Section VIII(A), and Section XI Introductory paragraph

(6) Regulation 62.5, Standard No. 7 (Prevention of Significant Deterioration), Section I, Parts B(1), E, F and Q(2)

(7) Regulation 62.6 (Control of Fugitive Particulate Matter), Section I (b) and (c) and Section III (c) and (d)

(i) Other material.

(i) Incorporation by reference.
   (A) Regulation 62.1, Definitions, Permit Requirements, and Emissions Inventory as revised by the addition on April 22, 1988, of Section I, Nos. 22, 23, 25, and 42.
   (B) The following portions of Regulation 62.3, Air Pollution Episodes were revised April 22, 1988:
      (1) Section I
      (2) Section II, Introductory paragraph.
   (C) The following portions of Regulation 62.5, Standard No. 1—Emissions from Fuel Burning Operations were revised April 22, 1988:
      (1) Section II, Title.
      (2) Section VI, Introductory paragraph
   (D) Regulation 62.5, Standard No. 2—Ambient Air Quality Standards revised April 22, 1988.
   (E) The following portions of Regulation 62.5, Standard No. 4—Emissions from Process Industries were revised April 22, 1988:
      (1) Section I
      (2) Section II, Part A
      (3) Section III Part H
      (4) Section IV Part E
   (F) The following portions of Regulation 62.5, Standard No. 7—Prevention of Significant Deterioration were revised April 22, 1988:
      (1) Section I
      (2) Section II, Part A
      (3) Section III Part B
      (4) Section IV Part E
   (G) The following portions of Regulation 62.1, Definitions, Permit Requirements, and Emissions Inventory as revised by the addition on April 22, 1988, of Section I, Nos. 22, 23, 25, and 42.
      (A) Regulation 62.1, Definitions, Permit Requirements, and Emissions Inventory as revised by the addition on April 22, 1988, of Section I, Nos. 22, 23, 25, and 42.
      (B) The following portions of Regulation 62.3, Air Pollution Episodes were revised April 22, 1988:
         (1) Section I
         (2) Section II, Introductory paragraph.
      (C) The following portions of Regulation 62.5, Standard No. 1—Emissions from Fuel Burning Operations were revised April 22, 1988:
         (1) Section II, Title.
      (D) Regulation 62.5, Standard No. 2—Ambient Air Quality Standards revised April 22, 1988.
      (E) The following portions of Regulation 62.5, Standard No. 4—Emissions from Process Industries were revised April 22, 1988:
         (1) Section I
         (2) Section II, Part A
         (3) Section III Part H
         (4) Section IV Part E
      (F) The following portions of Regulation 62.5, Standard No. 7—Prevention of Significant Deterioration were revised April 22, 1988:
         (1) Section I
         (2) Section II, Part A
         (3) Section III Part B
         (4) Section IV Part E
   (A) Regulation 62.5 Standard No. 4, Sections I thru VIII and Tables A and B effective April 22, 1988.
   (B) Changes in South Carolina’s Regulations which were effective March 24, 1989:
      1. Regulation 62.1: Section I Definitions, 9 and 38 and Section III Emission Inventory.
      2. Regulation 62.5, Standard No. 1 Emissions from Fuel Burning Operations: Section I, Part D; Section IV, Paragraph A.2.a. and Part D.
      3. Regulation 62.5, Standard No. 2 Ambient Air Quality Standards: Introductory paragraph.
      4. Regulation 62.5, Standard No. 4 Emissions from Process Industries: Section IX and X.
      5. Regulation 62.5, Standard No. 7 Prevention of Significant Deterioration: Section 1 B(1)(a) and Part L
   (ii) Additional Material.
      (A) March 16, 1989, letter from South Carolina Department of Health and Environmental Control.
      (34) Changes in South Carolina’s SIP submitted to EPA on September 18, 1990, by the South Carolina Department of Health and Environmental Control.
      (i) Incorporation by reference.
      (A) The following revision to South Carolina’s State Implementation Plan (SIP) which became effective on August 24, 1990:
         (J) Regulation 61–62.1:
            (i) Section II, Part A.
            (ii) Section IV, Part E.
      (2) Regulation 61–62.5:
         (i) Standard No. 7:
            Section I, Part A.
            Section II, Part B.
            Section III, Part C.
            Section IV, Part D.
          (ii) Other materials.
             (A) Letters of April 29, 1988, and April 4, 1989, from the South Carolina Department of Health and Environmental Control which address PM10 revisions.
             (B) Revised narrative on particulate matter.
          (33) Changes in South Carolina’s SIP submitted to EPA on March 16, 1989, by the South Carolina Department of Health and Environmental Control.
             (i) Incorporation by reference.
§52.2134  

(i) Section I.A: 9,22,27–78  
(ii) Section L.C.1.b.(vi)  
(iii) Section I.E.4  
(iv) Section I.E.12  
(v) Part F. Recordkeeping, Reporting, Monitoring  
(vi) Part G. Equivalency Calculations  
(vii) Section II—Provisions for Specific Sources  
Part A. Surface Coating of Cans  
Part B.2. Control Technology  
Part C  
Part D  
Part E Surface Coating of Magnet Wire  
Part F.2. and 3.  
Part G.3. Control Technology  
(ii) Other material.  
(A) None.  
(35) [Reserved]  
(36) The maintenance plan for Cherokee County submitted by the South Carolina Department of Health and Environmental Control on July 20, 1992, as part of the South Carolina SIP.  
(i) Incorporation by reference.  
(A) Cherokee County Ozone Attainment Demonstration and Ten Year Maintenance Plan effective June 11, 1992.  
(B) Emissions Inventory Projections for Cherokee County effective June 11, 1992.  
(ii) Other material.  
(B) Emission Inventory Projections for Cherokee County effective June 11, 1992.  
(iii) Other material.  
(A) July 20, 1992 letter from the Department of Health and Environmental Control.  
(37) The VOC Recordkeeping regulations for ozone nonattainment areas, PSD NOx increment regulations, and regulations listing the definition of VOC submitted by South Carolina Department of Health and Environmental Control on July 23, 1992, as part of the South Carolina SIP.  
(i) Incorporation by reference.  
(A) South Carolina Regulation 61–62.5, Standard No. 7, section I, part C, paragraph 4; section I, part M; section I, part N; section I, part O; section I, part BB; section II, part A; section II, part D, paragraph 1, subparagraph e; section II, part D, paragraph 3, subparagraph a; section IV, part D, paragraph 1; section IV, part H, paragraph 4; covering PSD. These regulations were effective August 24, 1990, and submitted September 18, 1990.  
(B) South Carolina Regulation 61–62.1, section I, paragraph 74, covering the definition of VOC; Regulation 61–62.5, Standard No. 5, section I, part F, paragraph 3, covering VOC Recordkeeping in ozone nonattainment areas; and Regulation 61–62.5, Standard No. 7, section I, part O and section IV, part H, paragraph 4 covering PSD. These regulations were effective June 26, 1992, and submitted July 23, 1992.  
(ii) Other material.  
(A) July 23, 1992, letter from the South Carolina Department of Health and Environmental Control to Region IV EPA.  
(B) [Reserved]  
(38) The South Carolina Department of Health and Environmental Control has submitted revisions to the South Carolina Air Quality Implementation Plan on November 12, 1993. These revisions address the requirements of section 507 of title V of the Clean Air Act and establish the Small Business Stationary Source Technical and Environmental Program.  
(i) Incorporation by reference.  
(A) The submittal of the state of South Carolina’s Small Business Assistance Program which was adopted on September 9, 1993.  
(ii) Additional material. None.  
(39) The PSD regulation revisions to the South Carolina State Implementation Plan which were submitted on March 3, 1995.  
(i) Incorporation by reference.  
(ii) Other material. none  
(40) The minor source operating permit program for South Carolina, submitted by the Department of Health and Environmental Control on July 12,
§ 52.2170 Identification of plan.

(a) Title of plan: “Air Pollution Control Regulations and Implementation Plan for the State of South Dakota.”

(b) The plan was officially submitted on January 27, 1972.

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

(1) Request for delegation of authority submitted January 27, 1972, by the Governor.

(2) Clarification of control regulations (section 1.8.4) submitted April 27, 1972, by the State Department of Health.

(3) Clarification of control regulations (section 1.8.4) submitted May 2, 1972, by the Governor.

(4) On December 4, 1975, the Governor of South Dakota submitted revisions and additions to the air pollution control regulations (Article 34:10 of the Administrative Rules of South Dakota). The submittal updated rules and regulations; review procedures for new/modified direct sources; variance and enforcement procedure revisions; episode procedure changes; and the addition of new source performance standards similar to those of EPA.

(5) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, were submitted on January 3, 1979.

(6) A new control strategy for Brookings, South Dakota was submitted on April 16, 1979.

(7) On January 21, 1980, the Governor submitted a plan revision to meet the requirements of Air Quality Moni-
§ 52.2170

(B) Stack height demonstration analysis submitted by the State with letters dated August 20, 1986 and December 3, 1986.

(13) On September 25, 1992 and February 24, 1992, the Governor of South Dakota submitted revisions to the plan for new source performance standards and asbestos.

(1) Incorporation by reference.


(14) On September 25, 1991, the designee of the Governor of South Dakota submitted revisions to the plan for new source review, operating permits, and the PM–10 Group II requirements.

(i) Incorporation by reference

(A) Revisions to the Air Pollution Control Program, Sections 74:26:01–74:26:08, effective May 13, 1991.

(ii) Additional material

(A) Letter dated April 14, 1992, from the South Dakota Department of Environment and Natural Resources to EPA.

(15) On November 10, 1992, the Governor of South Dakota’s designee submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the South Dakota State Implementation Plan as required by section 507 of the Clean Air Act. An amendment to the plan was submitted by the Governor’s designee on April 1, 1994.

(i) Incorporation by reference.

(A) November 10, 1992 letter from the Governor of South Dakota’s designee submitting a Small Business Assistance Program plan to EPA.

(B) April 1, 1994 letter from the Governor of South Dakota’s designee submitting an amendment to the South Dakota Small Business Assistance Program plan to EPA.

(C) The State of South Dakota amended plan for the establishment and implementation of a Small Business Assistance Program, adopted January 12, 1994 by the South Dakota Department of Environment and Natural Resources.

(D) South Dakota Codified Laws 34A–1–57, effective July 1, 1992 and 34A–1–58 through 60, effective July 1, 1993, which gives the State of South Dakota the authority to establish and fund the South Dakota Small Business Assistance Program.

(16) On November 12, 1993 and March 7, 1995, the designee of the Governor of South Dakota submitted revisions to the plan, which included revised regulations for definitions, minor source construction and federally enforceable state operating permit (FESOP) rules, source category emission limitations, sulfur dioxide rule corrections, new source performance standards (NSPS), new source review (NSR) requirements for new and modified major sources impacting nonattainment areas, and enhanced monitoring and compliance certification requirements. The State also requested that the existing State regulations approved in the South Dakota SIP be replaced with the following chapters of the recently recodified Administrative Rules of South Dakota (ARSD): 74:36:01–74:36:04, 74:36:06; 74:36:07, 74:36:10–74:36:13, and 74:36:15, as in effect on January 5, 1995.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of South Dakota, Air Pollution Control Program, Chapters 74:36:01 (except 74:36:01:01(2) and (3)); 74:36:02–74:36:04, 74:36:06; 74:36:07, 74:36:10–74:36:13, and 74:36:15, effective April 22, 1993 and January 5, 1995.

(17) On May 2, 1997, the designee of the Governor of South Dakota submitted revisions to the plan. The revisions pertain to revised regulations for definitions, minor source operating permits, open burning, and performance testing. The State’s SIP submittal requested that EPA replace the previous version of the ARSD approved into the SIP with the following chapters of the ARSD as in effect on December 29, 1996: 74:36:01 through 74:36:03, 74:36:04 (with the exception of section 74:36:04:03.01), 74:36:06, 74:36:07, 74:36:10–13, and 74:36:17. EPA is replacing all of the previously approved State regulations, except the NSPS rules in ARSD 74:36:07, with those regulations
listed in paragraph (c)(17)(i)(A). ARSD 74:36:07, as in effect on January 5, 1995 and as approved by EPA at 40 CFR 52.2170(c)(16)(i)(A), will remain part of the SIP. [Note that EPA is not incorporating the revised ARSD 74:36:07, new ARSD 74:36:11:04, or new ARSD 74:36:17 in this action, as these chapters will be acted on separately by EPA.]

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of South Dakota, Air Pollution Control Program, Chapters 74:36:01–03; 74:36:04 (except section 74:36:04:03.1); 74:36:06; 74:36:10, 74:36:11 (with the exception of ARSD 74:36:11:04), 74:36:12, and 74:36:13, effective December 29, 1996.

(18) On May 2, 1997 and on May 6, 1999, the designee of the Governor of South Dakota submitted revisions to the new source performance standards in subchapter 74:36:07 of the Administrative Rules of South Dakota (ARSD).

(i) Incorporation by reference.


(19) On May 2, 1997 and on May 6, 1999, the designee of the Governor of South Dakota submitted revisions in Section 74:36:11:04 of the Administrative Rules of South Dakota. The provisions allow permitted sources to request permission to test a new fuel or raw material, to determine if it is compatible with existing equipment and to determine air emission rates, before requesting a permit amendment or modification if certain conditions are met.

(i) Incorporation by reference.


[37 FR 15089, July 27, 1972]

EDITORIAL NOTE: For Federal Register citations affecting §52.2170, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 67 FR 39621, June 10, 2002, §52.2170 was amended by adding paragraph (c)(20), effective Aug. 9, 2002. For the convenience of the user, the added text is set forth as follows:

§ 52.2170 Identification of plan.

* * * * *

(c) * * *

(20) On January 22, 1996, the designee of the Governor of South Dakota submitted provisions in Section 74:36:17 of the Administrative rules of South Dakota. The provisions consist of street sanding requirements that apply within the city limits of Rapid City, South Dakota.

(i) Incorporation by reference.

(A) Administrative Rules of South Dakota, Air Pollution Control Program, Chapter 74:36:17.

(ii) Additional materials.

(A) Letter of March 25, 1994 from South Dakota Department of Environment and Natural Resources discussing whether EPA should designate Rapid City as nonattainment for the PM–10 standard.

(B) Letter of July 19, 1995 from EPA Region VIII discussing with the South Dakota Department of Environment and Natural Resources the exceedances of the PM–10 standard measured in the Rapid City.

(C) Letter of November 16, 1995 from the South Dakota Department of Environment and Natural Resources transmitting Rapid City street sanding requirements.

§ 52.2171 Classification of regions.

The South Dakota plan evaluated on the basis of the following classifications:
§ 52.2172 Approval status.

With the exceptions set forth in this subpart, the Administrator approves South Dakota’s plan as meeting the requirements of section 110 of the Clean Air Act, as amended in 1977. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D of the Clean Air Act, as amended in 1977.

[37 FR 10893, May 31, 1972]

§ 52.2173 Legal authority.

(a) The requirements of §51.230(f) of this chapter are not met since the South Dakota Compiled Law 34–16A–21 provides that data which relates to processes or production unique to the owner or which tend to adversely affect a competitive position of the owner shall be held confidential.

(b) Delegation of authority: Pursuant to section 114 of the Act, South Dakota requested a delegation of authority to enable it to collect, correlate and release emission data to the public. The Administrator has determined that South Dakota is qualified to receive a delegation of authority to enable it to collect, correlate and release emission data to the public. The Administrator requested a delegation of authority to enable it to collect, correlate and release emission data to the public. Accordingly, the Administrator delegates to South Dakota his authority under sections 114(a) (1) and (2) and section 114(c) of the Act, i.e., authority to collect, correlate, and release emission data to the public.


§§ 52.2174–52.2177 [Reserved]

§ 52.2178 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 South Dakota.

(c) All applications and other information required pursuant to §52.21 from sources located in the State of South Dakota, except from those sources proposing to locate on Indian reservations, shall be submitted to the Director of the Division of Environmental Regulation, Department of Environment and Natural Resources, Joe Foss Building, Pierre, South Dakota 57501 instead of the EPA Region VIII office.


§ 52.2179 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 South Dakota.

(c) Long-term strategy. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of South Dakota.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]
Environmental Protection Agency

§ 52.2180 Stack height regulations.

The State of South Dakota has committed to revise its stack height regulations should EPA complete rule-making to respond to the decision in NRDC v. Thomas, 838 F.2d 1224 (DC Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 11, 1988, Joel C. Smith, Administrator, Office of Air Quality and Solid Waste, 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 comport with the EPA’s modified requirements. The State of South Dakota agrees to make the appropriate changes."

[53 FR 34079, Sept. 2, 1988]

§ 52.2181 [Reserved]

§ 52.2182 PM<sub>10</sub> Committal SIP.

On July 12, 1988, the State submitted a Committal SIP for the Rapid City Group II PM<sub>10</sub> area, as required by the PM<sub>10</sub> implementation policy. The SIP commits the State to continue to monitor for PM<sub>10</sub> and to submit a full SIP if a violation of the PM<sub>10</sub> National Ambient Air Quality Standards is detected. It also commits the State to make several revisions related to PM<sub>10</sub> to the existing SIP.

[55 FR 46834, Oct. 5, 1990]

§ 52.2183 Variance provision.

The revisions to the variance provisions in Chapter 74:26:01:31.01 of the South Dakota Air Pollution Control Program, which were submitted by the Governor’s designee on September 25, 1991, are disapproved because they are inconsistent with section 110(l) 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.

[58 FR 37426, July 12, 1993]

§ 52.2184 Operating permits for minor sources.

Emission limitations and related provisions established in South Dakota minor source operating permits, which are issued in accordance with ARSD 74:36:01 and which are submitted to EPA in a timely manner in both proposed and final form, 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 46228, Sept. 6, 1995]

Subpart RR—Tennessee

§ 52.2219 [Reserved]

§ 52.2220 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Tennessee 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, 1998, 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 December 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) 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 Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., Washington, DC 20460.

(c) EPA approved regulations.
### §52.2220

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

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<td>Union Carbide, Tennessee Eastman Company</td>
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§ 52.2221 Classification of regions.

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

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<th>Carbon monoxide</th>
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</table>


§ 52.2222 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Tennessee'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 thus far submitted 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 on 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 (Appendix S of 40 CFR part 51) are met.

(c) EPA approves Nashville/Davidson County, Tennessee's VOC Regulation No. 7, Section 7-1(11), which replaces the definition of Volatile Organic Compound (VOC) with a definition for VOC that is consistent with the EPA approved definition. The EPA approved definition defines VOC as any organic compound that participates in atmospheric photochemical reactions. However, it excludes organic compounds which have negligible photochemical reactivity. These compounds are as follows: methane, ethane, methyl chloroform (1,1,1-trichloroethane), CFC-113 (trichlorotrifluoroethane), methylene chloride, CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane), CFC-22 (chlorodifluoromethane), FC-23 (trifluoromethane), CFC-114 (dichlorotetrafluoroethane), CFC-115 (chloropentafluoroethane). It is also our understanding that by adopting the EPA approved definition, Nashville/Davidson County's VOC Regulation No. 7, Section 7-1(11) is consistent with the EPA approved definition.
§ 52.2223 Compliance schedules.

(a) Federal compliance schedules—State program. (1) Except as provided in paragraph (a)(5) of this section, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of Chapter 1200–3–14 of the Rules and Regulations of Tennessee as contained in the Tennessee implementation plan, shall notify the Administrator, no later than January 1, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet these requirements.

(2) Any owner or operator of a stationary source subject to paragraph (a)(1) of this section who elects to utilize low-sulfur fuel shall be subject to the following compliance schedule:

(i) January 31, 1974: Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on July 1, 1975, and for at least one year thereafter.

(ii) March 31, 1974: Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) April 30, 1974: Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) May 31, 1974: Let contracts for necessary boiler modifications, if applicable.

(v) October 31, 1974: Initiate onsite modifications, if applicable.

(vi) June 1, 1975: Complete onsite modifications, if applicable.

(vii) July 1, 1975: Achieve compliance with the requirements of Chapter 1200–3–14 of the Rules and Regulations of Tennessee and certify compliance to the Administrator.

(viii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before 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.

(ix) Five days after the deadline for completing increments (a)(2) (ii) through (vi) in this section certification as to whether the increments were met shall be made to the Administrator.

(3) Any owner or operator of a stationary source subject to paragraph (a)(1) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) January 31, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1974—Negotiate and sign all necessary contracts for emission-control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) May 1, 1974—Initiate onsite construction or installation of emission-control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission-control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the requirements of Chapter 1200–3–14 of the Rules and Regulations of Tennessee and certify compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before 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.

(vii) Five days after the deadline for completing increments (a)(3) (ii) through (iv) in this section, certification as to whether the increments were met shall be made to the Administrator.

(4) Except as provided in paragraph (a)(5) of this section, the owner or operator of any stationary source subject to the requirements of Chapter 1200–3–
14 of the Rules and Regulations of Tennessee as contained in the Tennessee implementation plan, shall comply with the following compliance schedule:

(i) November 15, 1973: Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) January 1, 1974: Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) February 1, 1974: Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975: Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975: Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed on or before 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.

(vii) Five days after the deadline for completing increments (a)(4)(ii) through (iv) in this section certification as to whether the increments were met shall be made to the Administrator.

(5) (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.

(6) The compliance schedules in paragraphs (a)(2) and (3) of this section shall not excuse a source from complying with any interim emission limitations on the date prescribed in the Tennessee air pollution control regulations listed in paragraph (a)(1) of this section.

(7) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in the above paragraphs of this paragraph fail to satisfy the requirements of §§51.261 and 51.262(a) of this chapter.

(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) [Reserved]

(d) 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 or those of a local air pollution control agency as noted.

(1) State compliance schedules:

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>State regulation involved</th>
<th>Date of adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burlington Industries, Inc. (State order No. 7–0073)</td>
<td>Washington County, Tenn</td>
<td>Ch. 6, sec. 4</td>
<td>Mar. 20, 1973.</td>
</tr>
<tr>
<td>Monsanto Co., kilns Nos. 1 and 2 (State order No. 8–0073)</td>
<td>Maury County, Tenn</td>
<td>Ch. 7, sec. 8</td>
<td>Do.</td>
</tr>
<tr>
<td>Monsanto Co., kiln No. 3 (State order No. 20–0073)</td>
<td>Ch. 7, sec. 8</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Stauffer Chemical Co</td>
<td></td>
<td></td>
<td>Do.</td>
</tr>
</tbody>
</table>
(e) Federal compliance schedules—Local programs. (1) Except as provided in paragraph (e)(16) of this section, the owner or operator of any stationary source subject to the following emission limiting regulations of the Knox County Air Pollution Control Regulations and the City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code contained as part of the Tennessee implementation plan shall comply with the compliance schedule in paragraph (e)(2) of this section: Knox County Air Pollution Control Regulations, Sections 18.2C; 19.4B; 20.1D; and 23.1; City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code Section 3-24(4).

(2) Compliance schedule. (i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(3) Except as provided in paragraph (e)(16) of this section, the owner or operator of any stationary source subject to the following emission limiting regulation of the Knox County Air Pollution Control Regulations contained as part of the Tennessee implementation plan shall comply with the compliance schedule in paragraph (e)(4) of this section: Knox County Air Pollution Control Regulations, Section 19.2C.

(4) Compliance schedule. (i) October 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) January 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) June 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(5) Except as provided in paragraph (e)(16) of this section, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of
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Knox County Air Pollution Control Regulations, section 18.4B; and City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code, Section 3–24(b), contained as part of the Tennessee implementation plan 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 these requirements.

(6) Any owner or operator of a stationary source subject to paragraph (e)(5) of this section who elects to utilize 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 the applicable regulation on July 1, 1975, 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) March 15, 1975—Complete onsite modifications, if applicable.

(vii) July 1, 1975—Achieve compliance with the requirements of Knox County Air Pollution Control Regulations, section 18.4B and City of Memphis Air Pollution Control Code and Shelby County Air Pollution Control Code Section 3–24(b) and certify such compliance to the Administrator.

(7) Any owner or operator of a stationary source subject to paragraph (e)(5) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulation.

(ii) January 1, 1974—Negotiate and sign all necessary contracts for emission control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) February 1, 1974—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(8) Except as provided in paragraph (e)(16) of this section, the owner or operator of any stationary source subject to the following emission limiting regulation of the Hamilton County Air Pollution Control Regulations contained as part of the Tennessee implementation plan shall comply with the compliance schedule in paragraph (e)(9) of this section: Hamilton County Air Pollution Control Regulations, rule 10 (particulate emissions from process operations).

(9) Compliance schedule. (i) September 15, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 1, 1973—Initiate onsite construction or installation of emission control equipment or process modifications.

(iv) June 1, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.
(10) Except as provided in paragraph (e)(16) of this section, the owner or operator of any process (non-fuel burning) source of sulfur dioxide subject to the emission limiting requirements of the Hamilton County Air Pollution Control Regulations, rule 13, contained as part of the Tennessee implementation plan shall comply with the compliance schedule in paragraph (e)(9) of this section.

(11) Except as provided in paragraph (e)(16) of this section, the owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the sulfur dioxide emission limiting requirements of the Hamilton County Air Pollution Control Regulations, rule 13, contained as part of the Tennessee implementation plan 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 these requirements.

(12) Any owner or operator of a fuel burning facility subject to paragraph (e)(11) of this section who elects to utilize 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 the applicable regulation on July 1, 1974, and for at least one year thereafter.

(ii) December 1, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 1, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) February 1, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) February 15, 1974—Initiate onsite modifications, if applicable.

(vi) June 15, 1974—Complete onsite modifications.

(vii) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(13) Any owner or operator of a fuel burning facility subject to paragraph (e)(11) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) December 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 15, 1973—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) June 15, 1974—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1974—Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(14) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable regulation. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(15) 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.

(16)(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.
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(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.

(17) No compliance schedule in this paragraph shall excuse a source from complying with an interim emission limitation that is applicable to such source.

(18) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of §§51.261 and 51.262(a) of this chapter.

(f) The compliance schedules for the sources identified below are approved as meeting the requirements of Subpart N and §51.6 of this chapter. All regulations cited are air pollution control regulations of the State or those of a local air pollution control agency as noted.

(1) Statewide compliance schedules:

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date of adoption</th>
<th>Effective date</th>
<th>Final compliance date</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Enka, State order No. 64-00073:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Boilers 1, 2, 3</td>
<td>Morristown</td>
<td>CH. V-2(b), CH. VI-2(a)</td>
<td>.....do</td>
<td>.....do</td>
<td>July 1, 1975.</td>
</tr>
<tr>
<td>(b) Boilers 4, 5, 6</td>
<td>.....do</td>
<td>CH. VI-2(b), CH. VI-2(a)</td>
<td>.....do</td>
<td>.....do</td>
<td>Dec. 30, 1974.</td>
</tr>
<tr>
<td>(c) Boiler 9</td>
<td>.....do</td>
<td>CH. V-2(b), CH. VI-2(a)</td>
<td>.....do</td>
<td>.....do</td>
<td>June 30, 1974.</td>
</tr>
<tr>
<td>Beaufort Fibers, State order No. 56-0073:</td>
<td></td>
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</tr>
<tr>
<td>(a) Stacks 1 and 2</td>
<td>Elizabethton</td>
<td>CH. V-2(a)</td>
<td>.....do</td>
<td>.....do</td>
<td>Mar. 30, 1975.</td>
</tr>
<tr>
<td>(b) Stack 3</td>
<td>.....do</td>
<td>CH. VI-2(a), CH. V-2(a)</td>
<td>.....do</td>
<td>.....do</td>
<td>Nov. 30, 1974.</td>
</tr>
<tr>
<td>Bedford Lumber Co.:</td>
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<td>Bristol Foundry &amp; Machine Co.:</td>
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</tr>
<tr>
<td>State order No. 71-00073</td>
<td>Bristol</td>
<td>CH. V-2(b), CH. VII-9(b)</td>
<td>.....do</td>
<td>.....do</td>
<td>Nov. 9, 1973.</td>
</tr>
<tr>
<td>Burroughs-Ross-Colville Co.:</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>State order No. 65-00073:</td>
<td></td>
<td>CH. V-2(b), CH. VI-2(a)(2)</td>
<td>.....do</td>
<td>.....do</td>
<td>Do.</td>
</tr>
<tr>
<td>(a) Collectors C-1, C-3</td>
<td>Minnville</td>
<td>CH. V-2(b), CH. VI-2(a)(2)</td>
<td>.....do</td>
<td>.....do</td>
<td>Do.</td>
</tr>
<tr>
<td>Celotex Corp., State Order No. 61-0073:</td>
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<td></td>
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<tr>
<td>Source</td>
<td>Location</td>
<td>Regulation involved</td>
<td>Date of adoption</td>
<td>Effective date</td>
<td>Final compliance date</td>
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</tr>
<tr>
<td>(c) Collectors C-9, C-10, and C-11.</td>
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</tr>
<tr>
<td>Dover Corp., State order No. 74–00073.</td>
<td>Middleton</td>
<td>CH. V–2(b), CH. V–2(d)</td>
<td>do</td>
<td>July 9, 1974</td>
<td></td>
</tr>
<tr>
<td>Farrar Construction, State order No. 75–00073.</td>
<td>McMinnville</td>
<td>CH. V–2(b), CH. V–2(d)</td>
<td>do</td>
<td>Oct. 9, 1973</td>
<td></td>
</tr>
<tr>
<td>Royal Oak Charcoal Co.:</td>
<td>Jamestown</td>
<td>CH. V–2(b), CH. V–2</td>
<td>Oct. 9, 1973</td>
<td>July 31, 1974</td>
<td></td>
</tr>
<tr>
<td>State order No. 77–00073</td>
<td>do</td>
<td>CH. V–2(b), CH. V–2</td>
<td>do</td>
<td>Mar. 1, 1974</td>
<td></td>
</tr>
<tr>
<td>State order No. 78–00073</td>
<td>do</td>
<td>CH. V–2(b), CH. V–2</td>
<td>do</td>
<td>Jan. 30, 1974</td>
<td></td>
</tr>
<tr>
<td>State order No. 82–00073</td>
<td>Tellico Plains</td>
<td>CH. V–2(b), CH. V–2(a)(2)</td>
<td>June 19, 1973</td>
<td></td>
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</tr>
<tr>
<td>Tennessee Eastman Co.:</td>
<td>Kingsport</td>
<td>CH. V–2(b), CH. V–2</td>
<td>do</td>
<td>June 1, 1974</td>
<td></td>
</tr>
<tr>
<td>State order No. 80–00073</td>
<td>do</td>
<td>CH. V–2(b), CH. V–2</td>
<td>do</td>
<td>Aug. 9, 1974</td>
<td></td>
</tr>
<tr>
<td>State order No. 81–00073</td>
<td>do</td>
<td>CH. V–2(b), CH. V–2</td>
<td>do</td>
<td>Nov. 1, 1974</td>
<td></td>
</tr>
<tr>
<td>State order No. 82–00073</td>
<td>do</td>
<td>CH. V–2(b), CH. V–2</td>
<td>do</td>
<td>July 1, 1975</td>
<td></td>
</tr>
<tr>
<td>State order No. 83–00073</td>
<td>do</td>
<td>CH. V–2(b), CH. V–2</td>
<td>do</td>
<td></td>
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<tr>
<td>State order No. 84–00073:</td>
<td></td>
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<tr>
<td>(a) Units 18–22</td>
<td>Cherokee</td>
<td>CH. V–2(b), CH. V–2(a)(1)</td>
<td>do</td>
<td>Mar. 1, 1974</td>
<td></td>
</tr>
<tr>
<td>(b) Units 11–17</td>
<td>Cherokee</td>
<td>CH. V–2(b), CH. V–2(a)(1)</td>
<td>do</td>
<td>June 1, 1974</td>
<td></td>
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<tr>
<td>Tennessee Metallurgical, State order No. 89–00073:</td>
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</tr>
<tr>
<td>(a) Furnace No. 2</td>
<td>Kimball</td>
<td>CH. V–2(b), CH. V–2</td>
<td>do</td>
<td>Mar. 1, 1974</td>
<td></td>
</tr>
<tr>
<td>(b) Furnace No. 1</td>
<td>Kimball</td>
<td>CH. V–2(b), CH. V–2</td>
<td>do</td>
<td>Jan. 15, 1974</td>
<td></td>
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<tr>
<td>Aluminum Co. of America, source 22 and 23 (carbon anode baking), Berkline Corp., plant No. 1, collector No. 6.</td>
<td>Alcoa</td>
<td>CH. V, sec. II B</td>
<td>Nov. 28, 1973</td>
<td>July 9, 1974</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Morristown</td>
<td>CH. V, sec. II</td>
<td>do</td>
<td>June 9, 1974</td>
<td></td>
</tr>
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</table>
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#### TENNESSEE—Continued

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date of adoption</th>
<th>Effective date</th>
<th>Final compliance date</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. I. du Pont: steam boiler</td>
<td>Johnsonville</td>
<td>Ch. V, sec. II; B, ch. V, sec. II.A(2)</td>
<td>Feb. 6, 1974</td>
<td>...do</td>
<td>June 30, 1975</td>
</tr>
<tr>
<td>Industrial Products Co., Inc.: Control equipment</td>
<td>Mt. Pleasant</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II</td>
<td>Nov. 28, 1973</td>
<td>...do</td>
<td>Jan. 1, 1974</td>
</tr>
<tr>
<td>Interstate Foundry &amp; Machine Co.: Cupola</td>
<td>Johnson City</td>
<td>Ch. V, sec. II.B; sec. IX.B</td>
<td>...do</td>
<td>...do</td>
<td>Feb. 9, 1974</td>
</tr>
<tr>
<td>Laminite Plastics Corp.: Moldout system</td>
<td>Morristown</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II</td>
<td>...do</td>
<td>...do</td>
<td>Apr. 30, 1974</td>
</tr>
<tr>
<td>Lea Industries:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant No. 4: process emissions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant No. 5: process emissions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant No. 6: boiler</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lewisburg Casting Co., Inc.: Cupola</td>
<td>Lewisburg</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II</td>
<td>Nov. 28, 1979</td>
<td>...do</td>
<td>Aug. 9, 1974</td>
</tr>
<tr>
<td>Monsanto Industrial Chemical Co.</td>
<td>Columbia</td>
<td>Ch. VII</td>
<td>Feb. 6, 1973</td>
<td>...do</td>
<td>July 1, 1974</td>
</tr>
<tr>
<td>Plough, Inc.: Boiler</td>
<td>Sheboyville</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II</td>
<td>Do</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>Powermatic-Houdaille, Inc.: Two No. 5 cupolas</td>
<td>McMinnville</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II</td>
<td>Do</td>
<td>Do</td>
<td>Aug. 9, 1974</td>
</tr>
<tr>
<td>Royal Oak Charcoal Co.: Kilns 1, 2, 3, 4, 5</td>
<td>Cookeville</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II</td>
<td>Do</td>
<td>Do</td>
<td>Do</td>
</tr>
<tr>
<td>Don P. Smith Chair Co.: Drying kiln</td>
<td>Louin</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II</td>
<td>Do</td>
<td>Do</td>
<td>June 30, 1974</td>
</tr>
<tr>
<td>Temple Industries: Conical burner</td>
<td>Savannah</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II</td>
<td>Do</td>
<td>Do</td>
<td>Apr. 30, 1974</td>
</tr>
<tr>
<td>Tennlite, Inc.: Two rotary kilns</td>
<td>Green Brier</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II</td>
<td>Do</td>
<td>Do</td>
<td>July 30, 1974</td>
</tr>
<tr>
<td>Term. Asphalt Co. &amp; Road Builders, Inc.: Asphalt batching plant</td>
<td>Cumberland City</td>
<td>Ch. V, sec. II.B; ch. VII, secs. II and IX, G; ch. VIII</td>
<td>Do</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>Do</td>
<td>Savannah</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII</td>
<td>Do</td>
<td>Do</td>
<td>June 21, 1974</td>
</tr>
<tr>
<td>Do</td>
<td>Parsons</td>
<td>Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII</td>
<td>Do</td>
<td>Do</td>
<td>Feb. 18, 1974</td>
</tr>
<tr>
<td>Cities Service (41-0073)</td>
<td>Copperhill</td>
<td>Ch. VII, sec. 8</td>
<td>June 19, 1973</td>
<td>...do</td>
<td>July 1, 1975</td>
</tr>
<tr>
<td>Cities Service (42-0073)</td>
<td>Do</td>
<td>Ch. VII, sec. 8</td>
<td>Do</td>
<td>Do</td>
<td>Do</td>
</tr>
<tr>
<td>Penn Dixie Cement</td>
<td>Kingsport</td>
<td>Ch. VII, sec. 2</td>
<td>Oct. 9, 1973</td>
<td>...do</td>
<td>Do</td>
</tr>
</tbody>
</table>

(2) Chattanooga-Hamilton County compliance schedules:

### TENNESSEE

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date of adoption</th>
<th>Effective date</th>
<th>Final compliance date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Elbert Long School</td>
<td>Chattanooga</td>
<td>Sec. 9(8)</td>
<td>Feb. 8, 1973</td>
<td>Immediately</td>
<td>July 1, 1974</td>
</tr>
<tr>
<td>(b) Charles A. Bell School</td>
<td>do</td>
<td>Sec. 9(8)</td>
<td>...do</td>
<td>...do</td>
<td>Do</td>
</tr>
<tr>
<td>(c) G. Russell Brown School</td>
<td>do</td>
<td>Sec. 9(8)</td>
<td>...do</td>
<td>...do</td>
<td>Do</td>
</tr>
<tr>
<td>(d) Calvin Donaldson School</td>
<td>do</td>
<td>Sec. 9(8)</td>
<td>...do</td>
<td>...do</td>
<td>Do</td>
</tr>
<tr>
<td>(e) East Chattanooga School</td>
<td>do</td>
<td>Sec. 9(8)</td>
<td>...do</td>
<td>...do</td>
<td>Do</td>
</tr>
<tr>
<td>(f) Highland Park School</td>
<td>do</td>
<td>Sec. 9(8)</td>
<td>...do</td>
<td>...do</td>
<td>Do</td>
</tr>
<tr>
<td>(g) Normal Park School</td>
<td>do</td>
<td>Sec. 9(8)</td>
<td>...do</td>
<td>...do</td>
<td>Do</td>
</tr>
<tr>
<td>(h) Piney Woods School</td>
<td>do</td>
<td>Sec. 9(8)</td>
<td>...do</td>
<td>...do</td>
<td>Do</td>
</tr>
<tr>
<td>(i) Ridgedale School</td>
<td>do</td>
<td>Sec. 9(8)</td>
<td>...do</td>
<td>...do</td>
<td>Do</td>
</tr>
</tbody>
</table>
§ 52.2224  Legal authority.

(a) The requirements of §51.230(c) of this chapter are not met since the plan does not provide the legal authority for controlling motor vehicles during air pollution emergency episodes.

(b) 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.

(c)(1) The requirements of §51.230(b) of this chapter are not met since the definition of person set forth in the Tennessee Air Quality Act and in the
State implementation plan does not include facilities owned or operated by the State. Therefore, section 53–3409(f) of the Tennessee Code Annotated and section 30 of Chapter II of the Tennessee Air Pollution Control Regulations are disapproved.

(2) Definition of person. For the purposes of the plan, person shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, State-owned or operated facility, State agency, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

(d) The requirements of §51.230(b) of this chapter are not met since the State lacks legal authority, as a result of the enactment of House Bill 1490 by the 1974 Tennessee legislature, to control emissions from the quarrying and processing of agricultural limestone. Therefore, the last sentence of section 53–3424 of the Tennessee Code Annotated is disapproved.

(e) The requirements of §51.230(b) of this chapter are not met since the State lacks legal authority, as a result of the enactment of House Bill 1845 by the 1974 Tennessee legislature, to control emissions from air contaminant sources which use woodwaste only as fuel. Therefore, the last sentence of section 53–3422 of the Tennessee Code Annotated is disapproved.

§52.2225 VOC rule deficiency correction.

(a) Revisions to sections 7–3, 7–13, and 7–24 of the Tennessee regulations are approved. These amendments are in response to the Clean Air Act section 182(a)(2)(A) requirement to submit RACT rules correcting deficiencies in the existing SIP in accordance with EPA’s pre-amendment guidance. These deficiencies were first noted in a letter from Greer Tidwell, the EPA Region IV Administrator, to Governor McWherter on May 26, 1988, and clarified in a letter dated June 10, 1988, from Winston Smith, EPA Region IV Air Division Director, to Paul Bontrager, Director of the Air Pollution Control Division of the Metropolitan Health Department for Nashville/Davidson County, and were further identified in EPA guidance including the Blue Book and the proposed Post–87 policy. The following deficiency in the Tennessee Regulations, however, has not been corrected.

(1) Section 7–25, “Recordkeeping and Reporting Requirements” Nashville/ Davidson County committed in a letter dated May 7, 1991, to include a separate provision that requires records to be maintained for at least two years. This additional provision, which is scheduled for a July 15, 1992, public hearing, will be submitted to EPA shortly after that date and will be acted upon separately.

(2) In Section 7–3, Petition for Alternative Controls, the words “as applied” should be added to the term “VOC/gallon solids” as a clarification.

(3) The term “vapor-tight” should be defined in section 7–13.

(4) “Once-in/always-in” is missing from the applicability section of the individual rules.

(5) Section 7–25, “Recordkeeping and Reporting Requirements” should be revised to include additional requirements that would contain: units of compliance consistent with the performance requirements; applicable time periods for data entries; and a clear, separate provision that requires records to be kept.

(b)–(c) [Reserved]

§52.2226 Extensions.

The Administrator hereby extends for 18 months (until July 1, 1980) the statutory deadline for submittal of a plan to attain the secondary SO2 standard in Copperhill.

(a) [Reserved]

(b) The Administrator hereby extends for 18 months (until July 1, 1980) the statutory timetable for submittal of Tennessee’s plans to attain and maintain the secondary ambient standard.
§ 52.2227  Prevention of air pollution emergency episodes.

(a) The requirements of §51.152(a) of this chapter are not met since the plan does not provide for the enforcement of emission control actions for mobile sources during air pollution emergency episodes.


§ 52.2228  Review of new sources and modifications.

(a) Part D—Conditional approval. The Nashville-Davidson County regulation for the review of new sources and modifications in nonattainment areas is approved on condition that the State by October 31, 1984, submit a revision limiting source shutdown credit for offsets to replacement units, and, in the interim, assure implementation of the regulation in conformity with Federal requirements.

(b) Section 123—Conditional approval. The plan’s provision for implementation of the requirements of section 123 of the Clean Air Act in Nashville-Davidson County is approved on condition that the State by October 31, 1984, submit:

(1) Definitions in the local regulation of nearby and excessive concentration and
(2) Provision in the local regulation for public notification and opportunity for hearing in cases where stack heights in excess of normal good engineering practice are proposed on the basis of fluid modeling demonstrations, and, in the interim, assure implementation of the local regulation in conformity with Federal requirements.

(c) The State of Tennessee proposed to delete section 1200–3–18–.03 “Standard for New Sources” from the Tennessee State Implementation Plan (SIP) and the Memphis-Shelby County portion of the Tennessee SIP. EPA is disapproving the deletion of this rule for the Tennessee SIP because Tennessee does not have federally approved New Source Review (NSR) regulations which apply to some of the sources in this chapter. EPA is approving the deletion of this rule for the Memphis submittal because the federally approved TN NSR applies to the Memphis-Shelby County area.

(d) The State of Tennessee proposed to delete rule 1200–3–18–.03 “Standard for New Sources” from the Tennessee State Implementation Plan (SIP). In paragraph (e) of this section, EPA disapproved the deletion of this rule because Tennessee did not have federally approved New Source Review (NSR) regulations that applied to some of the sources in this chapter. EPA is hereby approving the deletion of section 1200–3–18–.03 of the Tennessee SIP, and is deleting EPA’s earlier disapproval in paragraph (e) of this section.


§ 52.2229  Rules and regulations.

(a) The following portions of the revised Memphis and Shelby County regulations submitted on July 7, 1986, are disapproved because they are inconsistent with EPA policy and requirements:

16–77, Rules 1200–3–9–.01(3); 1200–3–9–.01(3)(4)(o)(2)

(b) Knox County Regulation 25.2.B, submitted July 7, 1986, is disapproved because it is inconsistent with EPA policy and requirements.


§ 52.2230  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 Tennessee’s plan.

§ 52.2227  Prevention of air pollution emergency episodes.

(a) The requirements of §51.152(a) of this chapter are not met since the plan does not provide for the enforcement of emission control actions for mobile sources during air pollution emergency episodes.


§ 52.2228  Review of new sources and modifications.

(a) Part D—Conditional approval. The Nashville-Davidson County regulation for the review of new sources and modifications in nonattainment areas is approved on condition that the State by October 31, 1984, submit a revision limiting source shutdown credit for offsets to replacement units, and, in the interim, assure implementation of the regulation in conformity with Federal requirements.


§ 52.2229  Rules and regulations.

(a) The following portions of the revised Memphis and Shelby County regulations submitted on July 7, 1986, are disapproved because they are inconsistent with EPA policy and requirements:

16–77, Rules 1200–3–9–.01(3); 1200–3–9–.01(3)(4)(o)(2)

(b) Knox County Regulation 25.2.B, submitted July 7, 1986, is disapproved because it is inconsistent with EPA policy and requirements.


§ 52.2230  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 Tennessee’s plan.
### Control strategy: Sulfur oxides and particulate matter.

#### §52.2231

(a) Part D conditional approval. The Chattanooga primary TSP plan's provisions for review of new sources and modifications in the nonattainment area are approved on condition that the State submit by December 31, 1987, a definition of the term *Federally enforceable* and provisions for making Federally enforceable all limitations, conditions, and offsets, including permit restrictions, relied upon under the plan, and in the interim, implement these provisions in a manner consistent with EPA requirements.

(b) In letters dated March 9 and April 15, 1988, the Tennessee Department of Health and Environment 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: Dupont (43–07–02); Tennessee Valley Authority—Johnsonville (43–11–1 thru 10); Tennessee Chemical Company (70–04–21); Tennessee Eastman (82–03–15–19); A.E. Staley (53–81–18, 19, 34, 31); Cargill Inc., Memphis; and Grace Chemical Company, Millington.

### Table: Pollutant levels in Air Quality Control Regions

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Primary</td>
<td>Secondary</td>
<td>Primary</td>
<td>Secondary</td>
<td></td>
</tr>
<tr>
<td>Eastern Tennessee-Southwestern Virginia Interstate:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Sullivan County: Bristol and Kingsport nonattainment areas</td>
<td>d</td>
<td>d</td>
<td>c</td>
<td>c</td>
<td>b</td>
</tr>
<tr>
<td>b. Campbell County nonattainment areas</td>
<td>d</td>
<td>d</td>
<td>c</td>
<td>c</td>
<td>b</td>
</tr>
<tr>
<td>c. Anderson/Knox County nonattainment area</td>
<td>c</td>
<td>d</td>
<td>c</td>
<td>c</td>
<td>b</td>
</tr>
<tr>
<td>d. Copperhill nonattainment area</td>
<td>c</td>
<td>c</td>
<td>d</td>
<td>f</td>
<td>b</td>
</tr>
<tr>
<td>e. Knox County nonattainment area</td>
<td>c</td>
<td>c</td>
<td>c</td>
<td>b</td>
<td>d</td>
</tr>
<tr>
<td>f. Bradley County nonattainment area</td>
<td>c</td>
<td>c</td>
<td>c</td>
<td>c</td>
<td>b</td>
</tr>
<tr>
<td>g. Roane County nonattainment area</td>
<td>c</td>
<td>c</td>
<td>c</td>
<td>c</td>
<td>b</td>
</tr>
<tr>
<td>h. Rest of AQCR</td>
<td>c</td>
<td>c</td>
<td>c</td>
<td>c</td>
<td>b</td>
</tr>
<tr>
<td>Tennessee River Valley-Cumberland Mountains Intrastate</td>
<td>c</td>
<td>c</td>
<td>c</td>
<td>c</td>
<td>b</td>
</tr>
<tr>
<td>Middle Tennessee Intrastate:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Benton/Humphreys County nonattainment areas</td>
<td>c</td>
<td>c</td>
<td>d</td>
<td>d</td>
<td>b</td>
</tr>
<tr>
<td>b. Davidson County nonattainment area</td>
<td>d</td>
<td>d</td>
<td>c</td>
<td>c</td>
<td>c</td>
</tr>
<tr>
<td>c. Maury County nonattainment area</td>
<td>c</td>
<td>c</td>
<td>b</td>
<td>b</td>
<td>b</td>
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<tr>
<td>d. Rest of AQCR</td>
<td>c</td>
<td>c</td>
<td>b</td>
<td>b</td>
<td>b</td>
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<tr>
<td>Western Tennessee Intrastate:</td>
<td></td>
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</tr>
<tr>
<td>a. Benton/Humphreys County nonattainment area</td>
<td>c</td>
<td>c</td>
<td>d</td>
<td>d</td>
<td>b</td>
</tr>
<tr>
<td>b. Rest of AQCR</td>
<td>c</td>
<td>c</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Chattanooga Intrastate:</td>
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<tr>
<td>a. Hamilton County nonattainment area</td>
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<td>b</td>
</tr>
<tr>
<td>b. Rest of AQCR</td>
<td>c</td>
<td>c</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Metropolitan Memphis:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Shelby County nonattainment area</td>
<td>c</td>
<td>c</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>b. Rest of AQCR</td>
<td>c</td>
<td>c</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
</tbody>
</table>

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1 For more precise delineation, see §81.343 of this chapter.

a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
f. 18-month extension granted.
§ 52.2233 Significant deterioration of air quality.

(a)(1) Paragraph 1200–3–9–01(4)–(0)–2. of Tennessee’s regulations is disapproved because it does not require that the consent of the Governor(s) of affected states be obtained when innovative technology waivers are granted. EPA retains permitting authority for sources requesting innovative technology waivers which would significantly impact air quality in adjacent states.

(2) Tennessee’s definition of stationary source specifically excludes the activities of any Vessel. This exclusion is not currently approvable and EPA is deferring action on it pending final rulemaking on the issue. EPA retains authority for permits which involve vessel emissions where a source is not willing to include all vessel emissions in the definition of source.

(b) The requirements of 52.21 (b) through (w) are hereby incorporated by reference and made part of the applicable SIP for the State of Tennessee for the following purposes:

(1) Permitting of sources requesting innovative technology waivers which would significantly impact air quality in adjacent states.

(2) Permitting of sources involving vessel emissions where the source is unwilling to include all vessel emissions in the definition of source.

(c) (1) All applications and other information required pursuant to §52.21 of this part from sources located or to be located in the State of Tennessee shall be submitted to the Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219.


§ 52.2234 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 requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§52.26, 52.27, and 52.28 are hereby incorporated and made part of the applicable plan for the State of Tennessee.

(c) Long-term strategy. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of Tennessee.

§ 52.2235 Control strategy: Ozone.

(a) Determination—EPA is determining that, as of August 8, 1995, the Nashville 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 Nashville ozone nonattainment area, these determinations shall no longer apply.

(b) Nonregulatory provisions for the implementation of a basic I/M program in Rutherford, Sumner, Williamson, and Wilson Counties, submitted on July 13, 1994, were approved by EPA on September 26, 1995.

§ 52.2236 Control strategy: lead.

The Tennessee Department of Environment and Conservation has submitted revisions to the Tennessee SIP on October 6, 1994. These revisions address the requirements necessary to change an lead nonattainment area to attainment. The maintenance plan for the Fayette County area near Rossville, Tennessee is comprised of a maintenance demonstration and NSR/PSD program. For areas where the only lead source has shut down, these components are sufficient for an approvable maintenance plan. The State’s maintenance plan is complete and satisfies all of the requirements of section 175(A) of the CAA.

§ 52.2237 NO\textsubscript{x} RACT and NO\textsubscript{x} conformity exemption.

Approval. EPA is approving the section 182(f) oxides of nitrogen (NO\textsubscript{x}) reasonably available control technology (RACT) and NO\textsubscript{x} conformity exemption request submitted by the Tennessee Department of Environment and Conservation on March 21, 1995, for the five county middle Tennessee (Nashville) ozone moderate nonattainment area. This approval exempts the area from implementing federal NO\textsubscript{x} RACT on major sources of NO\textsubscript{x} and exempts Tennessee from NO\textsubscript{x} conformity. This approval does not exempt sources from any State required or State Implementation Plan (SIP) approved NO\textsubscript{x} controls. If a violation of the ozone NAAQS occurs in the area, the exemption from the requirement of section 182(f) of the CAA in the applicable area shall not apply.

[61 FR 54946, Oct. 23, 1996]

§ 52.2239 Original Identification of plan section.

(a) This section identifies the original “Tennessee Air Pollution Control Implementation Plan” and all revisions submitted by Tennessee 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) Certification of public hearing submitted on February 3, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (2) Miscellaneous corrections to emission inventories submitted on February 10, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (3) Statements of intent for intergovernmental cooperation submitted on April 13, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (4) City of Memphis Air Pollution Control Code submitted on April 27, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health and the Memphis and Shelby County Health Department.
   (5) Minor addition to the Tennessee Code, Section 53–3422, submitted on May 3, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (6) Clarifying comments on the plan submitted on May 8, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (7) Statement of public availability of emission data submitted on May 12, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (8) Miscellaneous changes to Chapters II, III, VII, IX and XII of the plan; regulations of Memphis-Shelby County and Knoxville-Knox County and resolutions concerning local programs of Davidson, Hamilton and Shelby Counties submitted on August 17, 1972, by the Governor.
   (10) Compliance schedules submitted on March 23, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (11) Compliance schedules submitted on April 16, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (12) Certification of public hearing on February 16, 1973, submission submitted on April 30, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (13) Compliance schedules submitted on May 15, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (14) Clarifying comments on the February 16, 1973, submission submitted on May 23, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.
   (15) Miscellaneous changes to Chapters II through IV and VI through XIII of the plan, miscellaneous non-regulatory additions, certification of public hearing and compliance schedules submitted on June 8, 1973, by the Division...
of Air Pollution Control of the Tennessee Department of Public Health.

(16) Categorical compliance schedule regulation for SO₂ submitted on June 27, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(17) Compliance schedules submitted on July 3, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(18) Hamilton County Air Pollution Control Regulations and miscellaneous non-regulatory additions to the plan submitted on July 18, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health and the Chattanooga-Hamilton County Air Pollution Control Bureau.

(19) Compliance schedules submitted on July 29, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(20) Chapter IV of the Metropolitan Code for the Metropolitan Government of Nashville and Davidson County submitted on August 13, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health and the Metropolitan Health Department of Nashville and Davidson County.

(21) Revisions to Chapters II, VI, VII, IX, and XIV of the plan concerning SO₂ emissions submitted on October 12, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(22) Compliance schedules submitted on October 15, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(23) Compliance schedules submitted on October 16, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(24) Compliance schedules submitted on December 26, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(25) Addition to Subparagraph F, Section I, Chapter XIV submitted on January 17, 1974, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(26) Compliance schedules submitted on February 20, 1974, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(27) Revised emission limits for combustion and process sources of sulfur dioxide, submitted on April 30, 1976, by the Division of Air Pollution Control of the Tennessee Department of Public Health. (The provision for an alternative basis for regulating process sources in Shelby County is given conditional approval; any exercise of this provision must be made the subject of a plan revision.)

(28) Regulations providing for continuous monitoring by existing sources, submitted on May 22, 1977, by the Division of Air Pollution Control of the Tennessee Department of Public Health for the Metropolitan Health Department of Nashville and Davidson County.

(29) Regulations providing for continuous monitoring of existing sources, control of vinyl chloride emissions, review of new sources in non-attainment areas, control of emissions from wood-fired boilers, change in diffusion equation limiting particulate emissions, conflict of interest rules and miscellaneous other changes, submitted on May 3 and June 22, 1978, by the Tennessee Department of Public Health, Division of Air Pollution Control.

(30) 1979 implementation plan revisions for nonattainment areas, submitted on February 13 and April 12 and 27, 1979, by the Tennessee Division of Air Pollution Control (Bristol, Lafollettee, Jacksboro, Sumner Co., Anderson/Knox Counties, Copperhill, Johnsonville area, Shelby Co., and Knox Co.).

(31) Requests for an 18-month extension of the statutory timetable for submitting plans to attain and maintain the secondary ambient standard for particulate matter in the Chattanooga, Columbia, Kingsport, Memphis, and Nashville nonattainment areas, submitted on May 4, 9, and 17, and June 21 and 22, 1979, by the Tennessee Department of Public Health.

(32) Regulation 1200–3–9–01(4) for the review of new sources adopted on March 21, 1979, with a State effective date of June 21, 1979, and submitted on April 12, 1979, pursuant to the requirements of §51.24 of this chapter (1978 edition) by the Tennessee Division of Air Pollution Control.
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(33) 1979 implementation plans for the Nashville TSP and CO nonattainment areas and Statewide ozone nonattainment areas, including regulations Number 3, and Number 7 for Nashville-Davidson County adopted on April 11, 1979 and March 14, 1979, which were submitted on May 15, 1979, and regulations 1200–3–18–01 through 47, adopted on March 14, April 11, June 20 and 28, 1979, and May 1, 1980, and submitted on June 28, July 2, 1979, and May 8, 1980, by the Tennessee Department of Public Health.

(34) 1979 implementation plan revisions for the Kingsport TSP nonattainment area, submitted on August 15, 1979, by the Tennessee Department of Public Health.

(35) Regulation 1200–3–14–.01, .02, .03 for control of sulfur dioxide emissions, adopted on July 1, 1979, with a State effective date of November 16, 1979, and submitted on June 29, 1979, by the Tennessee Department of Public Health.

(36) [Reserved]

(37) Transportation related commitments and schedules, submitted on March 20 and December 17, 1980, by the Tennessee Division of Air Pollution Control to correct deficiencies in the Memphis CO plan given conditional approval on February 6, 1980.

(38) Air quality surveillance plan submitted on April 23, 1980, by the Tennessee Department of Public Health.

(39) Set II VOC regulations, submitted on December 31, 1980, by the Tennessee Department of Public Health.

(40) Davidson County and Hamilton County implementation plans for lead, submitted on August 19, 1981, by the Tennessee Department of Public Health.

(41) Revisions involving the following regulations—

Rule 1200–3–18–02(1)(i): Asbestos;
Rule 1200–3–12–04(2)(c): Large Existing Fuel Burning Installations;
Rule 1200–3–18–04: Alternative Emission Standard; and


(44) Miscellaneous nonregulatory revisions submitted on October 25, 1979, March 20, 1980, May 5, 1980, August 15, 1980, and November 5, 1981, and miscellaneous regulatory revisions submitted on February 6, 1979 (change in Chapter 6), on June 13, 1979 (changes in Chapters 2, 4, 6, 7, and 8), on September 27, 1979 (change in Chapter 16), on October 15, 1979 (changes in Chapters 1, 2, 7, 11, 16, and 19), on November 23, 1979 (changes in Chapters 6, 9, 12, 16, 18, and 20), on February 19, 1980 (changes in Chapters 2 and 12), October 25, 1980 (changes in Chapters 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, and 14), on August 26, 1981 (changes in Chapters 5, 9, 14, 15, 16, 18, and 19), on September 30, 1981 (change in Chapter 16), on December 9, 1981 (changes in Chapters 2, 16, 18, 19, and 20), and on January 22, 1982 (changes in Chapters 2, 5, 7, 8, 12, 16, 18, 19, and 21).

(45)(i) Materials developed to meet conditions on the approval of the 1979 revisions for the Nashville and Kingsport primary TSP nonattainment areas, submitted on September 30, 1980, and December 17, 1980, respectively, by the Tennessee Department of Public Health. Additional materials for Kingsport were submitted on August 27, 1981.


(iii) 1979 revisions for the Kingsport secondary TSP nonattainment area, submitted on May 8, 1980, by the Tennessee Department of Public Health.

(46) Miscellaneous changes in Chapters 1200–3–5, 10, 12, 18, and 20, submitted on December 9, 1981, and miscellaneous changes in Chapters 1200–3–2, 5, 7, 9, 12, 16, 18, submitted on January 22, 1982, by the Tennessee Department of Public Health.

(48) Extended compliance schedules for five sources of VOC, and operating permit for Du Pont de Nemours Company’s scrub solids kiln at New Johnsonville, submitted on February 12, 1982, by the Tennessee Department of Public Health.

(49) Part D revisions for the Chattanooga primary TSP nonattainment area, submitted on August 31, 1981, and December 22, 1982, by the Tennessee Department of Public Health. (No action is taken on the definition of “reconstruction” contained in the revisions.)


(51) Changes in visible emission evaluation technique for nontraditional sources, submitted on September 29, 1982, by the Tennessee Department of Public Health.

(52) VOC compliance schedule extension for Knowlton Brothers, Chattanooga, submitted on August 3, 1982, by the Tennessee Department of Public Health.

(53) Knox County plan for lead, submitted on March 1, 1983, by the Tennessee Department of Public Health.

(54) Revisions to the Part D ozone plan for the Nashville-Davidson County nonattainment area, submitted on June 30, 1982, by the Tennessee Department of Public Health.

(55) Nashville-Davidson County regulations for prevention of significant deterioration and for new source review in nonattainment areas, submitted on October 9, 1981 (revised regulation no. 3), June 3 and November 22, 1982 (changes in revised regulation no. 3 and in Chapter Four of the Metropolitan Code of Nashville and Davidson County), and regulations submitted on June 3, 1982, for the control of volatile organic compounds, determination of good engineering practice stack height, and permits for an equivalent opacity standard for Ford Motor Company, by the Tennessee Department of Public Health.

(56) 1982 revisions in the Part D CO SIP for the Nashville-Davidson County nonattainment area (except TCM portion approved on September 13, 1985), submitted on June 30, 1982, and June 14, 1983.

(i) Incorporation by reference.

(A) Metropolitan Health Department Pollution Control Division Regulation No. 8 for Inspection and Maintenance (I/M) adopted on May 13, 1981; and revised on June 12, 1985, and February 15, 1984.

(B) Metropolitan Nashville and Davidson County’s Carbon Monoxide Reasonable Further Progress (RFP) curve adopted on May 8, 1985.

(ii) Other material.

(A) Narrative adopted June 16, 1982.

(B) Public awareness program mechanics training program adopted May 8, 1985.


(58) Materials related to attainment status designations of various areas, submitted on January 19, 20, and 21, February 9, March 4, 14, and 22, April 6, and June 1, 1983, by the Tennessee Department of Health and Environment.


(60) Lead implementation plan for Memphis/Shelby County, submitted on June 25, 1984, by the Tennessee Department of Health and Environment.

(61) Material related to a compliance schedule for Maremont Corporation in Pulaski, and two permits for the Kingsport Press in Kingsport, submitted on September 15, 1983, and January 16,
(62) Regulations for the prevention of significant deterioration, submitted on December 9, 1981, April 22 and September 1, 1983, and clarifications submitted on September 5, 1984, and January 17, 1985 by the Tennessee Department of Health and Environment. (Action has been deferred on the phrase “except the activities of any vessel” in 1200–3–9–01(4)(b) until EPA revises the definition of stationary source.)


(64) Changes in visible emission evaluation methods, submitted on September 20, 1984, by the Tennessee Department of Health and Environment.

(65) Changes in visible emission limitations for wood-fired fuel burning equipment (changes in regulations 1200–3–5–06 and 1200–3–5–07), submitted on October 17, 1984, and January 18, 1985, by the Tennessee Department of Health and Environment. Coverage of wood-fired fuel equipment was expanded to include units of 500,000 to 100,000,000 BTU per hour heat input in certain counties; the compliance determining technique was changed from the aggregate method to the six-minute average.

(66) State implementation plan for lead, submitted on December 5, 1984, by the Tennessee Department of Health and Environment.


(B) Operating permits for:

(1) Ross Metals, Inc., issued on December 5, 1984.

(2) General Smelting and Refining Company, issued on December 5, 1984.

(3) Tennessee Chemical Company, issued on December 5, 1984.


(67) Letter of commitment, submitted on December 20, 1984, by the Memphis-Shelby County Health Department.

(i) Incorporation by reference. (A) Letter of commitment on new source review for lead sources, submitted on December 20, 1984, by the Memphis County Health Department.

(ii) Additional information. (A) None.


(i) Incorporation by reference. (A) Air Pollution Control Board of the State of Tennessee Board Order 13–84, which is a statement of intent to adopt two-cent gas tax equivalent measures in place of return of 1980 level of service in Nashville-Davidson County CO SIP TCM; and July 18, 1984 letter from the Tennessee Department of Health and Environment which approves the Metropolitan Nashville and Davidson County Legally Enforceable Limits and Schedules effective June 4, 1984.

(ii) Additional information. (A) Revision of the calculations on reductions due to implementation of the Rideshare Program submitted on July 18, 1984.

(69) Tennessee Visible Emission Evaluation Method 3, was submitted on January 16 and June 14, 1985, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.


(ii) Other material—none.

(70)–(71) [Reserved]
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(72) Five Board Orders were submitted on January 29, 1986, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.
(C) Board Order 5–86 from Tennessee Department of Health and Environment, became State-effective on January 15, 1986.

(ii) Other material—none.


(i) Incorporation by reference.

(ii) Other material—none.

(74) Board Orders 7–86 and 11–86 were submitted on May 9, 1986, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.
(A) Board Order 7–86, which became State-effective on April 16, 1986.
(B) Board Order 11–86, and temporary operating permit for Refined Metals Corp., permit No. 0212–OIP, which became State-effective on April 16, 1986.

(ii) Other material—none.

(75) Board Orders 7–86 and 11–86 were submitted on May 9, 1986, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.
(A) Board Order 7–86, which became State-effective on April 16, 1986.
(B) Board Order 11–86, and temporary operating permit for Refined Metals Corp., permit No. 0212–OIP, which became State-effective on April 16, 1986.

(ii) Other material—none.

(76) Board Orders 23–86, 24–86, 34–86 and 36–86 were submitted on October 7, 1986 and December 30, 1986, respectively by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.
(A) Board Order 23–86, which became State-effective on September 17, 1986.
(B) Board Order 24–86, which became State-effective on September 17, 1986.
(C) Board Order 34–86, which became State-effective on November 20, 1986.
(D) Board Order 36–86, which became State-effective on November 20, 1986.

(ii) Other material—none.

(77) Board Orders 33–86 and 5–87 were submitted on February 17, 1987, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.
(A) Board Order 35–86, Opacity variance for Hassel and Hughes Lumber Company, which was approved on November 19, 1986.
(B) Board Order 5–87, variance for Texas Gas Transmission Corporation which was approved on January 21, 1987.

(ii) Other material—none.

(78) A variance from Rule 1200–3–18.21 was submitted to EPA on December 30, 1986, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.
(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 08–87 approved on August 13, 1987.
(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.

(79) A variance from Rule 1200–3–18.04(8) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.
(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 11–87 approved on August 13, 1987.
(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.

(80) A variance from Rule 1200–3–18.04(8) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.
(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 11–87 approved on August 13, 1987.
(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.
(81) A variance from Rule 1200–3–18.04(8) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation of reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 29–87 approved on December 10, 1987.

(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.

(82) A variance from Rule 1200–3–18.04(8) was submitted to EPA on February 25, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation of reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 2–88 approved on February 18, 1988.

(B) Letter of February 25, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.

(83) A variance from Rule 1200–3–18.04(8) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation of reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 27–87 approved on December 10, 1987.

(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.

(84) A variance from Rule 1200–3–18.04(8) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation of reference.

(A) Tennessee Department of Health and Environment, Division of Air Pollution Control Board Order 19–87 approved on October 2, 1987.

(B) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other materials—none.


(i) Incorporation by reference.

(A) Board Order 10–87, revision to the Prevention of Significant Deterioration modeling guideline for the State of Tennessee, which was approved on August 13, 1987.

(B) Board Order 15–87, revision to the Prevention of Significant Deterioration modeling guideline for Nashville/Davidson County, which was approved on August 13, 1987.


(ii) Other material—none.


(i) Incorporation by reference.


(ii) Other material—none.

(87) A certificate of alternate control of volatile organic compound (VOC) emissions for Avco Aerostructures/Textron was submitted to EPA on February 25, 1988, by the State of Tennessee for the Metropolitan Health Department of Nashville and Davidson County.

(i) Incorporation by reference.

(A) Letter of February 25, 1988, from the State of Tennessee Air Pollution Control Board.

(B) Certificate of alternate control of volatile organic compound (VOC) emissions for Avco Aerostructures/Textron, adopted by the Metropolitan Board of Health on February 9, 1988.


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(i) Incorporation by reference.
(A) Rule 1200-3-19-.06, Logs for Operating Hours which became State-effective February 14, 1980.
(B) Letter of February 19, 1980, from the Tennessee Department of Public Health.
(ii) Other material—none.

(89) Revised Memphis and Shelby County regulations (Board Order 17-86) submitted on July 7, 1986.
(i) Incorporation by reference.
(A) Memphis and Shelby County regulations, Board Order 17-86, which became State-effective June 18, 1986. The regulations that are approved are as follows:

Sections 16-46
Sections 16-47
Sections 16-48
Sections 16-49 except for Rule 1200-3-3-.05
(the last sentence)
Sections 16-50
Sections 16-51
Sections 16-52
Sections 16-53
Sections 16-54
Sections 16-55
Sections 16-56
Sections 16-57
Sections 16-58
Sections 16-59
Sections 16-60
Sections 16-61
Sections 16-62
Sections 16-63 except for Rule 1200-3-3-.01(3);
1200-3-3-.01(4)(b)6)(the phrase, "except the activities of any vessel."); 1200-3-3-.01(4)(c)2), 1200-3-3-.02(1)3, (6)10) and the last sentence of (5); 1200-3-3-.03(2)(the last sentence), .03(2)(a), and .03(2)(b)
Sections 16-74 except for Rules 1200-3-3-.03(2). 1200-3-3-.04(2)(the last sentence); 1200-3-3-.07(2)-5); 1200-3-3-.09
Sections 16-79
Sections 16-80
Sections 16-81 except for Rules 1200-3-14-.02; 1200-3-14-.03(5) and (6)
Sections 16-83 except for Rules 1200-3-5-.01(2) and (3); 1200-3-5-.03(2)
Sections 16-84
Sections 16-85
Sections 16-86
Sections 16-87
Sections 16-88 except paragraph(b)
Sections 16-89
Sections 16-90
Sections 16-91

83 89

(ii) Other material—none.

(90) An amendment to Section 7-1 of the Nashville/Davidson County regulations was submitted on June 15, 1988, by Tennessee’s Department of Health and Environment.
(i) Incorporation by reference.
(A) Tennessee Department of Health and Environment, Division of Air Pollution Control, Board Order 11-88 approved on June 8, 1988.
(ii) Other material—none.

(91) Board Orders 13-87, deleting five operating permits for Tennessee Eastman Company from the SIP, and 14-87, deleting an operating permit for General Smelting and Refining from the SIP, submitted on January 6, 1988.
(i) Incorporation by reference.
(B) Board Order 14-87, for General Smelting and Refining Company, approved August 13, 1987.
(C) Letter of January 6, 1988, from the Tennessee Department of Health and Environment.

(ii) Other material—none.

(i) Incorporation by reference.
(A) Tennessee Air Pollution Control Board Orders 17-86, and Knox County regulations 12.0-20.0, 22.0, 24.0, 25.0, except 25.2.B, 26.0-41.0, and 46.0, which became State effective June 13, 1986; 27-86, and Knox County regulation 35.3 and amendments to 41.1, which became State effective September 17, 1986; and 2-87 and Knox County regulation 47.0, which became State effective January 21, 1987.


(93) Stack height regulations were submitted to EPA on August 18, 1986, by the Tennessee Department of Health and Environment.
(i) Incorporation by reference.
(A) Tennessee Air Pollution Control Regulations, Good Engineering Practice Stack Height Regulations, which became effective on November 22, 1987.
(ii) Other material—none.
(94) A revision of Rule 1200–3–18–.02(m) was submitted to EPA on January 6, 1988, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Amendment to Tennessee Department of Health and Environment rules (revision of Paragraph 1200–3–18–.02(m)), State-effective on November 10, 1986.

(ii) Other material—none.

(95) Rules 1200–3–6–.05(4), Wood Fired Fuel Burning Equipment, 1200–3–19–.11(3)(b), Particulate Matter Emissions Regulations for the Bristol Nonattainment Area, and 1200–3–19–.12(2)(g), Particulate Matter Emission Regulations for Air Contaminant Sources in or Significantly Impacting the Particulate Nonattainment Control Areas in Campbell County, which were submitted January 6, 1988.

(i) Incorporation by reference.


(C) Rule 1200–3–19–.12(2)(g), Particulate Matter Emission Regulations for Air Contaminant Sources in or Significantly Impacting the Particulate Nonattainment Control Areas in Campbell County, which is State-effective May 30, 1987.

(ii) Other material—none.

(96) Tennessee Air Pollution Control Board Order 03–89 approving permits amended by agreed orders for fourteen sources was submitted to EPA on May 16, 1989, by the Tennessee Department of Health and Environment.

(i) Incorporation by reference.

(A) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.04, Chattanooga Armature Works, effective March 20, 1989.

(B) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.05, Combustion Engineering, Inc., effective March 20, 1989.

(C) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.06, Cumberland Corporation, effective March 20, 1989.

(D) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.07, Ekco/GLACO, Inc., effective March 20, 1989.

(E) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.08, Electrical Systems, Inc., effective March 20, 1989.

(F) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.09, Mueller Company, effective March 20, 1989.

(G) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.10, McKee Baking Company, effective March 20, 1989.

(H) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.11, Royal, Incorporated, effective March 20, 1989.

(I) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.12, Tufco Corporation, effective March 20, 1989.

(J) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.13, Sherman & Reilly, Inc., effective March 20, 1989.

(K) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.14, United States Stove Company, effective March 20, 1989.

(L) Chattanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.15, Chattatanooga-Hamilton County Air Pollution Control Board Agreed Order, Docket No. 582.16, The Landes Company Inc., effective March 20, 1989.

(O) Board Order 03–89 of the Tennessee Air Pollution Control Board which adopts fourteen miscellaneous metal parts coaters’ permits for Chattanooga-Hamilton County on May 10, 1989.


(97) Revisions to the Nashville/Davidson County portion of the Tennessee SIP which included PM10 regulations.
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(i) Incorporation by reference. (A) Revisions to Nashville/Davidson County Regulation No. 3, “New Source Review” and Board Order 10–88 approved June 6, 1988. The following regulations are approved:

Section 3–1–Definitions—(dd), (ee) and (gg)
Section 3–2–Registration and Permits—(b)(2) and (e)
Section 3–3–Prevention of Significant Deterioration (PSD) Review—(a)(1), (e)(2), (f), (g)(6), (g)(7) and (g)(8)

(B) Revisions to Nashville/Davidson County Metropolitan Code Chapter 4 Subchapter 1 “Air Pollution Control” and Board Order 88–15 approved on November 16, 1988. The following regulations are approved:

Section 4–1–1–Definitions—PM<sub>10</sub> Emissions, Particulate Matter Emissions, Total Suspended Particulate, and Particulate Matter
Section 4–1–6–In incinerator Regulations—(f)
Section 4–1–16–Registration and Permits—(c) and (f(3)
Section 4–1–18–Ambient Air Quality Standards

(98) Nashville/Davidson County stack height provisions (Board Order 28–86) submitted as revisions to the Tennessee SIP on October 7, 1986. (i) Incorporation by reference. (A) Tennessee Air Pollution Control Board Order 28–86 and Nashville/Davidson County Regulation No. 3, Sections 3–1 and 3–2 introductory paragraph which was approved September 17, 1986. (ii) Other material. (A) Letter of October 7, 1986, from the Tennessee Department of Health and Environment.

(99) PM<sub>10</sub> revisions to the Knox County portion of the Tennessee SIP adopted in Board Order 06–89 and submitted on August 2, 1989. (i) Incorporation by reference. (A) PM<sub>10</sub> revisions to the Knox County regulations and Board Order 06–89 which became State-effective July 19, 1989. The following regulations are approved:

Section 13, Definitions,
13.56 PM<sub>10</sub>
13.57 PM<sub>10</sub> emissions
13.58 Total Suspended Particulate
Section 14.6, Ambient Air Quality Standards, Table 1

Section 14.4A, Procedures for Ambient Sampling and Analysis
Section 36.1, Emergency Regulations (Episode Criteria), B., C. and D.

(ii) Additional material—none.

(100) Revisions to the Hamilton County portion of the Tennessee SIP which approved the regulations for Hamilton County, the City of Chattanooga and the nine other municipalities in Hamilton County adopted in Board Order 05–89 and submitted on July 20, 1989. (i) Incorporation by reference. (A) The entire set of regulations, “The Hamilton County Air Pollution Control Regulation”, as submitted on July 20, 1989, except for section 9, Rules 15, 16, 18.2(q)(2), and 25.21.


(C) The entire set of regulations, “The Collegedale Air Pollution Control Ordinance”, as submitted on July 20, 1989, except for section 8–541, Rules 15, 16, and 18.2(o)(2).


(F) The entire set of regulations, “The Lookout Mountain Air Pollution Control Ordinance”, as submitted on July 20, 1989, except for section 8–341, Rules 15, 16, and 18.2(o)(2).


(I) The entire set of regulations, “The Signal Mountain Air Pollution
Control Ordinance", as submitted on July 20, 1989, except for section 41, Rules 15, 16, and 18.2(o)(2).

(J) The entire set of regulations, "The Soddy-Daisy Air Pollution Control Ordinance", as submitted on July 20, 1989, except for section 8–141, Rules 15, 16, and 18.2(o)(2).

(K) The entire set of regulations, "The Walden Air Pollution Control Ordinance", as submitted on July 20, 1989, except for section 41, Rules 15, 16, and 18.2(o)(2).

(L) Tennessee Air Pollution Control Board Order 05–89, which became State-effective July 19, 1989, adopted regulations for Hamilton County, the City of Chattanooga and the nine other Hamilton County municipalities as revisions to the Hamilton County portion of the Tennessee SIP.

(ii) Additional material. (A) The July 20, 1989, submittal from the Tennessee Department of Health and Environment submitting the regulations for Hamilton County, Chattanooga and the nine other Hamilton County municipalities as revisions to the Hamilton County portion of the Tennessee SIP.

(101) Revisions to the Nashville/Davidson County portion of Tennessee’s SIP submitted on October 3, 1991.

(i) Incorporation by reference.

(A) Nissan Motor Manufacturing Corporation USA operating permit numbers 029533P, 029533P, 029540P, 029541P, 029543P and 029544P which were issued on July 30, 1990, and 030180P which was issued on September 17, 1990.

(ii) Other materials.


(i) Incorporation by reference.

(A) Regulation No. 7—Regulation for the Control of Volatile Organic Compounds, effective December 10, 1991.

(ii) Other material.


(B) Letter of October 4, 1991, from the Metropolitan Health Department for Nashville/Davidson County.

(C) Letter of January 2, 1991, from the Metropolitan Health Department for Nashville/Davidson County.


(i) Incorporation by reference.

(A) Amendments to Regulations 25.2B, 29.1B, 17.4E, 18.1, 19.1, 47.3C, effective December 13, 1990.

(ii) Other material.


(107) Revisions to the New Johnsonville SO2 portion of the Tennessee State Implementation Plan submitted on August 2, 1983, by the State of Tennessee through the Tennessee Air Pollution Control Board.
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(A) Revisions to the following Tennessee Air Pollution Control Regulations which became State-effective on December 13, 1982:

1200–3–3.05—Achievement

(B) Revisions to the following Tennessee Air Pollution Control Regulations which became State-effective on December 17, 1982:

1200–3–19.14—Sulfur Dioxide Emission Regulation for the New Johnsonville Nonattainment Area

(C) Revisions to the following Tennessee Air Pollution Control Regulations which became State-effective on June 1, 1994:

1200–3–14.02(2)—General Provisions

1200–3–14.02(1)(a)—Non-process Emissions Standards

(ii) Other material. None.

109 Revisions to the Memphis-Shelby County portion of the Tennessee SIP submitted on July 3, 1991, and June 15, 1992, respectively.

111 The maintenance plan for Knox County submitted by the Tennessee Department of Environment and Conservation on August 26, 1992, as part of the Tennessee SIP.

(ii) Other material.


110 Revisions to the VOC portion of the Knox County portion of the Tennessee SIP to correct deficiencies, which were submitted on January 4, 1991, January 29, 1992, and June 15, 1992, respectively.

(i) Incorporation by reference.

(A) Amendments to the following Sections of the Knox County regulations—13.15, 46.1–B, 46.4–B.7, 46.4–B.8, 46.4–B.9, 46.6–1, 46.6–D.6, 46.8–B.1.d, 46.11–B.5, 46.11–B.6—were adopted on December 13, 1990.

(B) Amendments to the following Sections of the Knox County regulations—27.2–A and 46.2—were adopted on November 13, 1991.

(C) Amendments to the following Sections of the Knox County regulations—26.5–B, 27.2, 28.1–A.4, 46.2–A.7, 46.2–A.34, 46.6–D.7, 46.17–D, 46.19, 46.20, and 46.21—were adopted on June 10, 1992.

(ii) Other material.


112–(113) [Reserved]

114 On July 13, 1990, and February 26, 1993, Nashville-Davidson county submitted revisions to the Nashville-Davidson county portion of the Tennessee SIP through the Tennessee Department of Air Pollution Control which were intended to bring their regulations into conformity with EPA’s New Source Review (NSR) requirements and EPA’s Prevention of Significant Deterioration (PSD) increments.
for nitrogen dioxide (NO₂). The USEPA is granting limited approval to the revisions to the Nashville-Davidson county NSR regulations because the revised regulations strengthen the SIP.

(i) Incorporation by reference.

(A) Amendments to sections 3–1(e) and 3–30(e)(2)(iii) of the Nashville-Davidson county portion of the Tennessee regulations were adopted by the Nashville Metropolitan Board of Health on April 12, 1990.

(B) Amendments to sections 3–1(d), 3–1(f), 3–1(x)(7), 3–1ee(3), 3–1gg(3), 3–1hh(3), 3–2(b)(2)(i), and 3–2(b)(3) were adopted by the Nashville Metropolitan Board of Health on December 8, 1992.

(ii) Other material—none.

(iii) Revisions to the rules in the State’s portion of the Tennessee State Implementation Plan (SIP) regarding control of volatile organic compounds (VOCs) were submitted on June 25, 1992, and March 22, 1993, by the Tennessee Department of Environment and Conservation. Revisions to the rules in the Memphis-Shelby County portion of the Tennessee SIP regarding control of VOCs were submitted on November 5, 1992, and April 22, 1993, by the State on behalf of Memphis-Shelby County. In these submittals, Memphis-Shelby County adopted State regulations by reference.

(i) Incorporation by reference.

(A) Revisions to the following State of Tennessee regulations were effective on June 7, 1992.

(i) Rule 1200–3–2–01 General Definitions: Subparagraphs (1)(b), (c), (2), (aa), (gg), (vv), (zz), (cccc), (llll), (mmmm), (nnnn), (eeeee), (ffff), (ggggg), and (iiii).

(ii) Rule 1200–3–18–01 Purposes and General Provisions: Paragraphs (1), (3), (4) introductory paragraph and (4)(a), (5), and (6).

(iii) Rule 1200–3–18–02 Definitions: Subparagraphs (1)(a), (b), (c), (f), (m), (ii), and (jj).


(v) Rule 1200–3–18–05 Automobile and Light Duty Truck Manufacturing.

(vi) Rule 1200–3–18–06 Paper Coating: Subparagraph (1)(b) and paragraphs (2), (3), and (4).


(viii) Rule 1200–3–18–08 Bulk Gasoline Plants: Paragraphs (2) and (3).

(ix) Rule 1200–3–18–09 Bulk Gasoline Plants: Paragraph (2), subparagraph (3)(d), and paragraph (6).

(x) Rule 1200–3–18–10 Gasoline Service Stations Stage I: Paragraphs (2), (3) (except subparagraph (3)(a)), (4), and (6).


(xii) Rule 1200–3–18–12 Can Coating: Paragraphs (3) and (4).

(xiii) Rule 1200–3–18–13 Coil Coating: Paragraphs (1), (2), and (4).

(xiv) Rule 1200–3–18–14 Fabric and Vinyl Coating: Subparagraph (1)(b) and paragraphs (2), (3), and (4).

(xv) Rule 1200–3–18–15 Metal Furniture Coating: Paragraphs (3) and (4).

(xvi) Rule 1200–3–18–16 Surface Coating of Large Appliances: Paragraphs (3), (4), and (5).

(xvii) Rule 1200–3–18–17 Magnet Wire Coating: Paragraphs (2) and (3).

(xviii) Rule 1200–3–18–18 Solvent Metal Cleaning: Paragraphs (2) and (3).

(xix) Rule 1200–3–18–20 Flat Wood Paneling Coating: Paragraphs (2) and (3).

(xx) Rule 1200–3–18–21 Surface Coating of Miscellaneous Metal Parts and Products: Subparagraphs (1)(g) and (h), paragraph (2), subparagraph (5)(1), and paragraphs (6), (7), and (8).

(XXI) Rule 1200–3–18–22 Leaks from Gasoline Tank Trucks and Vapor Collection Systems: Introductory paragraph of paragraph (2), subparagraph (2)(a), paragraphs (3), (4), (5), and (6).

(XXII) Rule 1200–3–18–23 Petroleum Refinery Equipment Leaks: Introductory paragraph of paragraph (2), subparagraph (2)(a), and paragraph (4).

(XXIII) Rule 1200–3–18–25 Petroleum Liquid Storage in External Floating Roof Tanks: Introductory paragraph of paragraph (2), and paragraph (5).

(XXIV) Rule 1200–3–18–26 Manufacture of Pneumatic Rubber Tires: Introductory paragraph of paragraph (2), paragraphs (4), (5), and (6).

(XXV) Rule 1200–3–18–27 Manufacture of Synthesized Pharmaceutical Products: Introductory paragraph of paragraph (2), paragraphs (3), (4), and (5).
(26) Rule 1200–3–18–28 Perchloroethylene Dry Cleaning: Introductory paragraph of paragraph (2), paragraphs (4) and (5), and subparagraph (6)(d).

(27) Rule 1200–3–18–29 Graphic Arts—Rotogravure and Flexography: Introductory paragraph of paragraph (2), subparagraph (2)(b), paragraphs (5) and (6).


(31) Rule 1200–3–18–42 Individual Compliance Schedules: Paragraphs (1), (2), (3), and (4).


(33) Rule 1200–3–18–44 Determination of Volatile Content of Surface Coatings.


(B) Revisions to the following State regulations which are required to become effective on October 13, 1993.

(i) Rule 17.4.E, 18.1.B, 19.1.B, 25.3.I., and 47.3.C. of the Knox County portion of the Tennessee SIP, as adopted by the Knox County Air Pollution Control Board on October 13, 1993.

(ii) Other material. None.

(120) Revisions to the Tennessee Division of Air Pollution Control Emergency Episode Plan, submitted on September 1, 1993. These revisions incorporate changes within chapter 1200–3–15–02 of the Tennessee SIP into the existing regulations which are required in 40 CFR 52.1270.

(i) Incorporation by reference.

(A) Revisions to Regulations 17.4.E, 18.1.B, 19.1.B, 25.3.I., and 47.3.C. of the Knox County portion of the Tennessee SIP, as adopted by the Knox County Air Pollution Control Board on October 13, 1993.

(ii) Other material. None.

(121) The redesignation and maintenance plan for Memphis/Shelby County submitted by the Memphis/Shelby County Health Department on October 30, 1992, as part of the Tennessee SIP. On October 15, 1993, and May 6, 1994, Tennessee Department of Environment and Conservation submitted a supplement to the above maintenance plan.

(i) Incorporation by reference.

(A) Memphis/Shelby County Carbon Monoxide Ten Year Maintenance Plan effective on October 13, 1993.
(B) Emissions Inventory Projections for Memphis/Shelby County effective on October 13, 1993.

(ii) Other material. None.

(122) The maintenance plan and emission inventory for the Memphis and Shelby County Area which includes Shelby County and the City of Memphis submitted by the Tennessee Department of Environment and Conservation on November 12, 1992, and March 31, 1994, as part of the Tennessee SIP.

(i) Incorporation by reference.

(A) Amendment to the Original Submittal of Nonregulatory Amendment to State Implementation Plan for Shelby County Redesignation from Nonattainment to Attainment Classification for Ozone submitted March 31, 1994, and prepared by the Memphis and Shelby County Health Department, Pollution Control Section for the Tennessee Department of Conservation. The effective date is March 9, 1994, for the following provisions:

Section I—Requirement One—Air Quality Data Shows Area Meets NAAQS

Section IV—Requirement Four—Maintenance Plan

Attachment F:

Shelby County Emission Projections Volatile Organic Compounds (Summer Season)
Shelby County Emission Projections 1990-2001 Nitrogen Oxides (Summer Season)

(ii) Other material. None.

(123) A revised chapter 1200-3-18 “Volatile Organic Compounds” was submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on May 18, 1993, to replace the current chapter 1200-3-18 in the Tennessee SIP. This chapter had been revised to meet the requirements of the 1990 Clean Air Act Amendments commonly referred to as the “VOC RACT Catch-Up” requirements. Rule 1200-3-18-.28 “Perchloroethylene Dry Cleaners” which was federally approved in 59 FR 12310 on April 18, 1994, will remain effective.

(i) Incorporation by reference.

(A) Revisions to the State of Tennessee regulations which were effective on April 22, 1993.

(7) Chapter 1200-3-18 “Volatile Organic Compounds,” except for subchapter 1200-3-18-.24, subparagraph 1200-3-18-.03 (2)(b), subparagraph 1200-3-18-.20 (1)(b)(2)(vii), and subparagraphs 1200-3-18-.79 (1)(a)(3), (1)(c), and (1)(d).

(ii) Other material. None.

(124) On August 17, 1994, the Tennessee Department of Environment and Conservation submitted revisions to the new source review requirements in the Tennessee Division of Air Pollution Control Regulations. These revisions incorporate changes to Chapter 1200-3-9 by substituting for the present paragraph 1200-3-9-.01(5) of the Tennessee SIP with new requirements, which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference. Tennessee Division of Air Pollution Control Regulations, Chapter 1200-3-9-.01(5) Growth Policy, effective August 15, 1994.

(ii) Other material. None.

(125) [Reserved]

(126) Modifications to the existing basic I/M program in Davidson County to implement an anti-tampering check, and to require testing of vehicles from model year 1975 and newer, submitted on March 17, 1994. Addition of a basic I/M program in the remainder of the middle Tennessee ozone nonattainment area, submitted on July 8, 1994.

(i) Incorporation by reference.

(a) Metropolitan Health Department Pollution Control Division Regulation 8, approved by the Tennessee Air Pollution Control Board on March 9, 1994.

(b) Regulation 1200-3-29, effective on September 8, 1993.

(ii) Other material. None.

(127) Revisions to the State of Tennessee Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on April 18, 1995. These consist of revisions to the process emission standards for new and existing cotton gins. These revised regulations also provide an optional method of using selected controls to demonstrate compliance with the emission standards.

(i) Incorporation by reference.

(A) Tennessee Division of Air Pollution Control Regulations, Chapter 1200-3-.7-.08(3) effective July 16, 1990.

(ii) Other material. None.

(128) Revisions to Chapter 16, “Open Burning”, of the Knox County portion

(i) Incorporation by reference.
(A) Section 16.3 Exceptions to Prohibition—With Permit, adopted on January 13, 1993.
(B) Section 25.6 Exemptions, paragraph E, adopted on June 10, 1998.
(ii) Other material. None.

(129) [Reserved]


(i) Incorporation by reference.
(ii) Other material. None.

(131) On November 12, 1993, the State submitted revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP) on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, the permit requirements, and the exemptions. As a supplement to this submittal, on July 15, 1994, the State also submitted a request that the recodification of the entire air pollution control rule for Nashville/Davidson County be approved as part of the SIP. These revisions and recodification incorporate changes to Nashville’s Chapter 10.56, which was previously Chapter 4–1–1, which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.
(C) Section 10.56.050, Paragraphs (C), (D) and (E);
(D) Section 10.56.080.
(ii) Other material. None.

(132) Revisions to the Knox County Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on June 28, 1994. These consist of revisions to appeals, judicial review, and violations of the air pollution regulations in Knox County.

(i) Incorporation by reference.

(133) On September 27, 1994, the State submitted revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP) on behalf of Nashville/Davidson County. These were revisions to the new source review requirements in the Nashville/Davidson County regulations. These revisions incorporate changes to Regulation Number Three, Sections 3–1, 3–2 and 3–3 of the Nashville/Davidson County portion of the Tennessee SIP which bring this into conformance with the new requirements which are required in 40 CFR part 52, subpart I.

(i) Incorporation by reference.
Metropolitan Health Department Division of Pollution Control Regulation Number 3 New Source Review, as amended on August 9, 1994.

(ii) Other material. None.


(i) Incorporation by reference.
(B) Chapter 1200–3–10, effective March 13, 1993.
(C) Section 16–85 of the Memphis/Shelby County Health Department, Air
Environmental Protection Agency

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Pollution Control Regulations effective October 23, 1993.

(ii) Other material. None.

(135) [Reserved]

(136) Revisions to the Chattanooga/Hamilton County Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on May 18, 1993.

(i) Incorporation by reference.

(A) The Chattanooga City Code, Part II, Chapter 4, is revised as shown in the following paragraphs. These revisions were adopted on March 9, 1993.

(1) Section 4–2: the definitions for Best available control technology (BACT); Owner or operator of a demolition or renovation activity; Primary Air Quality Standards; and Secondary Air Quality Standards.

(2) Section 4–41: Rule 21, “Ambient Air Quality Standards.”

(B) The Hamilton County Air Pollution Control Regulation is revised as shown in the following paragraphs. These revisions were adopted on April 7, 1993.

(1) Section 16: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 9: Rule 21, “Ambient Air Quality Standards.”

(3) Section 9: Rule 25.2, subparagraph 33.

(C) The Soddy-Daisy Municipal Code, Title 8, Health and Sanitation, Chapter 1, Air Pollution Control, is revised as shown in the following paragraphs. These revisions were adopted on March 18, 1993.

(1) Section 8–102: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 8–141: Rule 21, “Ambient Air Quality Standards.”

(D) The Lookout Mountain Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted on March 9, 1993.

(1) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 41: Rule 21, “Ambient Air Quality Standards.”

(E) The Signal Mountain Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted on March 8, 1993.

(1) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 41: Rule 21, “Ambient Air Quality Standards.”

(F) The Walden Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted on March 9, 1993.

(1) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 41: Rule 21, “Ambient Air Quality Standards.”

(G) The Red Bank Municipal Code, Chapter 3, Title 8, is revised as shown
in the following paragraphs. These revisions were adopted March 16, 1993.

(1) Section 8-302: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 8-341: Rule 25.2, subparagraph 21.

(3) Section 8-341: Rule 21, “Ambient Air Quality Standards.”

(1) The Collegedale Municipal Code, Title 8, Health and Sanitation, Chapter 5, Air Pollution Control, is revised as shown in the following paragraphs. These revisions were adopted April 12, 1993.

(1) Section 8-502: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 8-541: Rule 25.2, subparagraph 33.

(3) Section 8-541: Rule 21, “Ambient Air Quality Standards.”

(1) The Lakeside Municipal Code, Title 4, Building, Utility, Housing and Air Pollution Control Codes, Chapter 6, Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted March 30, 1993.

(1) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 41: Rule 25.2, subparagraph 21.

(3) Section 41: Rule 21, “Ambient Air Quality Standards.”

(K) The East Ridge City Code, Title 8, Health and Sanitation, Chapter 7, Air Pollution Control is revised as shown in the following paragraphs. These revisions were adopted March 11, 1993.

(1) Section 8-702: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 8-741: Rule 25.2, subparagraph 21.

(3) Section 8-741: Rule 21, “Ambient Air Quality Standards.”

(ii) Other material. None.

(137) Revisions to the State of Tennessee Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on September 1, 1993, and June 10, 1996. These consist of revisions to chapter 1200–3.9–0.1 CONSTRUCTION PERMITS.

(i) Incorporation by reference.

(A) Chapter 1200–3.9–0.1 CONSTRUCTION PERMITS of the Tennessee Department of Environment and Conservation which became state effective August 18, 1996.

(ii) Other material. None.

(138) Revisions to chapter 1200–3.9 “Construction and Operating Permits” were submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on January 17, 1995. Revisions to chapter 1200–3.18 “Volatile Organic Compounds” were submitted by the TDAPC to EPA on February 21, 1995, February 8, 1996, February 23, 1996, April 22, 1996, and April 25, 1996.

(i) Incorporation by reference.

(A) Revisions to the State of Tennessee regulation 1200–3.9 “Construction and Operating Permits”, subparagraphs 1200–3.9–0.1 (6), (7), (8), effective on August 15, 1994.

(B) Revisions to the State of Tennessee regulation by the addition of a new rule 1200–3.18–33 “Manufacturing of Synthesized Pharmaceutical Products”, effective on November 21, 1993.

(C) Revisions to the State of Tennessee regulation 1200–3.18 “Volatile Organic Compounds” rules 1200–3.18–0.01, 1200–3.18–0.02, 1200–3.18–0.03, 1200–3.18–0.04, 1200–3.18–0.20, 1200–3.18–0.21, 1200–3.18–0.26, 1200–3.18–0.30, 1200–3.18–0.35, 1200–3.18–0.38, 1200–3.18–0.39 effective on October 9, 1995.

(D) Revisions to the State of Tennessee regulations effective October 25, 1995.

(i) The addition of a the new rule 1200–3.18–.78 “Other Facilities that Emit Volatile Organic Compounds (VOC’s) of Fifty Tons Per Year”.

(ii) Revisions to rule 1200–3.18–.79 “Other Facilities that Emit Volatile Organic Compounds”.

(E) Revisions to the State of Tennessee regulation by the addition of a
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(ii) Other material. None.


(i) Incorporation by reference.


(B) Nashville/Davidson County regulation number 14 “Regulation for the Control of Nitrogen Oxides”, Section 14–1; Section 14–2 (b); Section 14–4; Section 14–5; adopted on August 10, 1993.

(ii) Other material. None.

(140) Permit-by-rule regulations for Knox County Department of Air Pollution Control submitted by the Knox County Department of Air Pollution Control through the Tennessee Department of Environment and Conservation on May 23, 1995 as part of Knox County’s portion of the Tennessee SIP.

(i) Incorporation by reference.

(A) Regulation Section 25.10 of the Knox County portion of the Tennessee SIP as adopted by the Knox County Air Pollution Control Board on April 12, 1995.

(ii) Other material. None.

(141) On November 16, 1994, the State submitted revisions to the Nashville/Davidson portion of the Tennessee State Implementation Plan (SIP) on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, permit requirements, the Board’s powers and duties, the variances and hearings procedures, the measurement and reporting of emissions, and the testing procedures. These revisions incorporate changes to Nashville’s Chapter 10.56 which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Code of Laws of the Metropolitan Government of Nashville and Davidson County, Tennessee, Chapter 10.56, except Section 10.56.290, Air Pollution Control, approved on October 6, 1994, except Section 10.56.010, definition of “Regulated Pollutant”;

Section 10.56.050, paragraphs (C), (D), and (E); Section 10.56.080.

(ii) Other material. None.

(142) Addition of two source specific nitrogen oxide (NOx) permits for certain engines at Tenneco Energy’s Portland facility located in Sumner County, Tennessee, submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on May 31, 1996.

(i) Incorporation by reference.

(A) Operating Permit number 045022F, approved on May 31, 1996, except conditions 2, 3, 6, and 7.

(B) Operating Permit number 045025F, approved on May 31, 1996, except conditions 2, 4, and 5.

(ii) Other material. None.

(143) Revisions to chapter 1200–3–18 “Volatile Organic Compounds” were submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on June 3, 1996, and June 4, 1996.

(i) Incorporation by reference.

(A) Rule 1200–3–18–01, paragraphs (26) and (87), effective on August 10, 1996.

(B) Rule 1200–3–18–06 “Handling, Storage, Use, and Disposal of Volatile Organic Compounds (VOCs)”, effective on August 11, 1996.


(ii) Other material. None.

(144) The maintenance plan and redesignation request for the Nashville Area which includes Davidson, Rutherford, Sumner, Williamson, and Wilson Counties submitted by the Tennessee Department of Environment and Conservation on November 14, 1994, August.
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9, 1995, and January 19, 1996, as part of the Tennessee SIP.

(i) Incorporation by reference.

The following sections of the document entitled Request for Redesignation of the Middle Tennessee Non-attainment Area from Moderate Non-attainment to Attainment of the National Ambient Air Quality Standard for Ozone and the Maintenance Plan: 2.0 Attainment Demonstration; 3.0 Maintenance Demonstration; 4.0 Contingency Plan; and Appendix 4 Summaries of Projected Emissions for VOC, NOX, and CO adopted on January 10, 1996.

(ii) Other materials. None.


(i) Incorporation by reference.

(A) Division of Air Pollution Control Rule 1200–3–9–02(11)(a), effective September 21, 1994.


(ii) Other materials. None.

(146) §504, 8–703, 8–704, 8–706, 8–708, 8–712, 8–716, 8–717, 8–718, and 8–719 of the “East Ridge City Code,” as submitted on December 15, 1995 and adopted on November 7, 1995.


(i) Incorporation by reference.


(ii) Other material. None.

(148) Revisions to the Hamilton County portion of the Tennessee SIP that approve the regulations for Hamilton County, the City of Chattanooga, and the municipalities of East Ridge, Red Bank, Soddy-Daisy, Signal Mountain, Lakesite, Walden, Collegedale, Lookout Mountain, and Ridgeside—submitted by the Tennessee Department of Environmental Protection on December 15, 1995.

(i) Incorporation by reference.

(A) Amendments to Sections 2, 3, 4, 6, 8, 12, and 16–19 of the regulation known as the “Hamilton County Air Pollution Control Regulation,” the “Signal Mountain Air Pollution Control Ordinance,” the “Lakesite Municipal Code,” the “Walden Air Pollution Control Ordinance,” the “Lookout Mountain Air Pollution Control Ordinance,” and the “Ridgeside Air Pollution Control Ordinance,” submitted on December 15, 1995 and adopted by Hamilton County on September 6, 1995 and by the following municipalities: Signal Mountain, adopted on December 11, 1995; Lakesite, adopted on November 16, 1995; Walden, adopted on December 12, 1995; Lookout Mountain, adopted on November 14, 1995; and Ridgeside, adopted on April 16, 1996.

(B) Amendments to Sections 4–2, 4–3, 4–4, 4–6, 4–8, 4–12, 4–16, 4–17, 4–18, and 4–19 of the “Chattanooga Air Pollution Control Ordinance,” as submitted on December 15, 1995 and adopted on August 16, 1995.

(C) Amendments to Sections 8–702, 8–703, 8–704, 8–706, 8–708, 8–712, 8–716, 8–717, 8–718, and 8–719 of the “East Ridge City Code,” as submitted on December 15, 1995 and adopted on September 28, 1995.


(ii) Other materials. None.

(149) On March 4, 1996, the State submitted revisions to the Knoxville/Knox County portion of the Tennessee SIP on behalf of Knoxville/Knox County. These were revisions to the enforcement authority requirements in the Knoxville/Knox County regulations. These revisions incorporate changes to Knoxville’s Section 30.1 which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Knox County Air Pollution Control Regulations, Sections 30.1.D,

(ii) Other material. None.

(150) Revisions to chapters 1200–3–9 “Construction and Operating Permits” and 1200–3–18 “Volatile Organic Compounds” were submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on June 3, 1996.

(i) Incorporation by reference.


(ii) Other material. None.


(i) Incorporation by reference.

(A) Knox County Ozone Maintenance plan and emission projections adopted on November 21, 1994.

(ii) Other material. None.

(152) On December 28, 1995, the State submitted revisions to the Nashville/Davidson portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 11, 1995, and June 26, 1996, regarding nitrogen oxides, prevention of significant deterioration (PSD), lead sources, stack heights, infectious waste incinerators, and volatile organic compound (VOC) reasonably available control technology (RACT) for miscellaneous metal parts coaters and synthesized pharmaceutical products, and PM10.

(i) Incorporation by reference.

(A) Code of Laws of the Metropolitan Government of Nashville and Davidson County, Tennessee, Chapter 10.56 Air Pollution Control, approved on December 14, 1995.

(I) Section 10.56.010, definitions for “Potential Emissions,” “Regulated Pollutant,” and “Volatile Organic Compound.”

(II) Section 10.56.040, Paragraph B.

(III) Section 10.56.050, Paragraphs A and F.

(iv) Section 110.56.240, Paragraph C.

(ii) Other material. None.

(153) Revisions to Nashville/Davidson County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 17, 1993, April 2, 1996, September 18, 1996, and November 14, 1996, concerning new source review (NSR), control of volatile organic compounds (VOC), and emergency episodes with the exception of the revisions to 7–17(c)(4)(ii) and 7–17(c)(4)(iii) which were disapproved.

(i) Incorporation by reference.

(A) Nashville/Davidson County Air Pollution Control Regulation number 3 “New Source Review” sections 3–1(h), 3–1(hh), 3–1(jj), and 3–2(f), effective November 13, 1996.

(B) Nashville/Davidson County Air Pollution Control Regulation number 7 “Regulation for the Control of Volatile Organic Compounds” sections 7–1(mm), 7–2, 7–4, 7–5, 7–6, 7–7, 7–8, 7–9, 7–10, 7–16(a), 7–16(c) (except section 7–16(c)(11)), 7–16(d), 7–17(a)(9), 7–17(c) (except 7–17(c)(4)(ii) and 7–17(c)(4)(iii)), 7–20, 7–21, 7–22, 7–23, 7–24, 7–26, 7–27, and 7–28, effective November 13, 1996.

(C) Nashville/Davidson County Air Pollution Control Regulation number 11 “Emergency Episode Regulation” effective November 13, 1996.

(ii) Other material. None.

(154) Revisions to Chattanooga/Hamilton County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 11, 1995, and June 26, 1996, regarding nitrogen oxides, prevention of significant deterioration (PSD), lead sources, stack heights, infectious waste incinerators, and volatile organic compound (VOC) reasonably available control technology (RACT) for miscellaneous metal parts coaters and synthesized pharmaceutical products, and PM10.

(i) Incorporation by reference.

(A) Chapter 4, Section 4–13 except (b)(6), and Section 4–41, Rules 2.4, 2.6, 2.7; 16.5; 18; 20.4(2)d; 21, 25.2(33), 27; 3.5; 8, Table 1; 9.4, 13.1, and 26.8 of the “Chattanooga Air Pollution Control Ordinance,” adopted on August 15, 1995.

(B) Section 13, except (b)(6); Section 41, Rules 2.4, 2.6, 2.7; 16.5; 18; 20.4(2)d; 21;
§ 52.2239

24.2(33); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8(f)(4) of the regulation known as the “Hamilton County Air Pollution Control Regulation,” adopted by Hamilton County on September 6, 1995. The identical regulations were also adopted by the following municipalities as part of their air pollution control ordinances: Signal Mountain, adopted on December 11, 1995; Walden, adopted on December 12, 1995; Lookout Mountain, adopted on November 14, 1995; and Ridgesside, adopted on April 16, 1996.

(C) Chapter 7 for Section 8–713, except (b)(6); Section 8–741, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); to Chapter 3 for Section 8–541, Rule 26; and to Chapter 7, Section 8–741, for Rules 27; 3.5; 8, Table 1, and 13.1; Section 8–708(f)(4) of the “East Ridge City Code,” adopted on September 28, 1995.

(D) Chapter 3: Section 8–313, except (b)(6); Section 8–341, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8–308(f)(4) of the “Red Bank Municipal Code,” adopted on November 7, 1995.

(E) Chapter 1: Section 8–113, except (b)(6); Section 8–141, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8–108(f)(4) of the “Soddy-Daisy Municipal Code,” adopted on October 5, 1995.

(F) Chapter 3: Section 8–513, except (b)(6); Section 8–541, Rules 2.4, 2.6, 2.7; 7.4; 16.5; 18; 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8–108(f)(4) of the “Collegedale Municipal Code,” adopted on October 2, 1995.

(G) Chapter 3, Section 41, Rules 19; 21; 22; 25.2(21); 26; 27; 3.5; 8, Table 1; and 13.1; and Section 8(f)(4) of the “Lakesite Municipal Code” adopted November 16, 1995.

(H) Chapter 4: Section 4–2; Section 4–41, Rules 19; 21, Table 1; 22; 25.2; 25.21(6); and 25.27(3) of the “Chattanooga Air Pollution Control Ordinance,” adopted on May 30, 1989.

(I) Section 9, Rules 19; 21, Table 1; 22; 25.2; 25.21(6); and 25.27(3); and Section 16 of the regulation known as the “Hamilton County Air Pollution Control Regulation,” adopted on June 7, 1989.

(155) Revisions to Tennessee state implementation plan submitted to EPA by the state of Tennessee on April 30, 1996, regarding emission standards and monitoring requirements for additional control areas.


(ii) Other material. None.

(156) Addition of six operating permits containing source specific VOC RACT requirements for certain VOC sources at Brunswick Marine Corporation, Outboard Marine Corporation, and Essex Group Incorporated submitted by the Tennessee Department of Environment and Conservation on December 20, 1995 and June 3, 1996.

(i) Incorporation by reference.

(A) Marine Group Brunswick Corporation operating permit number 743852P issued February 21, 1996, (conditions number 2, 3, and 18).

(B) Stratos Boat Incorporated, D.B.A. Javelin Boats operating permit number 039845P issued on July 27, 1995, (conditions number 2 and 3), and permit number 044881P issued on May 31, 1996, (conditions number 2, 9, and 10).

(C) Essex Group Incorporated operating permit numbers 045011P, (conditions 5, 10, 13, and 15), 045012P, (conditions 5, 10, 13, and 15) and 045013P, (conditions 5 and 16) issued on May 31, 1996.

(ii) Other material. None.

(157) The visible emission chapter revisions to the Tennessee SIP which were submitted on October 6, 1994.

(i) Incorporation by reference.


(ii) Other material. None.

(158) Addition of supplement C to the “Guideline on Air Quality Models”, correction of conversion factor in the manufacture of high-density polyethylene, polypropylene and poly-styrene resins, and clarification for the test method used for determining the VOC content of coatings and inks submitted by the Tennessee Department of Environment and Conservation on February 27, 1997, and May 8, 1997.

(i) Incorporation by reference.

(A) Tennessee regulation 1220–3–9–.01(1)(f) effective December 28, 1996.

(B) Tennessee regulations 1220–3–18–39(5)(a)(2) and 1220–3–18–81(2) (a) and (b) effective April 16, 1997.

(ii) Other material. None.
(159) The maintenance plan and re-designation request for the Polk County area submitted by the Tennessee Department of Environment and Conservation on April 17, 1995, as part of the Tennessee SIP.


(ii) Other material. None.

(160) The maintenance plan and re-designation request for the New Johnsonville Area which includes that portion of Benton and that portion of Humphreys Counties, Tennessee, surrounding TVA’s Johnsonville plant submitted by the Tennessee Department of Environment and Conservation on December 17, 1993, as part of the Tennessee SIP.


(ii) Other material. None.

(161) Revisions to the Knox County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on December 24, 1996 and June 18, 1997, concerning process particulate emissions and volatile organic compounds (VOC) were approved.

(i) Incorporation by reference. Section 19.2 of the Knox County Air Pollution Control Regulation “Process Particulate Emissions” effective December 11, 1996.

(ii) Other material. None.

(162) Revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan submitted to EPA by the State of Tennessee on July 23, 1997, concerning regulatory revisions for control of volatile organic compounds.

(i) Incorporation by reference. Regulation No.7, Section 7-16, effective July 9, 1997.

(ii) Other material. None.

(163) Revisions to the Tennessee Air Pollution Control Regulations submitted on May 8, 1997.

(i) Incorporation by reference. Paragraph (1) of Rule 1200-3-18-.83 TEST METHODS AND COMPLIANCE PROCEDURES: EMISSION CAPTURE AND DESTRUCTION OR REMOVAL EFFICIENCY AND MONITORING REQUIREMENTS effective on April 15, 1997.

(ii) Other material. None.

(164) Revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan submitted to EPA by the State of Tennessee on April 7, 1997.

(i) Incorporation by reference. Chapter 10.56, Sections 10.56.010, 10.56.080(B), 10.56.160, 10.56.280(D), effective March 12, 1997.

(ii) Other material. None.

(165) The revisions to the maintenance plan and emission inventory for the Memphis and Shelby County Area which includes Shelby County and the City of Memphis submitted by the Tennessee Department of Environment and Conservation on September 18, 1997, and June 30, 1998, as part of the Tennessee SIP.

(i) Incorporation by reference. Non-Regulatory SIP Submittal Including I. The 1993 Ozone, Nitrogen Oxides, and Carbon Monoxide Triennial Emission Inventory; II. Revisions to the 1990 Base Year Inventory; III. Amendments to the CO and O\textsubscript{3} Maintenance Plans to Specify Conformity Emission Budgets adopted on September 10, 1997.

(A) Mobile and point source emission budgets volatile organic compounds summer season tons per day (PJVCCTD3.WK1)

(B) Mobile and point source emission budgets nitrogen oxides summer season tons per day (PJNXTD3.WK1)

(C) Mobile and point source emission budgets carbon monoxide winter season tons per day (PJCNXTD3.WK1)

(D) Mobile and point source emission budgets volatile organic compounds summer season tons per day

(E) Mobile and point source emission budgets nitrogen oxides summer season tons per day

(F) Mobile and point source emission budgets carbon monoxide winter season tons per day.
Subpart SS—Texas

§ 52.2270 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State Implementation Plan (SIP) for Texas 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 prior to December 31, 1998, were 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 December 31, 1998, 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 December 31, 1998.

(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), 1200 Pennsylvania Ave., NW., Washington, DC 20460; or at the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(c) EPA approved regulations.

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Subchapter H—Emissions Banking and Trading

Division 3—Mass Emissions Cap and Trade Program

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### Chapter 111 (Reg 1)—Control of Air Pollution from Visible Emissions and Particulate Matter

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**Subchapter G—Transportation Planning**

| Section 114.260 | Transportation Conformity. | 12/10/98                      | 7/8/99, 64 FR 36794. | 1. No action is taken on the portions of 30 TAC 114.260 that contain 40 CFR 93.102(c), 93.104(d), 93.109(c)(1)(f), 93.118(e), 93.120(a)(2), 93.121(a)(1), and 93.124(b). 2. TNRCC order (Docket No. 98-0418 RUL) November 23, 1998. |
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## Subchapter H—Low Emission Fuels

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| Section 115.519 | Counties and Compliance Schedules. | 05/08/92 03/07/95, 60 FR 12438 Ref 52.2299(c)(88) | | |
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| Section 116.02 | Responsibility for Obtaining Permit or Exemption. | 07/26/85 09/27/95, 60 FR 49788 Ref 52.2299(c)(97). | | |
| Section 116.03 | Consideration for Granting a Permit to Construct and Operate. | 08/16/93 07/17/00, 65 FR 43994 Ref 52.2299(c)(102) Note: (a)(7), (8), (9), (10), (11), and (12); (c); (d); and (e) NOT in SIP. | | |
| Section 116.04 | Special Conditions | 06/10/83 08/13/84, 49 FR 32181 Ref 52.2299(c)(59). | | |
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| Section 116.10 | Public Notification and Comment Procedure. | 10/16/92 09/27/95, 60 FR 49788 Ref 52.2299(c)(97). | | |
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| Section 117.133 | Exemptions | 04/19/00 | 03/16/01, 66 FR 15199 | New, regional utility NOx rules. |
| Section 117.134 | Gas-Fired Steam Generation. | 04/19/00 | 03/16/01, 66 FR 15200 | New, regional utility NOx rules. |
| Section 117.135 | Emission Specification | 04/19/00 | 03/16/01, 66 FR 15200 | New, regional utility NOx rules. |
| Section 117.138 | System Cap | 09/26/01 | 11/14/01, 66 FR 57244 | |
| Section 117.141 | Initial Demonstration of Compliance. | 04/19/00 | 03/16/01, 66 FR 15200 | New, regional utility NOx rules. |
| Section 117.143 | Continuous Demonstration of Compliance. | 04/19/00 | 03/16/01, 66 FR 15200 | New, regional utility NOx rules. |
| Section 117.145 | Final Control Plan Procedures. | 04/19/00 | 03/16/01, 66 FR 15200 | New, regional utility NOx rules. |
| Section 117.147 | Revision of Final Control Plan. | 04/19/00 | 03/16/01, 66 FR 15200 | New, regional utility NOx rules. |
| Section 117.149 | Notification, Record keeping, and Reporting Requirements. | 04/19/00 | 03/16/01, 66 FR 15200 | New, regional utility NOx rules. |

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| Section 117.203 | Exemptions | 09/26/01 | 11/14/01, 66 FR 57244 | |
| Section 117.205 | Emission Specifications for Reasonably Available Control Technology (RACT). | 09/26/01 | 11/14/01, 66 FR 57244 | |
| Section 117.206 | Emission Specifications for Attainment Demonstrations. | 09/26/01 | 11/14/01, 66 FR 57244 | |
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| Section 117.208 | Operating Requirements. | 09/26/01 | 11/14/01, 66 FR 57244 | |
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<td>05/25/1994</td>
<td>09/01/00, 65 FR 53177</td>
<td>Approved as RACT for the H/GA, B/PA, 65 FR 11468. No major source in this category for the D/FW area.</td>
</tr>
<tr>
<td>Section 117.421</td>
<td>Alternative Case Specific Specifications.</td>
<td>05/25/1994</td>
<td>09/01/00, 65 FR 53177</td>
<td>Approved as RACT for the H/GA, B/PA, 65 FR 11468. No major source in this category for the D/FW area.</td>
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<tr>
<td><strong>Division 3—Nitric Acid Manufacturing, General</strong></td>
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<tr>
<td>Section 117.451</td>
<td>Applicability</td>
<td>05/20/98</td>
<td>09/01/00, 65 FR 53177</td>
<td>Approved as RACT for the H/GA, B/PA, 65 FR 11468. No major source in this category for the D/FW area.</td>
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<tr>
<td>Section 117.455</td>
<td>Emission Specifications</td>
<td>05/20/98</td>
<td>09/01/00, 65 FR 53177</td>
<td>Approved as RACT for the H/GA, B/PA, 65 FR 11468. No major source in this category for the D/FW area.</td>
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<tr>
<td>Section 117.458</td>
<td>Applicability of Federal New Source Performance Standards.</td>
<td>05/11/1993</td>
<td>09/01/00, 65 FR 53177</td>
<td>Approved as RACT for the H/GA, B/PA, 65 FR 11468. No major source in this category for the D/FW area.</td>
</tr>
<tr>
<td><strong>Subchapter D—Water Heaters, Small Boilers, and Process Heaters</strong></td>
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<tr>
<td>Section 117.460</td>
<td>Definitions</td>
<td>04/19/00</td>
<td>10/26/00, 65 FR 64155</td>
<td>New, State-wide.</td>
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<td>Section 117.461</td>
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<td>10/26/00, 65 FR 64155</td>
<td>New, State-wide.</td>
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<td>Section 117.463</td>
<td>Exemptions</td>
<td>04/19/00</td>
<td>10/26/00, 65 FR 64155</td>
<td>New, State-wide.</td>
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<tr>
<td>Section 117.465</td>
<td>Emission Specifications</td>
<td>04/19/00</td>
<td>10/26/00, 65 FR 64155</td>
<td>New, State-wide.</td>
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<tr>
<td>Section 117.467</td>
<td>Certification Requirements.</td>
<td>04/19/00</td>
<td>10/26/00, 65 FR 64155</td>
<td>New, State-wide.</td>
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### Subchapter E—Administrative Provisions

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<tbody>
<tr>
<td>Section 117.510</td>
<td>Compliance Schedule for Utility Electric Generation in Ozone Nonattainment Areas.</td>
<td>09/26/01</td>
<td>11/14/01, 66 FR 57244</td>
<td>New.</td>
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<tr>
<td>Section 117.512</td>
<td>Compliance Schedule for Utility Electric Generation in East and Central Texas.</td>
<td>04/19/00</td>
<td>03/16/01, 66 FR 15200</td>
<td>New, regional utility NOx rules.</td>
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<tr>
<td>Section 117.520</td>
<td>Compliance Schedule for Industrial, Commercial, and Institutional, Combustion Sources in ozone Nonattainment Areas.</td>
<td>09/26/01</td>
<td>11/14/01, 66 FR 57244</td>
<td>New.</td>
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<tr>
<td>Section 117.530</td>
<td>Compliance Schedule for Nitric Acid and Adipic Acid Manufacturing Sources.</td>
<td>05/20/98</td>
<td>09/01/00, 65 FR 53177</td>
<td>Approved as RACT for the H/GA, B/PA. No major source in this category for the D/FW area.</td>
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<tr>
<td>Section 117.534</td>
<td>Compliance Schedule for Boilers, Process Heaters, Stationary Engines, and Gas Turbines at Minor Sources.</td>
<td>09/26/01</td>
<td>11/14/01, 66 FR 57244</td>
<td>New.</td>
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<tr>
<td>Section 117.540</td>
<td>Phased Reasonably Available Control Technology.</td>
<td>02/24/99</td>
<td>09/01/00, 65 FR 53177</td>
<td>Approved as RACT for the H/GA, B/PA, and D/FW areas.</td>
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<tr>
<td>Section 117.560</td>
<td>Emission Reduction Plan.</td>
<td>05/25/1994</td>
<td>09/01/00, 65 FR 53177</td>
<td>Approved as RACT for the H/GA, B/PA, and D/FW areas.</td>
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<tr>
<td>Section 117.570</td>
<td>Use of Emissions Credits for Compliance.</td>
<td>09/26/01</td>
<td>11/14/01, 66 FR 57244</td>
<td>New.</td>
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### Chapter 118 (Reg 8)—Control Of Air Pollution Episodes

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<tr>
<th>State citation</th>
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<tr>
<td>Section 118.1</td>
<td>Generalized Air Pollution Episodes.</td>
<td>03/05/00</td>
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<tr>
<td>Section 118.2</td>
<td>Provisions Governing Generalized Episode Control.</td>
<td>03/05/00</td>
<td>07/26/00</td>
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<tr>
<td>Section 118.3</td>
<td>Localized Air Pollution Episodes.</td>
<td>03/05/00</td>
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<tr>
<td>Section 118.4</td>
<td>Hearings.</td>
<td>03/05/00</td>
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<tr>
<td>Section 118.5</td>
<td>Emission Reduction Plan.</td>
<td>03/05/00</td>
<td>07/26/00</td>
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<tr>
<td>Section 118.6</td>
<td>Texas Air Pollution Episode Contingency Plan and Emergency Management Center.</td>
<td>03/05/00</td>
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(d) EPA-Approved State Source-Specific Requirements.
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(e) EPA approved nonregulatory provisions and quasi-regulatory measures.

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<tr>
<th>Title/Subject</th>
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<tbody>
<tr>
<td>Texas Clean Air Act (Article 4477–5), Vernon’s Texas Civil Statutes.</td>
<td>01/28/72</td>
<td>05/31/72, 37 FR 10895</td>
<td>As amended by S.B. 48 of 1969.</td>
</tr>
<tr>
<td>Article 698d Air Pollution, Penal Code of Texas, 1925.</td>
<td>01/28/72</td>
<td>05/31/72, 37 FR 10895</td>
<td>As amended by S.B. No. 5 of 1969.</td>
</tr>
<tr>
<td>House Bill 322</td>
<td>01/28/72</td>
<td>05/31/72, 37 FR 10895</td>
<td>As passed by the 62nd Legislature of Texas, amending the Texas Clean Act regarding permits for construction or modification of facilities.</td>
</tr>
<tr>
<td>Texas Administrative Procedure and Texas Register Act.</td>
<td>07/23/81</td>
<td>12/15/81, 46 FR 61125</td>
<td>Ref 52.2299(c)(29).</td>
</tr>
<tr>
<td>Department of Public Safety and Texas Air Control Board Rules and Regulations, Texas Vehicle Inspection Act Article XV.</td>
<td>11/9/84</td>
<td>06/26/85, 50 FR 26362</td>
<td>Ref 52.2299(c)(61).</td>
</tr>
</tbody>
</table>

Documentation to Authorize and Support the Implementation and Enforcement of the Texas Vehicle parameter Inspection and Maintenance Program, Appendix X, containing the following documents:

A. Senate Bill 1205 | 11/9/84 | 06/26/85, 50 FR 26362 | Ref 52.2299(c)(61). |
B. Letters of Commitment from Texas Department of Public Safety City of Houston Police Department and Harris County Sheriff. | 11/9/84 | 06/26/85, 50 FR 26362 | Ref 52.2299(c)(61). |
### EPA APPROVED STATUTES IN THE TEXAS SIP—Continued

<table>
<thead>
<tr>
<th>Title/Subject</th>
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<tbody>
<tr>
<td>VIMTCM, Appendix AJ, Excerpted Senate Bill 725, section 35(d) and (g) effective September 1, 1985; and House Bill 1593 sections 21 and 22 effective June 18, 1987.</td>
<td>09/30/85 and 12/21/87</td>
<td>02/09/89, 54 FR 06287</td>
<td>Ref 52.2299(c)(66).</td>
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</table>


Legal opinion letter dated October 15, 1992 from Kirk P. Watson, Chairman, TACB, to Mr. B.J. Wynne, III, Regional Administrator, EPA Region 6, regarding the composition of the Small Business Compliance Advisory Panel of Texas. | 11/13/92 | 08/19/94, 59 FR 42759 | Ref 52.2299(c)(85). |

House Bill 1969, an act relating to motor vehicle registration, inspections, and providing penalties amending:  
- (1) Sections 382.037 and 382.038 of the Texas Health and Safety Code;  
- (2) Section 2 Chapter 88, General Laws, Acts of the 41st legislature, 2nd called session, 1929 (Article 6675a-2, Vernon’s Texas Civil Statutes);  
- (3) Title 116, Article 6675b-4, 6675b-4A, and 6675b-4B;  
- (4) Section 141(d), and section 142(h), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Civil Statutes);  
- (5) Section 4.202, County Road and Bridge Act (Article 6702-1, Vernon’s Texas Civil Statutes). Signed by the Governor on 01/08/93, effective 08/30/93. | 11/12/93 and 03/09/94 | 08/22/94, 59 FR 43046 | Ref 52.2299(c)(87). |

Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act, sections 382.017, 382.037, 382.038, effective September 1, 1991.  
Order No. 93-23, as adopted November 10, 1993, and Order No. 94-02 as adopted February 16, 1994.  
Texas Civil Statutes, Articles 6675a-1 to 6675b-2 and 6687-1. (Vernon 1993). | 11/12/93 and 03/09/94 | 08/22/94, 59 FR 43046 | Ref 52.2299(c)(87). |

### EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

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<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
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<tbody>
<tr>
<td>Public Hearings</td>
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<td>05/31/72, 37 FR 10895</td>
<td>Ref 52.2299(c)(1).</td>
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### EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP—Continued

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<thead>
<tr>
<th>Name of SIP provision</th>
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<th>Comments</th>
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<tr>
<td>HydroCarbon Emission Data.</td>
<td>Statewide</td>
<td>05/02/72</td>
<td>05/31/72, 37 FR 10895</td>
<td>Ref 52.2299(c)(2).</td>
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<tr>
<td>Source Surveillance</td>
<td>Statewide</td>
<td>05/03/72</td>
<td>05/31/72, 37 FR 10895</td>
<td>Ref 52.2299(c)(2).</td>
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<tr>
<td>Minor Revisions</td>
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<td>07/21/72</td>
<td>10/28/72, 37 FR 23992</td>
<td>Ref 52.2299(c)(4).</td>
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<td>Attainment Date Corrections.</td>
<td>Statewide</td>
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<td>Classification Revisions for PM, SOx, and CO.</td>
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<td>03/21/75</td>
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<tr>
<td>Administrative Revisions.</td>
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<td>Air Quality Surveillance Plan.</td>
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</tr>
<tr>
<td>Air Quality Surveillance Plan.</td>
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<td>08/12/77</td>
<td>03/07/78, 43 FR 09276</td>
<td>Ref 52.2299(c)(13).</td>
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<tr>
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<tr>
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<td>Harris County</td>
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<td>Ref 52.2299(c)(18).</td>
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<tr>
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<td>11/13/81, 46 FR 55970</td>
<td>Ref 52.2299(c)(28).</td>
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<tr>
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<td>12/15/81, 46 FR 61125</td>
<td>Ref 52.2299(c)(29).</td>
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<tr>
<td>Plan Revisions for Intergovernmental Consultation and Composition.</td>
<td>Statewide excluding Dallas and El Paso areas.</td>
<td>06/12/80</td>
<td>10/04/83, 48 FR 45248</td>
<td>Ref 52.2299(c)(41).</td>
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<tr>
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<td>Ref 52.2299(c)(42).</td>
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<tr>
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<td>10/25/82, 47 FR 47247</td>
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<tr>
<td>Administrative Revisions to Section III.</td>
<td>N/A</td>
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<td>03/31/83, 48 FR 13428</td>
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<td>Administrative Revisions to Section IX.</td>
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<td>11/07/83, 48 FR 51153</td>
<td>Ref 52.2299(c)(52).</td>
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<tr>
<td>Lead Plan for Dallas County, TX.</td>
<td>Dallas County, TX</td>
<td>04/6/84</td>
<td>08/15/84, 49 FR 32580</td>
<td>Ref 52.2299(c)(54).</td>
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<tr>
<td>Revisions to Lead Plan for Dallas County, TX.</td>
<td>Dallas County, TX</td>
<td>07/16/84</td>
<td>08/15/84, 49 FR 32580</td>
<td>Ref 52.2299(c)(55).</td>
</tr>
<tr>
<td>Lead Plan for El Paso County.</td>
<td>El Paso County, TX</td>
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<td>08/13/84, 49 FR 32190</td>
<td>Ref 52.2299(c)(56).</td>
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<td>Alternative Emission Control Plan for Exxon Baytown Refinery.</td>
<td>Baytown, TX</td>
<td>03/18/83</td>
<td>07/10/85, 50 FR 26992</td>
<td>Ref 52.2299(c)(60) (Board Order No. 83–2).</td>
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<tr>
<td>Plan for Ozone Attainment in Harris County</td>
<td>Harris County, TX</td>
<td>12/09/82, 01/03/84, 03/18/85</td>
<td>06/26/85, 50 FR 26362</td>
<td>Ref 52.2299(c)(61).</td>
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<tr>
<td>Alternative Emission Reduction Plan for Continental Can Company, Longview, TX.</td>
<td>Gregg County, (Longview), TX.</td>
<td>07/25/85 ........................</td>
<td>05/05/89, 54 FR 19373</td>
<td>Ref 52.2299(c)(64).</td>
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<tr>
<td>Revision to Lead Plan for El Paso County and Board Order No. 87–14.</td>
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<td>05/06/88, 53 FR 16263</td>
<td>Ref 52.2299(c)(65).</td>
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<tr>
<td>Ozone Attainment Plan for Dallas and Tarrant Counties.</td>
<td>Dallas and Tarrant Counties, TX.</td>
<td>09/30/85 and 12/21/87 02/09/89, 54 FR 06287</td>
<td>Ref 52.2299(c)(66).</td>
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<tr>
<td>Vehicle Inspection and Maintenance and Transportation Control Measures (VIMTCM), Appendix AG.</td>
<td>Dallas and Tarrant Counties, TX.</td>
<td>08/28/85 ........................</td>
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<td>Ref 52.2299(c)(66).</td>
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<td>VIMTCM, Appendix AK, Portions 1 through 6.</td>
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<td>12/18/87 ........................</td>
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<td>Ref 52.2299(c)(66).</td>
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<td>02/09/89, 54 FR 06287</td>
<td>Ref 52.2299(c)(66).</td>
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<td>Ozone nonattainment areas.</td>
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### Environmental Protection Agency

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**EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued**

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<td>area.</td>
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<tr>
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1 As revised 9/26/01. (64 FR 36589, July 7, 1999)

EDITORIAL NOTE: For Federal Register citations affecting §52.2270, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EDITORIAL NOTE: The following amendment could not be incorporated into §52.2270 because of inaccurate amendatory instruction. For the convenience of the user, the amendatory instruction and text is set forth as follows:

At 65 FR 64153, Oct. 26, 2000, §52.2270 was amended in part by adding a paragraph (d).

§ 52.2270 Identification of plan.

(4) EPA-approved State Source Specific Requirements.

§ 52.2271 Classification of regions.

(a) The Texas plan was evaluated on the basis of the following classifications:

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<th>Air quality control region</th>
<th>Pollutant</th>
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<td></td>
<td>Particulate matter</td>
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<td>II</td>
</tr>
<tr>
<td>Amarillo-Lubbock Intrastate</td>
<td>II</td>
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<tr>
<td>Austin-Waco Intrastate</td>
<td>II</td>
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<tr>
<td>Brownsville-Laredo Intrastate</td>
<td>I</td>
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<td>Corpus Christi-Victoria Intrastate</td>
<td>I</td>
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<tr>
<td>Midland-Odessa-San Angelo Intrastate</td>
<td>II</td>
</tr>
<tr>
<td>Metropolitan Houston-Galveston Intrastate</td>
<td>I</td>
</tr>
<tr>
<td>Metropolitan Dallas-Fort Worth Intrastate</td>
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<td>Metropolitan San Antonio Intrastate</td>
<td>II</td>
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<td>Southern Louisiana-Southwest Texas Intrastate</td>
<td>I</td>
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<tr>
<td>El Paso-Las Cruces Alamogordo Intrastate</td>
<td>I</td>
</tr>
<tr>
<td>Shreveport-Texarkana-Tyler Intrastate</td>
<td>II</td>
</tr>
</tbody>
</table>
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(b) The proposed priority classifications for particulate matter and carbon monoxide submitted by the Governor on March 21, 1975 are disapproved.

(c) The revision of section II, classification of regions, submitted by the Texas Air Control Board with the semiannual in 1975 is disapproved.


§ 52.2272 [Reserved]

§ 52.2273 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Texas’ 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 I, of the Clean Air Act as amended in 1977, except as noted below.


§ 52.2274 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.


§ 52.2275 Control strategy and regulations: Ozone.

(a) Section 510.3 of revised Regulation V, which was submitted by the Governor on July 20, 1977, is disapproved.

(b) Notwithstanding any provisions to the contrary in the Texas Implementation Plan, the control measures listed in paragraph (d) of this section shall be implemented in accordance with the schedule set forth below.

(c)(1) Removal from service of a 12,000 BPD vacuum distillation unit at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 139 tons per year.

(d) [Reserved]

(e) Approval—The Texas Natural Resource Conservation Commission (TNRCC) submitted an ozone redesignation request and maintenance plan on July 27, 1994, requesting that the Victoria County ozone nonattainment area be redesignated to attainment for ozone. Both the redesignation request and maintenance plan were adopted by TNRCC in Commission Order No. 94-29 on July 27, 1994. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) of the Act as amended in 1990. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Texas Ozone State Implementation Plan for Victoria County. The EPA approved the request for redesignation to attainment with respect to ozone for Victoria County on May 8, 1995.


§ 52.2276 Control strategy and regulations: Particulate matter.

(a) Part D conditional approval. The Texas plan for total suspended particulate (TSP) for the nonattainment area of Dallas 3 is conditionally approved until the State satisfactorily completes the following items:


(2) Public hearing completed by May 5, 1980.

(3) Adopt revision and revised Regulation I as it pertains to control of nontraditional sources, if necessary, and submit to EPA by August 1, 1980.
§ 52.2285 Control of evaporative losses from the filling of gasoline storage vessels in the Houston and San Antonio areas.

(a) Definitions:

(1) Gasoline means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater which is produced for use as a motor fuel and is commonly called gasoline.

(2) Storage container means any stationary vessel of more than 1,000 gallons (3,785 liters) nominal capacity. Stationary vessels include portable vessels placed temporarily at a location; e.g., tanks on skids.

(3) Owner means the owner of the gasoline storage container(s).

(4) Operator means the person who is directly responsible for the operation of the gasoline storage container(s), whether the person be a lessee or an agent of the owner.

(5) Delivery vessel means tank trucks and tank trailers used for the delivery of gasoline.

(6) Source means both storage containers and delivery vessels.

(b) This section is applicable to the following counties in Texas: Harris, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Liberty, Chambers, Matagorda, Bexar, Comal, and Guadalupe.

(c) No person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary storage container with a nominal capacity greater than 1,000 gallons (3,785 liters) unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of total hydrocarbon compounds in said vapors.

(1) The vapor recovery system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Other equipment that prevents release to the atmosphere of no less than 90 percent by weight of the total hydrocarbon compounds in the displaced vapor provided that approval of the proposed design, installation, and operation is obtained from the Regional Administrator prior to start of construction.

(2) The vapor recovery system shall be so constructed that it will be compatible with a vapor recovery system, which may be installed later, to recover vapors displaced by the filling of motor vehicle tanks.

(3) The vapor-laden delivery vessel shall meet the following requirements:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.
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(ii) If any gasoline storage compartment of a vapor-laden delivery vessel is refilled in one of the counties listed in paragraph (b) of this section, it shall be refilled only at a facility which is equipped with a vapor recovery system, or the equivalent, which prevents release to the atmosphere of at least 90 percent by weight of the total hydrocarbon compounds in the vapor displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of one thousand gallons or less in gasoline delivery vehicles presently in use on November 6, 1973 will not be required to be retrofitted with a vapor return system until January 1, 1977.

(iv) Facilities 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 vessels 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.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Storage containers used for the storage of gasoline used on a farm for farming purposes, as that expression is used in the Internal Revenue Code, 26 U.S.C. section 6420.

(2) Any container having a nominal capacity less than 2,000 gallons (7,571 liters) installed prior to November 6, 1973.

(3) Transfers made to storage containers equipped with floating roofs or their equivalent.

(4) Any facility for loading and unloading of volatile organic compounds (including gasoline bulk terminals) in Bexar, Brazoria, Galveston and Harris Counties, any gasoline bulk plants in Harris County, and any filling of gasoline storage vessels (Stage 1) for motor vehicle fuel dispensing facilities in Bexar, Brazoria, Galveston, and Harris Counties which is subject to Texas Air Control Board Regulation V subsections 115.111–115.113, 115.121–115.123, and 115.131–115.135, respectively.

(e) Except as provided in paragraph (f) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule:

(1) 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 not later than March 31, 1975.

(2) Initiation of onsite construction or installation of emission control equipment or process change must begin not later than July 1, 1975.

(3) On-site construction or installation of emission control equipment or process modification must be completed no later than June 30, 1976.

(4) Final compliance is to be achieved no later than August 31, 1976.

(5) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify in writing to the Regional Administrator whether or not the required increment of progress has been met. The certification shall be submitted within five days after the deadlines for each increment. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies, and the date(s) the increment(s) of progress was (were) met—if met. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(f) Paragraph (e) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Regional Administrator by January 1, 1974. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies. The Regional 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 receives approval from the Administrator by June 1, 1974, of a proposed alternative schedule.
may provide for compliance after August 31, 1976. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

(h) After August 31, 1976 paragraph (c) of this section shall be applicable to every storage container (except those exempted in paragraph (d) of this section) located in the counties specified in paragraph (b) of this section. Every storage container installed after August 31, 1976 shall comply with the requirements of paragraph (c) of this section from the time of installation. In the affected counties, storage containers which were installed, or converted to gasoline storage after November 6, 1973, but before August 31, 1976 shall comply with the schedule established in paragraph (e) of this section.

§ 52.2286 Control of evaporative losses from the filling of gasoline storage vessels in the Dallas-Fort Worth area.

(a) Definitions:

(1) Gasoline means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater which is produced for use as a motor fuel and is commonly called gasoline.

(2) Storage container means any stationary vessel of more than 1,000 gallons (3,785 liters) nominal capacity. Stationary vessels include portable vessels placed temporarily at a location; e.g., tanks on skids.

(3) Owner means the owner of the gasoline storage container(s).

(4) Operator means the person who is directly responsible for the operation of the gasoline storage container(s), whether the person be a lessee or an agent of the owner.

(5) Delivery vessel means tank truck and tank trailers used for the delivery of gasoline.

(6) Source means both storage containers and delivery vessels.

(b) This section is applicable to the following counties in Texas: Dallas, Tarrant, Denton, Wise, Collin, Parker, Rockwall, Kaufman, Hood, Johnson, and Ellis.

(c) No person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary storage container with a nominal capacity greater than 1,000 gallons (3,785 liters) unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of total hydrocarbon compounds in said vapors.

(1) The vapor recovery system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Other equipment that prevents release to the atmosphere of no less than 90 percent by weight of the total hydrocarbon compounds in the displaced vapor provided that approval of the proposed design, installation, and operation is obtained from the Regional Administrator prior to start of construction.

(2) The vapor recovery system shall be so constructed that it will be compatible with a vapor recovery system, which may be installed later, to recover vapors displaced by the filling of motor vehicle tanks.

(3) The vapor-laden delivery vessel shall meet the following requirements:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) If any gasoline storage compartment of a vapor-laden delivery vessel is refilled in one of the counties listed in paragraph (b) of this section, it shall be refilled only at a facility which is equipped with a vapor recovery system, or the equivalent, which prevents release to the atmosphere of at least 90
percent by weight of the total hydrocarbon compounds in the vapor displaced from the delivery vessel during refilling.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Storage containers used for the storage of gasoline used on a farm for farming purposes, as that expression is used in the Internal Revenue Code, 26 U.S.C. section 6420.

(2) Any container having a nominal capacity less than 2,000 gallons (7,571 liters) installed prior to promulgation of this section.

(3) Transfers made to storage containers equipped with floating roofs or their equivalent.

(4) Any facility for loading and unloading of volatile organic compounds (including gasoline bulk terminals) in Dallas or Tarrant County, and any filling of gasoline storage vessels (Stage I) for motor vehicle fuel dispensing facilities in Dallas or Tarrant County which is subject to Texas Air Control Board Regulation V subsections 115.111–115.113 and 115.131–115.135, respectively.

(e) Except as provided in paragraph (f) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule:

(1) 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 no later than September 30, 1977.

(2) Initiation of on-site construction or installation of emission control equipment or process modification must begin no later than January 31, 1978.

(3) On-site construction or installation of emission control equipment or process modification must be completed no later than August 31, 1978.

(4) Final compliance is to be achieved no later than September 30, 1978.

(5) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify in writing to the Regional Administrator whether or not the required increment of progress has been met. The certification shall be submitted not later than February 15, 1978, for award of contracts and initiation of construction, and not later than October 15, 1978, for completion of construction and final compliance. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies, and the date(s) the increment(s) of progress was (were) met—if met. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(f) Paragraph (e) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Regional Administrator by August 1, 1977. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(2) 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 receives approval from the Administrator by August 1, 1977, of a proposed alternative schedule. No such schedule may provide for compliance after September 30, 1978. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of §51.15 (b) and (c) of this chapter.

(h) After September 30, 1978, paragraph (c) of this section shall be applicable to every storage container (except those exempted in paragraph (d) of this section) located in the counties specified in paragraph (b). Every storage container installed after September 30, 1978 shall comply with the requirements of paragraph (c) of this section from the time of installation.
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In the affected counties, storage containers which were installed, or converted to gasoline storage after promulgation of this section, but before September 30, 1978 shall comply with paragraph (c) of this section in accordance with the schedule established in paragraph (e).

[42 FR 37381, July 21, 1977, as amended at 47 FR 50868, Nov. 10, 1982]

§§ 52.2287–52.2298 [Reserved]

§ 52.2299 Original identification of plan section.

(a) This section identifies the original “Texas Air Pollution Control Implementation Plan” and all revisions submitted by Texas that were federally approved prior to December 31, 1998.

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

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

1. Certification that statewide public hearings had been held on the plan was submitted by the Texas Air Control Board (TACB) on February 8, 1972. (Nonregulatory)

2. A discussion of its policy concerning the confidentiality of certain hydrocarbon emission data was submitted by the TACB on May 2, 1972. (Nonregulatory)

3. A discussion of the source surveillance and extension sections of the plan was submitted by the TACB on May 3, 1972. (Nonregulatory)

4. A discussion of minor revisions to the plan was submitted by the Governor on July 31, 1972. (Nonregulatory)

5. Revisions of section XI, paragraph C.3: Rule 9: Regulation V and control strategy for photochemical oxidants/hydrocarbons in Texas designated regions 7 and 10; regulation VII; and control strategy for nitrogen oxides in regions 5, 7, and 8 were submitted by the TACB on August 8, 1972.

6. A request that inconsistencies in the plan concerning the attainment dates of primary air standards be corrected was submitted by the Governor on November 10, 1972. (Nonregulatory)

7. Revisions to regulation IV, regulation V, the general rules and control strategy for photochemical oxidants/hydrocarbons, and a request for a two year extension to meet Federal standards for photochemical oxidants was submitted by the Governor on April 13, 1973.

8. Revisions to regulation IV (Control of Air Pollution from Motor Vehicles) were adopted on October 30, 1973, and were submitted by the Governor on December 11, 1973.

9. A revision of priority classifications for particulate matter, sulfur oxides, and carbon monoxide was submitted by the Governor on March 21, 1975. (Nonregulatory)

10. Revisions to rule 23, concerning compliance with new source performance standards, and rule 24, concerning compliance with national emission standards for hazardous air pollutants were submitted by the Governor on May 9, 1976.

11. Administrative revisions were submitted by the TACB with the semi-annual report in 1974 for sections I, II, III, IV, XI and XIII, and with the semi-annual report in 1975 for sections I, II, XI, and XII. (Nonregulatory)

12. A revision of section IX, Air Quality Surveillance, was submitted by the Governor on August 2, 1976. (Nonregulatory)

13. Revisions to section IX, Air Quality Surveillance Plan, which include changes of several air quality monitoring sites, were submitted by the TACB on August 12, 1977. (Nonregulatory)

14. Administrative revisions to section X, the Permit System, were submitted by the TACB in 1973, 1974, 1975, and 1976. (Nonregulatory)

15. Revisions to regulation V for control of volatile carbon compound emissions, as amended on December 10, 1976, were submitted by the Governor on July 20, 1977.

16. An administrative revision to section IX, Air Quality Surveillance System, was submitted by the Texas Air Control Board on August 14, 1978. (Nonregulatory)

17. Board Order No. 78–6, creditable as emission offsets for the Corpus Christi Petrochemical Company project in Corpus Christi, was submitted by the Governor on July 24, 1978, as amendments to the Texas State Implementation Plan (see § 52.2275).
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(18) Draft inspection/maintenance legislation and a schedule for conducting a pilot inspection/maintenance study were submitted by the Governor on April 13, 1979.

(19) Adopted inspection/maintenance legislation and administrative revisions concerning inspection/maintenance were submitted by the Governor on August 9, 1979.

(20) Revision to the plan for attainment of standards for particulate matter, carbon monoxide, and ozone (Part D requirements) were submitted by the Governor on April 13, 1979.

NOTE: The provisions of Rule 104 submitted by the Governor on 1/28/72 and approved by EPA on 5/31/72 remain in effect in other than nonattainment areas.

(21) Administrative revisions to the transportation control portion of the plan were submitted by the Governor on August 9, 1979 (non-regulatory).

(22) No action is being taken on Subchapters 131.07, 131.08, 131.09, and 131.11 of Regulation V, submitted by the Governor on April 13, 1979.

(23) No action is being taken on the control strategy for the nonattainment area of Houston 1, submitted by the Governor on April 13, 1979.

(24) A revision identifying and committing to implement currently planned Transportation Control Measures (TCMs) for Harris County was submitted by the Governor on December 28, 1979.

(25) Revisions to Regulation VI (i.e., Subchapter 116.3(a)(13–15)), and the definition of “de minimus impact,” were adopted by the Texas Air Control Board on July 11, 1980, and submitted by the Governor on July 25, 1980.

(26) Board Order No. 78–8 creditable as emission offsets for the General Portland, Inc., project in New Braunfels, Comal County, Texas, was submitted by the Governor on September 13, 1978, as an amendment to the Texas State Implementation Plan (see § 52.2276).

(27) Revisions to Regulation V (i.e., Subchapters 115.171–176) and particulate matter (TSP) control strategies for the nonattainment areas of San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas 1, and El Paso 4 were adopted by the Texas Air Control Board on July 11, 1980, and submitted by the Governor on July 25, 1980.

(28) An administrative revision to section I, Introduction, was submitted by the TACB on July 23, 1981. (Non-regulatory)

(29) An administrative revision to section V, Legal Authority, was submitted by the TACB on July 23, 1981. (Non-regulatory).

(30) Revisions to the Texas SIP for the Union Carbide Corporation Bubble in Texas City, Texas were submitted by the Governor on December 15, 1981.

(31) Revisions to the ozone, total suspended particulate, and carbon monoxide control strategies, General Rules (i.e., definition for vapor mounted seal and section 101.22), Regulation IV (i.e., addition of section 114.2(b)), and Regulation V (i.e., deletion of sections 115.46 and 115.71, 115.101–106, sections 115.144, 115.153, title of sections 115.161–163 and 115.162, 115.171–176, 115.191–194, sections 115.252, 115.262, 115.401, 115.411, and title of sections 115.421–424) were adopted by the Texas Air Control Board on March 20, 1981, and submitted by the Governor on July 20, 1981.

(32) Revisions to the plan for intergovernmental consultation and composition of the Texas Air Control Board were submitted by the Governor on April 13, 1979.

(33) A revision to General Rule 9—Sampling, as adopted by the Texas Air Control Board on October 30, 1973, was submitted by the Governor on December 11, 1973.

(34) Revisions to the General Rules (i.e., the addition of definitions for liquid-mounted seal, miscellaneous metal parts and products, factory surface coating of flat wood paneling, vapor tight, and waxy high pour point crude oil) and Regulation V (i.e., sections 115.101–106, section 115.191 (9) and (10), sections 115.192, 115.201–203, 115.221–223, 115.231–233, 115.251–255, 115.261–264, and 115.421–424) were adopted by the Texas Air Control Board on July 11, 1980 and submitted by the Governor on July 25, 1980.

(35) [Reserved]

(36) Revisions to Regulation VI (i.e., section 116.1, section 116.2, section

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116.3(a), section 116.3(a)(2), the addition of sections 116.3(a)(3), 116.3(a)(4), and 116.3(a)(5), section 116.3(a)(6), section 116.3(b)(2), the addition of sections 116.3(b)(3), 116.3(b)(4), 116.4, and 116.5, section 116.6, section 116.7, and section 116.8) were adopted by the Texas Air Control Board on March 27, 1975 and submitted by the Governor on May 9, 1975.

(37) Revisions to Regulation VI (i.e., the deletion of 131.08.00.009) were adopted by the Texas Air Control Board on March 30, 1979 and submitted by the Governor on April 13, 1979.

(38) Revisions to Regulation VI (i.e., the deletion of 131.08.00.003(a)(3) and 131.08.00.003(a)(5), section 116.3(a)(4), section 116.3(a)(9), section 116.3(a)(10), section 116.3(a)(12), and section 116.10) were adopted by the Texas Air Control Board on March 20, 1981 and submitted by the Governor on July 20, 1981.

(39) [Reserved]

(40) Revisions to Subchapter 115.135 (formerly 131.07.54.105) of Regulation V were adopted by the Texas Air Control Board on September 7, 1979 and submitted by the Governor to EPA on November 2, 1979 (i.e., removal of Jefferson, Orange, El Paso, Nueces, and Travis Counties).

(41) The Texas Lead SIP was submitted to EPA on June 12, 1980, by the Governor of Texas, as adopted by the Texas Air Control Board on March 21, 1980. Additional information was submitted in letters dated January 29, 1982, March 15, 1982, June 3, 1982, June 15, 1982, August 23, 1982, and October 14, 1982. Also additional information and Board Order 82-11 were submitted in a letter dated December 3, 1982. No action is taken regarding the Dallas and El Paso areas.

(42) An administrative revision for Section VIII (Texas Air Pollution Emergency Episode Contingency Plan) and a revision to Regulation VIII (Control of Air Pollution Episodes) was submitted by the TACB on May 18, 1982 and December 29, 1981, respectively.

(43) A revision to Regulation V deleting Ector County from the provisions of subsections 115.111 and .113 was adopted on March 20, 1981 and submitted by the Governor on July 20, 1981.

(44) Revisions to Regulation I, sections 111.2(7), 111.3, 111.11, 111.12, 111.26, 111.61–111.65, and 111.71–111.76, for control of particulate matter and visible emissions as submitted by the Governor on January 22, 1974.

(45) Revisions to Regulation I, section 111.2 for control of particulate matter and visible emissions as submitted by the Governor on December 29, 1975.

(46) Revisions to Regulation I, Sections 111.2(8), 111.2(9), 111.22, 111.91 and 111.92 for control of particulate matter and visible emissions as submitted by the Governor on April 13, 1979.

(47) Revisions to section XII (Resources) as submitted by the Executive Director on July 6, 1982.

(48) Revisions to Subchapters 115.111–115.113 (formerly 131.07.52.101–131.07.52.104) regarding gasoline bulk terminals, 115.123–115.124 (formerly 131.07.53.101–131.07.53.103) regarding gasoline bulk plants, and 115.131–115.135 (formerly 131.07.54.101–131.07.54.105) regarding the filling of gasoline storage vessels at motor vehicle fuel dispensing facilities (Stage I vapor recovery at service stations) of Regulation V were adopted by the Texas Air Control Board on March 30, 1979 and submitted by the Governor to EPA on April 13, 1979.

(49) Revisions to Subchapters 115.111 and 115.113 (formerly 131.07.52.101 and 131.07.52.103) regarding gasoline bulk terminals, 115.121 and 115.123 (formerly 131.07.53.101 and 131.07.53.103) regarding gasoline bulk plants, and 115.131, 115.132, and 115.135 (formerly 131.07.54.101, 131.07.54.102, and 131.07.54.105) regarding the filling of gasoline storage vessels at motor vehicle fuel dispensing facilities (Stage I vapor recovery at service stations) of Regulation V were adopted by the Texas Air Control Board on March 30, 1979 and submitted by the Governor to EPA on April 13, 1979.

(50) Revisions to the General Rules (i.e., deletion of the definitions for chemical process plant, exhaust emission, gas processing plant, and non-methane hydrocarbons, and revisions to the definitions for gasoline bulk plant, gasoline terminal, lowest
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achievable emission rate, standard conditions, submerged fill pipe, paper coating, and light-duty truck coating), Regulation I (i.e., the deletion of sections 111.61–111.65, revisions to title of sections 111.71–111.76 and section 111.71, addition of sections 111.81–111.83, deletion of section 111.91, and revisions to section 111.92), and Regulation V (i.e., section 115.1, sections 115.11–115.13, sections 115.31–115.32, sections 115.41–115.45, section 115.81, and section 115.91, all for Bexar County only: and, sections 115.101–115.106; title of sections 115.141–115.144 and section 115.141, section 115.142, and section 115.144; title of sections 115.151–115.153 and section 115.152, and section 115.153; sections 115.161–115.163 and title; title of sections 115.171–115.176 and section 115.173, section 115.175, and section 115.176; title of sections 115.191–115.194 and section 115.191, section 115.192, and section 115.193; title of sections 115.201–115.203 and section 115.203; title of sections 115.221–115.223 and sections 115.222–115.223; sections 115.231–115.233 and title; title of sections 115.251–115.255 and section 115.253, and section 115.255; section 115.401; title of sections 115.411–115.413 and sections 115.411 and 115.412; title only of sections 115.421–115.424) were adopted by the Texas Air Control Board on January 8, 1982, and submitted to the Governor on August 9, 1982, with an addendum from the State on January 13, 1983.

(51) A revision to Section III (Public Participation/Intergovernmental Coordination) was submitted by the Texas Air Control Board on August 17, 1982 and a letter of clarification was submitted on January 26, 1983. The revision also supercedes and deletes Section XIII which was approved on May 31, 1972.

(52) An administrative revision to Section IX, Air Quality Surveillance, was submitted by the TACB on June 22, 1983. (Nonregulatory)

(53) A revision to Regulation VI (i.e., the addition of section 116.11) was adopted by the Texas Air Control Board on December 3, 1982, and submitted by the Governor on May 13, 1983.

(54) Revisions to the Texas State Implementation Plan for lead for Dallas County (concerning a lead control plan for the area around the secondary lead smelter in West Dallas), were submitted to EPA on April 6, 1984, by the Governor of Texas, as adopted by the Texas Air Control Board on February 17, 1984.

(55) Revisions to the Texas State Implementation Plan for lead for Dallas County (concerning a lead control plan for the area around the secondary lead smelter in South Dallas), and revisions to Regulation III, chapter 113, Subchapter B, Lead Smelters in Dallas County, were submitted to EPA on July 16, 1984, by the Governor of Texas, as adopted by Texas Air Control Board on May 18, 1984. No action is taken on Regulation III, Sections 113.113 and 113.114.

(56) Revisions to the Texas State Implementation Plan for lead for El Paso County, with revisions to Regulation III, Chapter 113, Subchapter B, Nonferrous Smelters in El Paso County, were submitted to EPA on June 20, 1984, by the Governor of Texas, as adopted by Texas Air Control Board on February 17, 1984. Also, letters providing additional information were submitted by Texas on June 11 and June 28, 1984. No action is taken on Regulation III, Sections 113.113 and 113.114.

(57)–(58) [Reserved]

(59) Revisions to TACB Regulation VI and definitions in the General Rules as adopted on June 10, 1983 and submitted by the Governor on December 22, 1983, including a letter of clarification on their definitions submitted by the Texas Air Control Board on March 27, 1984.

(60) The Alternative Emission Control Plan for the Exxon Baytown Refinery in Baytown, Texas was adopted by the Texas Air Control Board on March 10, 1983, in Board Order No. 89–2. (61) Revisions to the plan for attainment of the standard for Ozone in Harris County were submitted by the Governor on December 9, 1982, January 3, 1984, and March 18, 1985.

(i) Revisions adopted on December 3, 1982, include the following changes to Regulation V and the general rules.
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New sections or subsections 115.105(7), 115.111(2)(b), 115.111(2)(c), 115.111(2)(d), 115.163, 115.164, 115.193(c)(5), 115.193(c)(6), 115.271, 115.272, 115.273, 115.274, 115.275, and 115.421 are added. Revisions to 115.106(b), 115.106(c), 115.113, 115.141, 115.142, 115.161, 115.162, 115.191(9)(a)(1), 115.251(a)(1), 115.252(a)(4), 115.252(b), 115.252(c), 115.253(a), 115.254, 115.255(c), and 115.401(b) were made. Section 101.1 of the general rules was revised to include definitions of new terms. The revisions also included the following commitments: emissions tracking, pages 87–88; projections of reasonable further progress, pages 91 and 93; and emission reduction commitments for transportation control measures, Appendix V.

(i) Revisions adopted on September 9, 1983, include revisions to Regulation IV. New sections or subsections 114.1(e), 114.1(f), 114.3, and 114.5 are added.

(ii) Revisions adopted on November 9, 1984 include the following:
   (A) Mechanics training program commitments, pages 17–18.
   (B) Public Awareness Plan commitments, pages 19–20.
   (C) Implementation Schedule, page 25(1–3).
   (D) Reasonable Further Progress Chart, Table 13, and
   (E) Department of Public Safety and Texas Air Control Board Rules and Regulations, Texas Vehicle Inspection Act Article XV, and Documentation to Authorize and Support the Implementation and Enforcement of the Texas Vehicle Parameter Inspection and Maintenance Program, Appendix X, containing the following documents:

—Senate Bill 1205
—Letters of commitment from Texas Department of Public Safety, City of Houston Police Department, and Harris County Sheriff
—Parameter Vehicle Emmission Inspection and Maintenance Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, July 1, 1984
—Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, November 11, 1983, Sections A, B, C pages C-1, C-16, C-17, C-18, C-26, C-27, and C-29, D, and E pages E-1, E-6, E-7, E-8, and E-9.

(62) Revision to the Texas State Implementation Plan for Good Engineering Practice—Stack Height regulations, Texas Air Control Board Regulation VI, §116.3(a)(14), as adopted by the Texas Air Control Board on July 17, 1987, were submitted by the Governor of Texas on October 26, 1987. This revision included definitions for owner or operator, emission limitation and emission standards, stack, a stack in existence, dispersion technique, within, excessive concentration, and regulations related to stack height provisions and stack height procedures for new source review.

(i) Incorporation by reference.
   (A) Texas Air Control Board Regulation VI, §116.3(a)(14), adopted by the Board on July 17, 1987.

(63) Revisions to TACB Regulation VI and definitions in the General Rules were submitted by the Governor on December 13, 1985.

(i) Incorporation by reference. December 13, 1985 letter from the Governor to EPA, and Revisions adopted on September 20, 1985, include the following changes to Regulation VI and the General Rules. Revisions to §116.11 were made, and §101.1 of the General Rules was revised to include an amendment to the term major facility/stationary source.

(64) Board Order No. 85–2, an alternate emission reduction plan for the Continental Can Company, U.S.A. can coating plant in Longview, Texas was submitted by the Governor on July 25, 1985, as amendments to the Texas State Implementation Plan. The source is now subject to the legally enforceable requirements stated in Board Order No. 85–2 and in TACB Permit Number C-16765.

(i) Incorporation by reference.
   (A) Texas Air Control Board Order No. 85–2 adopted on May 10, 1985, and TACB Permit Number C-16765 as revised November 21, 1986.

(65) In a October 26, 1987, letter, the Governor of Texas submitted a revision to the Texas State Implementation Plan for Lead in El Paso County. These revisions to the control strategy are adequate to demonstrate attainment by August 14, 1987, of the National Ambient Air Quality Standards for lead in

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El Paso County by modeling. Enclosed in this letter were Texas Air Control Board (TACB) Board Order No. 87-14 as passed and approved on August 14, 1987; the revisions to Regulation III, Subchapter B as appended to the Board Order; and a certification of Public Hearing.

(i) Incorporation by reference.

(A) TACB Board Order No. 87-14, as adopted on August 14, 1987.

(B) The March 23, 1988, letter and enclosures from TACB to EPA.

(66) Revisions to the plan for attainment of the standard for ozone in Dallas and Tarrant Counties were submitted by the Governor on September 30, 1985 and December 21, 1987.

(i) Incorporation by reference.

(A) Revisions to the Texas Air Control Board Regulation IV, Section 114.1 (c), (e), (f), 114.3, 114.5 (a), (b), (d), (e), (f), and (g) adopted July 26, 1985.

(B) Vehicle Inspection and Maintenance and Transportation Control Measures (VIMTCM), Appendix AG, Emission Reduction Commitments for Transportation Control Measures in Post-1982 SIP Areas adopted by the Texas Air Control Board on August 28, 1985.

(C) VIMTCM, Appendix AJ, Excerpted Senate Bill 725, section 35 (d) and (g) effective September 1, 1985; and House Bill 1593 sections 21 and 22 effective June 18, 1987.

(D) The following portions of VIMTCM, Appendix AK, Texas Vehicle Parameter Inspection and Maintenance Program adopted by the Texas Air Control Board on December 18, 1987.

1 Record keeping and Record submittal Requirements, pages 15–17
2 Quality Control, Audit and Surveillance Procedures, pages 17–18
3 Procedures to Assure that Noncomplying Vehicles are Not Operated on the Public Roads, pages 18–20
4 Mechanic Training Program, pages 21–23
5 A Public Awareness Plan, pages 23–25
6 Vehicle Maintenance Program (Anti-tampering), pages 25–27

(E) VIMTCM, Appendix AM, Department of Public Safety Rules and Regulations Concerning Vehicle Inspection and Maintenance Programs, Sections 1, 2, and 3 adopted by the Texas Air Control Board on December 18, 1987.

(F) VIMTCM, Appendix AN, Local Government Letters of Commitment to Enforce Vehicle Inspection and Maintenance Programs adopted by the Texas Air Control Board on December 18, 1987.

(67) Part II of the Visibility Protection Plan was submitted by the Governor on November 18, 1987. This submittal includes a visibility long-term strategy and general plan provisions as adopted by the Texas Air Control Board on September 18, 1987.

(i) Incorporation by reference.

(A) Revision entitled, “State Implementation Plan Revisions for Visibility Protection in Class I Areas: Phase I, September 18, 1987” (including Appendices A and B).

(B) Texas Air Control Board Order No. 87-15, adopted September 18, 1987.

(ii) Additional material.

(A) None.

(68) [Reserved]

(69) Revisions to the plan for attainment of the standard for ozone in Dallas and Tarrant Counties were submitted by the Governor on October 11, 1985, December 21, 1987, and December 13, 1988. EPA is approving these stationary source VOC regulations and commitments under part A, section 110 of the Clean Air Act. However, these regulations do not represent RACT under part D, section 172 of the Clean Air Act for numerous reasons, including cross-line averaging and director’s equivalency determinations without first being submitted to and approved by EPA as a SIP revision.

(i) Incorporation by reference.

(A) Revisions to Texas Air Control Board Regulation V (31 TAC chapter 115), Control of Air Pollution from Volatile Organic Compounds: Rules 115.111 introductory paragraph; 115.111(2)(E); 115.111(2)(F); 115.113 introductory paragraph, 115.113 last entry in table; except El Paso County for Rules 115.131 introductory paragraph, 115.132(6), 115.132(7), 115.135 introductory paragraph, 115.135 last entry in table; 115.162 introductory paragraph only; 115.163(b)(2); 115.163(b)(3); 115.164(b) first paragraph only; 115.164(b)(3); 115.164(b)(4); 115.171(a); except El Paso County for Rule 115.171(b); 115.175(f); 115.176(a); 115.176(c); 115.191(9)(A)(iv); 115.191(9)(A)(v); 115.191(9)(A)(v); 115.193(c)(3); 115.223; except El Paso
County for Rules 115.261 undesignated heading, 115.261 introductory paragraph, 115.262(a), and 115.264; as adopted by the Texas Air Control Board on July 26, 1985. Rules 115.171(c); 115.171(d); 115.176(d); 115.193(c) first paragraph only; 115.193(c)(1); 115.193(c)(2); 115.193(c)(6); 115.193(d) first paragraph only; 115.193(e); 115.194; 115.201(b)(1); 115.202; 115.203(a); and 115.291 through 115.294 and the corresponding undesignated heading; as adopted by the Texas Air Control Board on December 18, 1987. Rules 115.111(4)(C); except El Paso County for Rule 115.111(5); 115.111(6); 115.111(7); 115.113 last entry in table; 115.131(2); except El Paso County for Rule 115.131(3); 115.131(4); 115.131(5); 115.132 introductory paragraph only; 115.132(2); 115.134(3); 115.135 last entry in table; 115.141(a); 115.141(b); 115.142(a) first paragraph; 115.142(b); 115.142(c); 115.143(b); 115.143(c); 115.144; 115.162(3)(B); 115.163(a); 115.163(c); 115.163(d); 115.164(b)(7); 115.171(e); 115.172(a) first paragraph only; 115.172(a)(1); 115.172(a)(3); 115.172(a)(4); 115.172(a)(5)(A); 115.172(a)(6); 115.172(a)(7); 115.172(b) first paragraph only; 115.172(b)(1); 115.173(a) first paragraph only; 115.173(a)(2); 115.173(a)(4)(A); 115.173(a)(4)(B); 115.173(a)(4)(E); 115.173(a)(6); 115.173(b) first paragraph only; 115.173(b)(2); 115.173(b)(4); 115.173(b)(5); 115.173(b)(10); 115.173(b)(11); 115.173(c); 115.174(a) first paragraph only; 115.174(a)(1)(A); 115.174(a)(1)(B); 115.174(a)(1)(C); 115.174(a)(7); 115.174(a)(8); 115.174(a)(9); 115.174(b) first paragraph only; 115.174(b)(2); 115.174(b)(4); 115.174(b)(5); 115.174(c); 115.175(e); 115.175(g); 115.176(e); 115.191(a) first paragraph only; 115.191(a)(8)(A); 115.191(a)(8)(B); 115.191(a)(8)(C); 115.191(a)(9)(C); 115.191(a)(11); 115.191(b); 115.191(c); 115.192(a); 115.192(b); 115.192(c); 115.193(f); 115.201(a); 115.201(b) first paragraph only; 115.201(b)(2) through 115.201(b)(6); 115.201(c); 115.201(d); 115.221(a) first paragraph only; 115.221(a)(4); and 115.221(b); as adopted by the Texas Air Control Board on October 14, 1988.

(B) Revisions to the Texas Air Control Board General Rules (31 TAC chapter 101), rule 101.1, Definitions for: automobile refinishing; consumer-solvent products; as adopted by the Texas Air Control Board on December 18, 1987. Rule 101.1, Definitions for: architectural coating; automotive primer or primer surfacers (used in automobile refinishing); automotive wipe-down solutions; coating application system; delivery vessel/tank-truck tank; exempt solvent; flexographic printing process; non-flat architectural coating; packaging rotogravure printing; publication rotogravure printing; rotogravure printing; surface coating processes; transfer efficiency; and vapor balance system; as adopted by the Texas Air Control Board on October 14, 1988.

(C) The following portions of the Post-1982 Ozone Control Strategies Dallas and Tarrant Counties Texas State Implementation Plan Revisions (TX82SIP), as adopted by the Texas Air Control Board on December 18, 1987.

(1)(d) Emissions Tracking, page 56 (last paragraph), 57, and 58.
(2)(e) Regulation Review, pages 58-60.
(3)(a) Emissions Reductions and Growth Unaffected by This Plan, page 63 (first two full paragraphs).
(4)(e) Transportation Control Measures, pages 67-68.
(5)(4) Projection of Reasonable Further Progress (RFP), pages 71-72.
(7)(a) Emissions Reductions and Growth Unaffected by This Plan, page 75.
(8)(e) Transportation Control Measures, pages 78-80.
(9)(4) Projection of Reasonable Further Progress (RFP), pages 83-84.
(10)(5) Contingency Plan, page 84.
(D) TX82SIP, appendix AG, Emission Reduction Commitments for Transportation Control Measures in Post-1982 SIP Areas, as adopted by the Texas Air Control Board on December 18, 1987.
(E) Texas Air Control Board Order No. 85, as adopted July 26, 1985.
(F) Texas Air Control Board Order No. 87-18, as adopted December 18, 1987.
(G) Texas Air Control Board Order No. 88-10, as adopted October 14, 1988.
(ii) Additional Material.
(A) A letter dated September 25, 1989, from Allen Eli Bell, Executive Director, Texas Air Control Board to Robert E. Layton Jr., P.E., Regional Administrator, EPA Region 6.
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(B) TX82SIP, (c) Additional Control Technique Guidelines (CTGs), pages 48–49.

(C) TX82SIP, appendix AL, Transportation Control Measure Evaluation and Documentation of Highway Vehicle Data adopted by the Texas Air Control Board on December 18, 1987.

(70) On March 12, 1982, the Governor of Texas submitted a request to revise the Texas SIP to include an Alternative Emission Reduction Plan for the E.I. Du Pont de Nemours & Company’s Sabine River Works at Orange, Orange County, Texas. This Bubble uses credits obtained from the shutdown of sixteen methanol storage tanks and a methanol truck and railcar loading terminal in lieu of controls on one cyclohexane storage tank and two methanol storage tanks.

(i) Incorporation by reference. (A) Texas Air Control Board Order No. 82–1, entitled “E.I. Du Pont de Nemours and Company Incorporated” passed and approved by the Board on January 8, 1982.

(ii) Additional material. (A) Letter dated October 23, 1989, from the Director of the Texas Air Control Board (TACB) Technical Support and Regulation Development Program, giving assurances that the State has resources and plans necessary to strive toward attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for ozone taking into account the influence of this Bubble on air quality.

(B) Letter dated May 31, 1988, from the Director of the TACB Technical Services Division, giving quantification of emissions and developmental information relative to volatile organic compound emissions from the storage and terminal facilities at the Du Pont plant.

(C) Letter dated June 21, 1988, from the Director of the TACB Technical Services Division, giving the throughput basis for emission calculations for the tanks and discussing status of the equipment in the trade.

(D) Record of Communication of a phone call from Bill Riddle, EPA Region 6 Emissions Trading Coordinator, to Clayton Smith and Wayne Burnop, Environmental Engineers for the TACB, dated November 7, 1989. TACB confirms that there has been no shifting demand for the bubble.

(E) Record of Communication of a phone call from Mr. Bertie Fernando, TACB Environmental Engineer, to Bill Riddle, EPA Region 6 Emissions Trading Coordinator, dated December 15, 1989. TACB gives the status of the equipment in the bubble as a follow up to the June 21, 1988, letter mentioned in paragraph (c) of this section.


(i) Incorporation by reference.

(A) Amended TACB Regulation VIII, 31 TAC chapter 118, Rules 118.1(a), 118.1(b)(2), 118.1(c), 118.2, 118.3, 118.4, 118.5(d), 118.5(e), 118.5(f) and 118.6 as approved on July 17, 1987, and the repeal of Rule 118.7 as approved by TACB on July 17, 1987.

(B) Amended TACB Regulation VIII, 31 TAC chapter 118, Rules 118.1(b), 118.1(b)(1), Table 1 of Rule 118.1, first paragraph of Rule 118.5, 118.5(1), 118.5(2), 118.5(3), as approved by TACB on April 14, 1989.

(C) TACB Order 87–10, approved July 17, 1987.

(D) TACB Order 89–01, approved April 14, 1989.


(ii) Additional material

(A) Revisions to section VIII as submitted on October 2, 1987, from Eli Bell, superceding and deleting section VIII as approved by EPA on October 7, 1982, at 47 FR 44260 (Texas Air Pollution Emergency Episode Contingency Plan).

(72) Revisions to the plan for attainment of the standard for ozone in Dallas and Tarrant counties were submitted by the Governor on March 5, 1990 limiting the volatility of gasoline.

(i) Incorporation by reference. (A) Revisions to the Texas Air Control Board Regulation V (31 TAC chapter 115), Control of Air Pollution from Volatile Organic Compounds, Rule 115.242–249 as adopted by the Texas Air Control Board on December 8, 1989.

(B) Texas Air Control Board Order No. 89, as adopted December 8, 1989.

(C) Texas Air Control Board Order No. 90–07, as adopted June 22, 1990.

(D) Texas Air Control Board Order No. 90–13, as adopted December 8, 1988.

(73) Revisions for Prevention of Significant Deterioration (PSD) are: Regulation VI—Section 116.3(a)(13) as adopted by the Texas Air Control Board (TACB) on July 26, 1985 and as revised by the TACB on July 17, 1987 and July 15, 1988 and submitted by the Governor on December 11, 1985, October 26, 1987, and September 29, 1988, respectively; the PSD Supplement as adopted by the TACB on July 17, 1987 and submitted by the Governor on October 26, 1987; General Rules—Section 101.20(3) as adopted by the TACB on July 26, 1985 and submitted by the Governor on December 11, 1985; and the TACB commitment letters submitted by the Executive Director on September 5, 1989 and April 17, 1992. Approval of the PSD SIP is partially based on previously approved TACB regulations and State statutes.

(i) Incorporation by reference.

(A) Revisions to the TACB Regulation VI (31 TAC chapter 116)—Control of Air Pollution by Permits for New Construction or Modification: Rule 116.3(a)(13) as adopted by the TACB on July 26, 1985 and as revised by the TACB on July 17, 1987 and July 15, 1988. The revisions to the TACB General Rules—Section 101.20(3) as adopted by the TACB on July 26, 1985 and submitted by the Governor on December 11, 1985; and the TACB commitment letters submitted by the Executive Director on September 5, 1989 and April 17, 1992. Approval of the PSD SIP is partially based on previously approved TACB regulations and State statutes.

(B) A letter dated September 5, 1989, from the Executive Director of the TACB to the Regional Administrator of EPA Region 6.

(C) A letter dated April 17, 1992, from the Executive Director of the TACB to the Division Director of Air, Pesticides and Toxics Division, EPA Region 6.

(74) Revisions to Texas Air Control Board’s volatile organic compound regulations were submitted by the Governor of Texas on July 16, 1990.

(i) Incorporation by reference


(B) Texas Air Control Board Order No. 90–07 as adopted by the Texas Air Control Board on June 22, 1990.

(ii) Additional material

(A) Texas Air Control Board July 10, 1990, certification signed by Steve Spaw, P.E., Executive Director, Texas Air Control Board.

(75) Revisions to the State Implementation Plan for particulate matter (PM10 Group III) General Rules (31 TAC Chapter 101), §101.1 Definitions for “De minimis impact”, “Particulate matter”, “Particulate matter emissions”, “PM10”, “PM10 emissions”, and “Total suspended particulate”, as adopted on June 16, 1989, by the Texas Air Control Board (TACB), were submitted by the Governor on August 21, 1989.

(i) Incorporation by reference.

(A) General Rules (31 TAC Chapter 101), Section 101.1 Definitions for “De minimis impact”, “Particulate matter”, “Particulate matter emissions”, “PM10”, “PM10 emissions”, and “Total suspended particulate”, as adopted on June 16, 1989, by the TACB.

(ii) Additional material—None.
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(76) A revision to the Texas State Implementation Plan (SIP) to include revisions to Texas Air Control Board (TACB) Regulation II, 31 TAC Chapter 112, Control of Air Pollution from Sulfur Compounds, submitted by the Governor by cover letter dated October 15, 1992.

(i) Incorporation by reference.

(B) Texas Air Control Board Order No. 92–19, as adopted by the Texas Air Control Board on September 18, 1992.

(ii) Additional material.
(A) Texas Air Control Board certification letter dated October 1, 1992, and signed by William R. Campbell, Executive Director, Texas Air Control Board.

(B) Texas Air Control Board certification letter dated July 5, 1993, from William R. Campbell, Executive Director, Texas Air Control Board, to A. Stanley Meiburg, Director, Air, Pesticides, and Toxics Division, EPA Region 6.


(i) Incorporation by reference.
(A) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, as adopted by the Texas Air Control Board on December 8, 1990.

(B) Revisions to Texas Air Control Board Regulation V (31 TAC Chapter 115), Control of Air Pollution from Volatile Organic Compounds, as adopted by the Texas Air Control Board on June 22, 1990: 115.425(1)(D) and 115.425(1)(E).

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(E) City of El Paso, Texas, ordinance, Title 9 (Health and Safety), Chapter 9.38 (Woodburning), Section 9.38.010, “Definitions;” Section 9.38.020, “No-
Burn Periods; Notice Required; § 52.2299

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(i) Additional material.

(A) November 5, 1991, narrative addressing the El Paso moderate PM–10 nonattainment area, including emission inventory, modeling analyses, and control measures.

(B) A Memorandum of Understanding between the TACB and the City of El Paso defining the actions required and the responsibilities of each party pursuant to the revisions to the Texas PM–10 SIP for El Paso, passed and approved on November 5, 1991.

(C) TACB certification letter dated July 27, 1989, and signed by Allen Eli Bell, Executive Director, TACB.

(D) TACB certification letter dated October 28, 1991, and signed by Steve Spaw, Executive Director, TACB.

(E) El Paso PM–10 SIP narrative from pages 91–92 that reads as follows: “**provided that adequate information becomes available, a contingency plan will be developed in conjunction with future El Paso PM–10 SIP revisions. It is anticipated that EPA, TACB, the City of El Paso, and SEDUE will continue a cooperative effort to study the PM–10 air quality in the El Paso/Juarez air basin. Based on the availability of enhanced emissions and monitoring data, as well as more sophisticated modeling techniques (e.g., Urban Airshed Model), future studies will attempt to better define the relative contributions of El Paso and Juarez to the PM–10 problem in the basin. At that time, a contingency plan can more appropriately be developed in a cooperative effort with Mexico.”

(80) A revision to the Texas State Implementation Plan to adopt an alternate control strategy for the surface coating processes at Lockheed Corporation of Fort Worth.

(i) Incorporation by reference.

(A) Texas Air Control Board Order Number 93–13 issued and effective June 13, 1993, for Lockheed Corporation, Fort Worth approving an Alternate Reasonably Available Control Technology (ARACT). A letter from the Governor of Texas dated August 19, 1993, submitting to the EPA the ARACT demonstration.


(i) Incorporation by reference.


(B) Texas Air Control Board Order No. 92–16, as adopted October 16, 1992.

(ii) Additional materials.

(A) September 30, 1992, narrative addressing: general requirements, definitions, determination of regulated universe, certification of approved vapor recovery systems, training, public information, recordkeeping, requirements for equipment installation and testing, annual in-use above ground inspections, program penalties, resources, and benefits.

(B) A revision to the Texas SIP to include a new Texas Natural Resource Conservation Commission, Part III, Chapter 101, General Rules, section 101.10, Emission Inventory Requirements. A letter dated September 20, 1992, by the Governor, as a proposed revision to the SIP.

(i) Incorporation by reference.

(A) TNRCC, Part III, Chapter 101, General Rules, section 101.10, Emission Inventory Requirements, as adopted by the TNRCC on August 20, 1992.

(B) TNRCC Order No. 92–20, as adopted by the TNRCC on August 20, 1992.

(ii) Additional material.
(A) TNRC certification letter dated October 8, 1992, and signed by William R. Campbell, Executive Director, TNRC.

(83) A revision to the Texas SIP to include an alternate particulate control plan for certain unpaved industrial roadways at the ASARCO copper smelter in El Paso, submitted by the Governor by cover letter dated March 30, 1994.

(i) Incorporation by reference.
(A) Texas Natural Resource Conservation Commission Order No. 94–01, as adopted by the Texas Natural Resource Conservation Commission on March 9, 1994.

(B) TNRC Attachment 3 containing the Texas Air Control Board permit number 20345 for the ASARCO primary copper smelter in El Paso, Texas, issued May 11, 1992.

(C) TNRC Attachment 4 containing the June 8, 1993, letter from Mr. Troy W. Dalton, Texas Air Control Board (TACB), to Mr. Thomas Diggs. U.S. EPA Region 6, addressing the ASARCO Inc. (El Paso) waiver request from TACB Regulation I, Section 111.147(1)(A), including the enclosure entitled “Waiver Provisions to Texas Air Control Board Regulation 111.147(1)(A) for ASARCO, Incorporated, El Paso Account No. EE–0007–G.”

(ii) Additional material.
(A) March 9, 1994, SIP narrative addressing the alternate particulate control plan (in lieu of paving) for certain unpaved industrial roadways at the ASARCO copper smelter in El Paso.

(B) A revision to the Texas SIP for the El Paso moderate carbon monoxide nonattainment area which has a design value less than 12.7 parts per million was submitted by the Governor of Texas to meet the November 15, 1992, CAA deadline. The elements in this incorporation include the general SIP revision and the oxygenated fuels regulations submitted to the EPA on October 23, 1992, and the completed emissions inventory submitted to the EPA on November 17, 1992.

(i) Incorporation by reference.
(A) Addition of a new Section 114.13, “Oxygenated Fuels” to the Texas Air Control Board (TACB), Regulation IV.

(B) TACB Board Order Number 92–15, as adopted by the TACB on September 18, 1992.


(ii) Additional material.

(B) Governor of Texas submittal of November 13, 1992, regarding the El Paso CO emissions inventory.

(C) The TACB certification letter dated October 1, 1992, and signed by William R. Campbell, Executive Director, TACB.

(85) The State is required to implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM) as specified in the plan revision submitted by the Governor on November 13, 1992. This plan submittal, as adopted by the Texas Air Control Board (TACB) on November 6, 1992, was developed in accordance with section 507 of the Clean Air Act (CAA).

(i) Incorporation by reference.
(A) Texas Clean Air Act (TCAA), TEXAS HEALTH AND SAFETY CODE ANN. (Vernon 1992), §382.0365, “Small Business Stationary Source Assistance Program”, enacted by the Texas 1991 legislative session and effective September 1, 1991. Included in TCAA, §382.0365, are provisions establishing a small business assistance program (SBAP), an Ombudsman, and a Compliance Advisory Panel (CAP); establishing membership of the CAP; and addressing the responsibilities and duties of the SBAP, Ombudsman, and the CAP.
(B) TACB Order No. 92–22, as adopted by the TACB on November 6, 1992.


(ii) Additional material.

(A) Narrative SIP Revision entitled, “Revisions to the State Implementation Plan for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, Texas Air Control Board; November 1992.”

(B) TACB certification letter dated November 10, 1992, and signed by William R. Campbell, Executive Director, TACB.

(C) Legal opinion letter dated October 15, 1992 from Kirk P. Watson, Chairman, TACB, to Mr. B.J. Wynne, III, Regional Administrator, EPA Region 6, regarding the composition of the Small Business Compliance Advisory Panel for Texas.

(86) [Reserved]


(1) Incorporation by reference.

(A) House Bill 1969 an act relating to motor vehicle registration, inspections and providing penalties amending:

(1) Sections 382.037 and 382.038 of the Texas Health and Safety Code;

(2) Section 2 Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a–2, Vernon’s Texas Civil Statutes);

(3) Title 116, Articles 6675b–4, 6675b–4A, and 6675b–4B;

(4) Section 141(d), and section 142(h), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Civil Statutes);

(5) Section 4.202, County Road and Bridge Act (Article 6702–1, Vernon’s Texas Civil Statutes) signed by the Governor on June 8, 1993, and effective August 30, 1993.

(E) Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act, sections 382.017, 382.037, 382.038, and 382.039 effective September 1, 1991.

(C) Revisions to Texas Regulation IV, 31 TAC §114.3—Vehicle Emissions Inspection and Maintenance Program, effective December 8, 1993.

(D) Order No. 93–23, as adopted November 10, 1993, and Order No. 94–02 as adopted February 16, 1994.

(E) Texas Civil Statutes, Articles 6675a–1 to 6675b–2 and 6687–1. (Vernon 1993).

(F) Revisions to Texas Department of Transportation, Chapter 17, Vehicle Titles and Registration—Vehicle Emissions Verification System, 43 TAC §17.80, effective November 22, 1993.

(ii) Additional materials.

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(B) Letter dated May 4, 1994, from John Hall, Chairman of the Texas Natural Resource Conservation Commission to the EPA, clarifying the State’s intent regarding its Executive Director’s exemption policy and repair effectiveness program.

(iii) Revisions to the Texas State Implementation Plan, submitted to EPA on June 8 and November 13, 1992, respectively. These revisions adopt expansion of applicability for Reasonably Available Control Technology (RACT) rules for volatile organic compounds (VOCs) to ensure that all major VOC sources are covered by RACT, to revise the major source definition, and to revise certain monitoring, record-keeping, and reporting requirements for Victoria County, Texas.

(i) Incorporation by reference.

(A) Texas Air Control Board Order No. 92–04, as adopted on May 8, 1992.

(B) Revisions to the General Rules, as adopted by the Board on May 8, 1992, sections 101.1—New definitions for capture efficiency, capture system, carbon adsorber, carbon adsorption system, coating, coating line, control device, control system, pounds of volatile organic compounds (VOC) per gallon of coating (minus water and exempt solvents), pounds of volatile organic compounds (VOC) per gallon of solids, printing line; revised definitions for component, exempt solvent, leak, vapor recovery system, volatile organic compound (VOC).

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115.426(b)(3),
115.427(a),
115.427(a)(1),
115.427(a)(2),
115.427(a)(2)(A),
115.427(a)(2)(B),
115.427(a)(3),
115.427(a)(4),
115.427(a)(5),
115.427(a)(5)(A),
115.427(a)(5)(B),
115.426(a)(6),
115.427(b),
115.427(b)(1),
115.427(b)(2), 115.427(b)(2)(A) through
115.427(b)(2)(E),
115.427(b)(3),
115.427(b)(3)(A) through 115.427(b)(3)(C),
115.429(a) through 115.429(c), 115.432(a),
115.432(a)(2),
115.432(a)(3),
115.432(b),
115.432(b)(1)
through
115.432(b)(3),
115.432(b)(3)(A) through 115.432(b)(3)(C),
115.433(a),
115.433(b),
115.435(a),
115.435(a)(6),
115.435(a)(7),
115.435(a)(7)(C)(ii),
115.435(a)(8),
115.435(b),
115.435(b)(1)
through
115.435(b)(7),
115.436(a),
115.436(a)(1),
115.436(a)(2),
114.436(a)(4)
through
115.436(a)(6),
115.436(b),
115.436(b)(1)
through 115.436(b)(3), 115.436(b)(3)(A)
through 115.436(b)(3)(C), 115.436(b)(4),
115.436(b)(5),
115.437(a),
115.437(a)(1)
through
115.437(a)(4),
115.437(b),
115.439(a) through 115.439(c), 115.512 introductory
paragraph,
115.512
(1)
through 115.512(3), 115.513 introductory
paragraph, 115.515 introductory paragraph, 115.516 introductory paragraph,
115.517
introductory
paragraph,
115.519(a) through 115.519(b), 115.531(a),
115.531(a)(2),
115.531(a)(3),
115.531(b),
115.531(b)(1)
through
115.531(b)(3),
115.532(a),
115.532(a)(4),
115.532(a)(5),
115.532(b),
115.532(b)(1)(A),
115.532(b)(1)(B),
115.532(b)(2),
115.532(b)(3),
115.532(b)(3)(A),
115.532(b)(3)(B), 115.532(b)(4), 115.533(a),
115.533(b),
115.534(a),
115.534(b),
115.534(b)(1),
115.534(b)(2),
115.535(a),
115.535(b),
115.535(b)(1)
through
115.535(b)(6),
115.536(a),
115.536(a)(1),
115.536(a)(2), 115.536(a)(3), 115.536(a)(4),
115.536(b),
115.536(b)(1),
115.536(b)(2),
115.536(b)(2)(A),
115.536(b)(2)(A)(i)
through
115.536(b)(2)(A)(iii),
115.536(b)(2)(B),
115.536(b)(3),
115.536(b)(3)(A),
115.536(b)(3)(B),
115.536(b)(4),
115.536(b)(5),
115.537(a),
115.537(a)(1)
through
115.537(a)(7),
115.537(b),
115.537(b)(1)
through
115.537(b)(5), 115.539(a), 115.539(b), 115.612
introductory paragraph, 115.613 introductory paragraph, 115.614 introductory
paragraph, 115.615 introductory paragraph, 115.615(1), 115.617 introductory
paragraph, 115.617(1), 115.619 introductory paragraph.

(D) Texas Air Control Board Order
No. 92–16, as adopted on October 16,
(E) Revisions to the General Rules,
as adopted by the Board on October 16,
section 101.1: Introductory paragraph,
new definition for extreme performance coating; revised definitions for
gasoline bulk plant, paragraph vii of
miscellaneous metal parts and products coating, mirror backing coating,
volatile organic compound.
(F) Revisions to Regulation V, as
adopted by the Board on October 16,
1992, sections 115.010—new definition
for extreme performance coating; revised definitions for gasoline bulk
plant, paragraph vii of miscellaneous
metal parts and products coating, mirror backing coating, and volatile organic compound; 115.116 title (Monitoring and Recordkeeping Requirements),
115.116(a)(2),
115.116(a)(3),
115.116(a)(3)(A) through 115.116(a)(3)(C),
115.116(a)(5), 115.116(b)(2), 115.116(b)(3),
115.116(b)(3)(A) through 115.116(b)(3)(D),
115.116(b)(4),
115.116(b)(5),
115.119(a),
115.119(b), 115.126 title (Monitoring and
Recordkeeping
Requirements),
115.126(a),
115.126(a)(1)(A),
115.126(a)(1)(C),
115.126(a)(1)(E),
115.126(b), 115.126(b)(1), 115.126(b)(1)(A)
through 115.126(b)(1)(E), 115.126(b)(2),
115.126(b)(2)(A) through 115.126(b)(2)(D),
115.126(b)(3),
115.126(b)(3)(A),
115.126(b)(3)(B), 115.127(a)(4)(A) through
115.127(a)(4)(C), 115.129(a), 115.129(a)(1),
115.129(b), 115.136 title (Monitoring and
Recordkeeping
Requirements),
115.136(a)(4),
115.136(b),
115.136(b)(1),
115.136(b)(2), 115.136(b)(2)(A) through
115.136(b)(2)(D),
115.136(b)(3),
115.136(b)(4),
115.139(a),
115.139(b),
115.211(a),
115.211(b),
115.215(a),
115.215(b), 115.216 title (Monitoring and
Recordkeeping
Requirements),
115.216(a),
115.216(a)(2)(A)
through
115.216(a)(2)(C), 115.216(a)(5), 115.216(b),
115.216(b)(1),
115.216(b)(2),
115.216(b)(2)(A) through 115.216(b)(2)(D),
115.216(b)(3),
115.216(b)(3)(A),
115.216(b)(3)(B),
115.216(b)(4),
115.217(a)(6),
115.219(a)(1)
through
115.219(a)(4), 115.219(b), 115.316 title
(Monitoring and Recordkeeping Requirements), 115.316(a), 115.316(a)(1)(A),
115.316(a)(1)(C), 115.316(a)(4), 115.316(b),
115.316(b)(1), 115.316(b)(1)(A) through
115.316(b)(1)(D),
115.316(b)(2),

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(89) A revision to the Texas State Implementation Plan to adopt an attainment demonstration control strategy for lead which addresses that portion of Collin County owned by GNB.

(i) Incorporation by reference.

(A) Texas Air Control Board Order Number 92–99 issued and effective October 16, 1992, for settlement of the enforcement action against the GNB facility at Frisco, Texas.

(B) Texas Air Control Board Order Number 93–10 issued and effective June 18, 1993, for control of lead emissions from the GNB facility at Frisco, Texas.

(C) Texas Air Control Board Order Number 93–12 issued and effective June 18, 1993, establishing contingency measures relating to the GNB facility at Frisco, Texas.

(ii) Additional material.

(A) The lead attainment demonstration prepared by the State, dated July 1993.

(90) A revision to the Texas SIP regarding ozone monitoring. The State of Texas will modify its SLAMS and its NAMS monitoring systems 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) TNRCC Order Number 93–24 as adopted by the TNRCC November 10, 1993.

(B) SIP narrative plan entitled “Revisions to the State Implementation Plan (SIP) for the Control of Ozone Air Pollution” adopted by the TNRCC on November 10, 1993, addressing: 1993 Rate-of-Progress SIP for Dallas/Fort Worth, El Paso, Beaumont/Port Arthur and Houston/Galveston Ozone Non-attainment Areas, Section VI: Control Strategy, B. Ozone Control Strategy, 7. SIP Revisions for 1993 Rate-of-Progress (new.), a. Ozone Control Plan, 1) General, i) Photochemical Assessment Monitoring Stations, page 87, second paragraph, first sentence; third paragraph; fourth paragraph; and, the fifth paragraph which ends on page 88; page 88, first complete paragraph, including numbers (1), (2) and (3).

(ii) Additional material.

(A) The Texas SIP revision narrative regarding PAMS.

(B) TNRCC certification letter dated November 10, 1993, and signed by Gloria A. Vasquez, Chief Clerk, TNRCC.

(91)–(92) [Reserved]

(93) A revision to the Texas State Implementation Plan (SIP) to include agreed orders limiting sulfur dioxide (SO2) allowable emissions at certain nonpermitted facilities in Harris County, and to include a modeling demonstration showing attainment of the SO2 National Ambient Air Quality Standards, was submitted by the Governor by cover letter dated August 3, 1994.

(i) Incorporation by reference.

(A) Texas Natural Resource Conservation Commission (TNRCC) Order No. 94–99, as adopted by the TNRCC on June 29, 1994.

(B) TNRCC Order No. 94–10 for Anchor Glass Container, as adopted by the TNRCC on June 29, 1994.

(C) TNRCC Order No. 94–11 for Crown Central Petroleum Corporation, as adopted by the TNRCC on June 29, 1994.

(D) TNRCC Order No. 94–12 for Elf Atochem North America, Inc., as adopted by the TNRCC on June 29, 1994.

(E) TNRCC Order No. 94–13 for Exxon Company USA, as adopted by the TNRCC on June 29, 1994.

(F) TNRCC Order No. 94–14 for ISK Biosciences Corporation, as adopted by the TNRCC on June 29, 1994.

(G) TNRCC Order No. 94–15 for Lyondell Citgo Refining Company,
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LTD., as adopted by the TNRCC on June 29, 1994.

(H) TNRCC Order No. 94-16 for Lyondell Petrochemical Company, as adopted by the TNRCC on June 29, 1994.

(I) TNRCC Order No. 94-17 for Merichem Company, as adopted by the TNRCC on June 29, 1994.

(J) TNRCC Order No. 94-18 for Mobil Mining and Minerals Company, as adopted by the TNRCC on June 29, 1994.

(K) TNRCC Order No. 94-19 for Phibro Energy USA, Inc., as adopted by the TNRCC on June 29, 1994.

(L) TNRCC Order No. 94-20 for Shell Chemical and Shell Oil, as adopted by the TNRCC on June 29, 1994.

(M) TNRCC Order No. 94-21 for Shell Oil Company, as adopted by the TNRCC on June 29, 1994.

(N) TNRCC Order No. 94-22 for Simpson Pasadena Paper Company, as adopted by the TNRCC on June 29, 1994.

(ii) Additional material.

(A) May 27, 1994, letter from Mr. Norman D. Radford, Jr. to the TNRCC and the EPA Region 6 requesting approval of an equivalent method of monitoring sulfur in fuel and an equivalent method of determining compliance.

(B) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Crown Central Petroleum Corporation, approving an alternate monitoring and compliance demonstration method.

(C) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Exxon Company USA, approving an alternate monitoring and compliance demonstration method.

(D) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Lyondell Citgo Refining Co., LTD., approving an alternate monitoring and compliance demonstration method.

(E) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Phibro Energy, USA, Inc., approving an alternate monitoring and compliance demonstration method.

(F) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Shell Oil Company, approving an alternate monitoring and compliance demonstration method.

(G) June 8, 1994, letter from Mr. S. E. Pierce, Mobil Mining and Minerals Company, to the TNRCC requesting approval of an alternative quality assurance program.

(H) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Mobil Mining and Minerals Company, approving an alternative quality assurance program.

(I) August 3, 1994, narrative plan addressing the Harris County Agreed Orders for SO₂, including emission inventories and modeling analyses (i.e. the April 16, 1993, report entitled “Evaluation of Potential 24-hour SO₂ Non-attainment Area in Harris County, Texas-Phase II” and the June, 1994, addendum).

(J) TNRCC certification letter dated June 29, 1994, and signed by Gloria Vasquez, Chief Clerk, TNRCC.

(94) Revisions to the Texas SIP addressing visible emissions requirements were submitted by the Governor of Texas by letters dated August 21, 1989, January 29, 1991, October 15, 1992 and August 4, 1993.

(i) Incorporation by reference.

(A) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, “Requirements forSpecified Sources;” Subsection 111.111(a)(1)(first paragraph) under “Visible Emissions;” Subsections 111.111(a)(1)(A), 111.111(a)(1)(B) and 111.111(a)(1)(E) under “Stationary Vents;” Subsection 111.111(b)(first paragraph) under “Compliance Determination Exclusions;” and Subsections 111.113 (first paragraph), 111.113(1), 111.113(2), and 111.113(3) under “Alternate Opacity Limitations,” as adopted by the TACB on June 16, 1989.

(B) TACB Board Order No. 90-03, as adopted by the TACB on June 16, 1989.

(C) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, “Requirements forSpecified Sources;” Subsections 111.111(a)(4)(A) and 111.111(a)(4)(B)(i) under “Railroad Locomotives or Ships;” Subsections 111.111(a)(5)(A) and 111.111(a)(5)(B)(i) under “Structures;” and Subsections 111.111(a)(6)(A) and 111.111(a)(6)(B)(i) under “Other Sources,” as adopted by the TACB on October 12, 1990.

(D) TACB Board Order No. 90-12, as adopted by the TACB on October 12, 1990.
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(E) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, “Requirements for Specified Sources;” Subsections 111.111(a)(1)(C), 111.111(a)(1)(D), 111.111(a)(1)(F) (first paragraph), 111.111(a)(1)(F)(i), 111.111(a)(1)(F)(ii), 111.111(a)(1)(F)(iii), 111.111(a)(1)(F)(iv), and 111.111(a)(1)(G) under “Stationary Vents;” Subsections 111.111(a)(2) (first paragraph), 111.111(a)(2)(A), 111.111(a)(2)(B), and 111.111(a)(2)(C) under “Sources Requiring Continuous Emissions Monitoring;” Subsection 111.111(a)(3) (first paragraph) under “Exemptions from Continuous Emissions Monitoring Requirements;” Subsection 111.111(a)(4), “Gas Flares,” title only; Subsection 111.111(a)(5) (first paragraph) under “Motor Vehicles;” Subsections 111.111(a)(6)(A), 111.111(a)(6)(B) (first paragraph), 111.111(a)(6)(B)(i) and 111.111(a)(6)(B)(ii) under “Railroad Locomotives or Ships” (Important note, the language for 111.111(a)(6)(A) and 111.111(a)(6)(B)(i) was formerly adopted as 111.111(a)(4)(A) and 111.111(a)(4)(B)(i) on October 12, 1990); Subsections 111.111(a)(7)(A), 111.111(a)(7)(B) (first paragraph), 111.111(a)(7)(B)(i) and 111.111(a)(7)(B)(ii) under “Structures” (Important note, the language for 111.111(a)(7)(A) and 111.111(a)(7)(B)(i) was formerly adopted as 111.111(a)(5)(A) and 111.111(a)(5)(B)(i) on October 12, 1990); and Subsections 111.111(a)(8)(A), 111.111(a)(8)(B) (first paragraph), 111.111(a)(8)(B)(i) and 111.111(a)(8)(B)(ii) under “Other Sources” (Important note, the language for 111.111(a)(8)(A) and 111.111(a)(8)(B)(i) was formerly adopted as 111.111(a)(6)(A) and 111.111(a)(6)(B)(i) on October 12, 1990), as adopted by the TACB on September 18, 1992.

(F) TACB Board Order No. 92–19, as adopted by the TACB on September 18, 1992.

(G) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, “Requirements for Specified Sources;” Subsections 111.111(a)(4)(A) (first paragraph), 111.111(a)(4)(A)(i), 111.111(a)(4)(A)(ii), and 111.111(a)(4)(B) under “Gas Flares;” as adopted by the TACB on June 18, 1993.

(H) TACB Board Order No. 93–06, as adopted by the TACB on June 18, 1993.

(i) Incorporation by reference.

(A) TACB certification letter dated July 27, 1989, and signed by Allen Ell Bell, Executive Director, TACB.

(B) TACB certification letter dated January 9, 1991, and signed by Steve Spaw, Executive Director, TACB.

(C) TACB certification letter dated October 1, 1992, and signed by William Campbell, Executive Director, TACB.

(D) TACB certification letter dated July 13, 1993, and signed by William Campbell, Executive Director, TACB.

(95) Alternative emission reduction (bubble) plan for the Shell Oil Company’s Deer Park manufacturing complex submitted to the EPA by the Governor of Texas in a letter dated July 26, 1993.

(i) Incorporation by reference.

(A) TACB Order 93–11, as adopted by the TACB on June 18, 1993.


(ii) Additional material.


(B) TACB certification letter dated July 5, 1993, and signed by William R. Campbell, Executive Director, TACB.

(96) A revision to the Texas State Implementation Plan for Transportation Conformity: Regulation 30 TAC Chapter 114 “Control of Air Pollution from Motor Vehicles”, Section 114.27 “Transportation Conformity” as adopted by the Texas Natural Resource Conservation Commission (TNRCC) on October 19, 1994, was submitted by the Governor on November 6, 1994. No action is taken on a portion of 30 TAC 114.27(c) that contains provisions of 40 CFR 51.448.

(i) Incorporation by reference.

(A) The TNRRC 30 TAC Chapter 114 “Control of Air Pollution from Motor Vehicles”, 114.27 “Transportation Conformity” as adopted by the TNRCC on October 19, 1994. No action is taken on a portion of 30 TAC 114.27(c) that contains provisions of 40 CFR 51.448.
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(B) TNCC order No. 94–40 as passed and approved on October 12, 1994.
(ii) Additional material. None.


(i) Incorporation by reference.
(A) Revisions to TACB Regulation VI, 31 TAC Chapter 116, sections 116.2 and 116.10(a)(4), as adopted by the TACB on July 26, 1985.

(B) TACB Board Order No. 85–07, as adopted by the TACB on July 28, 1985.

(C) Amended TACB Regulation VI, 31 TAC Chapter 116, section 116.10(a)(3) as adopted by the TACB on July 17, 1987.

(D) TACB Board Order No. 87–09, as adopted by the TACB on July 17, 1987.

(E) Amended TACB Regulation VI, 31 TAC Chapter 116, sections 116.10(a)(1), 116.10(c)(1), 116.10(c)(1)(A), 116.10(c)(1)(B), 116.10(c)(1)(C) and 116.10(f), as adopted by the TACB on December 18, 1987.

(F) TACB Board Order No. 87–17, as adopted by the TACB on December 18, 1987.

(G) Amended TACB Regulation VI, 31 TAC Chapter 116, redesignation of section 116.1 to 116.1(a), revision to section 116.1(b), and redesignation of 116.10(a)(6) to 116.10(a)(7), as adopted by the TACB on July 15, 1988.

(H) TACB Board Order No. 88–08, as adopted by the TACB on July 15, 1988.

(I) Amended TACB Regulation VI, 31 TAC Chapter 116, sections 116.1(a), 116.5, 116.10(a)(7), 116.10(b)(1), 116.10(d), 116.11(e), 116.11(b)(3), 116.11(e), and 116.11(f), as adopted by the TACB on August 11, 1989.

(J) TACB Board Order No. 89–06, as adopted by the TACB on August 11, 1989.

(K) Amended TACB Regulation VI, 31 TAC Chapter 116, sections 116.1(c), 116.3(a)(1), 116.3(a)(1)(A), and 116.3(a)(1)(B), as adopted by the TACB on May 18, 1990.

(L) TACB Board Order No. 90–05, as adopted by the TACB on May 18, 1990.


(N) TACB Board Order No. 91–10, as adopted by the TACB on September 20, 1991.

(O) Revisions to TACB General Rules, 31 TAC Chapter 101 to add definitions of “actual emissions”; “allowable emissions”; “begin actual construction”; “building, structure, facility, or installation”; “commence”; “construction”; “de minimis threshold”; “emissions unit”; “federally enforceable”; “necessary preconstruction approvals or permits”; “net emissions increase”; “nonattainment area”; “reconstruction”; “secondary emissions”; and “synthetic organic chemical manufacturing process” and to modify definitions of “fugitive emission”; “major facility/stationary source”; and “major modification” (except for Table I), as adopted by the TACB on May 8, 1992.

(P) Amended TACB Regulation VI, 31 TAC Chapter 116, sections 116.3(a)(1), (3), (4), (5), (7), (8), (9), (10), (11), (12), and (13); 116.3(c)(1); and 116.11(b)(4), as adopted by the TACB on May 8, 1992.

(Q) TACB Board Order No. 92–06, as adopted by the TACB on May 8, 1992.

(R) Amended TACB Regulation VI, 31 TAC Chapter 116, sections 116.3(a)(7) and (10); 116.3(c); and 116.14 as adopted by the TACB on October 16, 1992.

(S) TACB Board Order No. 92–18, as adopted by the TACB on October 16, 1992.

(T) Amended TACB Regulation VI, 31 TAC Chapter 116, Table I, as adopted in section 116.012 by the TACB on August 16, 1993, is approved and incorporated into section 101.1 in lieu of Table I adopted May 8, 1992.

(U) TACB Board Order No. 93–17, as adopted by the TACB on August 16, 1993.

(ii) Additional materials—None.

(98)–(99) [Reserved]

(100) A revision to the Texas State Implementation Plan (SIP) to adopt an
alternate control strategy for the surface coating processes at the Bell Helicopter Textron, Incorporated (Bell) Plant 1 Facility.

(i) Incorporation by reference.

(a) Texas Natural Resource Conservation Commission Agreed Order for Docket No. 95–1642–SIP, issued and effective April 2, 1996, for Bell’s Plant 1 facility.

(b) A letter from the Governor of Texas dated April 18, 1996, submitting to the EPA the Agreed Order and the site-specific SIP revision for Bell.

(ii) Additional material.

(a) The site-specific revision to the Texas State Implementation Plan for Bell, dated January 16, 1996.

(b) The alternate reasonably available control technology demonstration prepared by Bell, dated December 1995.

(101) Revisions to Texas Natural Resource Conservation Commission Regulation II and the Texas State Implementation Plan concerning the Control of Air Pollution from Sulfur Compounds, submitted by the Governor by cover letters dated October 15, 1992 and September 20, 1995. These revisions relax the SO\(_2\) limit from 3.0 lb/MMBtu to 4.0 lb/MMBtu, and include Agreed Order No. 95–0583–SIP, which stipulates specific SO\(_2\) emission limit compliance methodologies for the Aluminum Company of America, located in Rockdale, Texas.

(i) Incorporation by reference.


(B) Revisions to 30 TAC Chapter 112, Section 112.8 ‘Allowable Emission Rates from Solid Fossil Fuel-Fired Steam Generators.’ Subsections 112.8(a) and 112.8(b) as adopted by the Texas Air Control Board on September 18, 1992, and effective on October 23, 1992.

(ii) Additional material.


(i) Incorporation by reference.

(A) TACB Board Order Number 93–17, as adopted by TACB on August 16, 1993.

(B) Recodified and revised Regulation VI—Control of Air Pollution by Permits for New Construction or Modification, as adopted by TACB on August 16, 1993. Repeal of 31 TAC Sections 116.3(a)(9), 116.3(a)(11), 116.3(a)(12), 116.3(14), and 116.11(b) (1)–(4); New Sections 116.160 introductory paragraph, 116.160 (a)–(d), 116.161, 116.162 introductory paragraph, 116.162 (1)–(4), 116.163 (a)–(e) and 116.141 (a),(c)–(e).

(C) Revisions to Regulation VI—Control of Air Pollution by Permits for New Construction or Modification: as adopted by Texas Natural Resource Conservation Commission (TNRCC) on August 16, 1993. New Section 116.010, definition of de minimis impact.

(D) Revision to General Rules, as adopted by Texas Natural Resource Conservation Commission (TNRCC) on August 16, 1993, Repeal Section 101.1 definition of de minimis impact.


(F) Revision to Regulation VI—Control of Air Pollution by Permits for New Construction or Modification, revised 30 TAC Section 116.160(a), as adopted by Texas Natural Resource Conservation Commission (TNRCC) on March 1, 1995.

(103) Revisions to the Texas SIP addressing VOC RACT Negative Declarations. A revision to the Texas SIP was submitted on January 10, 1996, which
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included negative declarations for various categories. Section 172(c)(1) of the Clean Air Act Amendments of 1990 requires nonattainment areas to adopt, at a minimum, the reasonably available control technology (RACT) to reduce emissions from existing sources. Pursuant to section 182(b)(2) of the Act, for moderate and above ozone nonattainment areas, the EPA has identified 13 categories for such sources and developed the Control Technique Guidelines (CTGs) or Alternate Control Techniques (ACTs) documents to implement RACT at those sources. When no major volatile organic compound (VOC) sources for a source category exist in a nonattainment area, a State may submit a negative declaration for that category. Texas submitted negative declarations for the areas and source categories listed in this paragraph (c)(103). For the Beaumont/Port Arthur region, negative declarations were submitted for the following eight categories: clean-up solvents, aerospace coatings, shipbuilding and repair, wood furniture, plastic part coatings-business machines, plastic part coatings-others, autobody refinishing, and offset lithography. For Dallas/Fort Worth, negative declarations were submitted for six categories: industrial wastewater, clean-up solvents, shipbuilding and repair, autobody refinishing, plastic part coatings-business machines, and offset lithography. For the Houston/Galveston area, negative declarations were submitted for seven categories: clean-up solvents, aerospace coatings, wood furniture, plastic part coatings-business machines, plastic part coatings-others, autobody refinishing, and offset lithography. For El Paso, negative declarations were submitted for nine categories: industrial wastewater, clean-up solvents, aerospace coatings, shipbuilding and repair, wood furniture, plastic part coatings-business machines, plastic part coatings-others, autobody refinishing, and offset lithography. This submittal satisfies section 182(b)(2) of the Clean Air Act Amendments of 1990 for these particular CTG/ACT source categories for the Texas ozone nonattainment areas stated in this paragraph (c)(103).

(i) Incorporation by reference. The letter dated January 10, 1996, from the Governor of Texas to the Regional Administrator, submitting the Post-1996 Rate of Progress Plan as a revision to the SIP, which included VOC RACT negative declarations.

(ii) Additional material. Pages 53, 55 through 59, 61, 63, and 64 of the Post-1996 Rate of Progress Plan, adopted by the Texas Natural Resource Conservation Commission on December 13, 1995.

(104) Revisions to the Texas State Implementation Plan, submitted to the EPA in letters dated November 13, 1993, May 9, 1994, August 3, 1994, and November 14, 1994. These control measures can be found in the 15 Percent Plans for the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso and Houston/Galveston ozone nonattainment areas. These control measures are being approved for the purpose of strengthening of the SIP.

(i) Incorporation by reference.

(A) Revisions to the General Rules as adopted by the Texas Natural Resource Conservation Commission on November 10, 1993; Section 101.1—New Definitions for Alcohol Substitutes (used in offset lithographic printing), Automotive basecoat/clearcoat system (used in automobile refinishing), Automotive precoat (used in automobile refinishing), Automotive pretreatment (used in automobile refinishing), Automotive specialty coatings (used in automobile refinishing), Automotive three-stage system (used in automobile refinishing), Batch (used in offset lithographic printing), Cleaning solution (used in offset lithographic printing), Fountain Solution (used in offset lithographic printing), Hand-held lawn and garden and utility equipment, Heatset (used in Offset lithographic Printing), HVLP spray guns, Industrial Solid Waste introductory paragraph and (A)–(C), Lithography (used in offset lithographic printing), Marine terminal, Marine vessel, Municipal solid waste facility, Municipal solid waste landfill, Municipal solid waste landfill emissions, Non-heatset (used in offset lithographic printing), Offset lithography, Sludge, Solid waste introductory paragraph and (A)–(C), Synthetic


(ii) Additional material.

(A) Appendix A of the Revision to the Texas SIP adopted by the Commission on November 9, 1994 concerning alternate means of control.

(105) Revisions to the Texas State Implementation Plan, submitted to EPA in letters dated January 11, 1995; July 12, 1995; November 10, 1995; January 10, 1996; March 13, 1996; August 9, 1996 and May 21, 1997. Sections 115.122(a)(3), 126(a)(5), 126(a)(4), 127(a)(5) and 129(2)–129(5) pertaining to bakeries, 115.140–115.149 pertaining to Industrial Wastewater, 115.421(a)(13) pertaining to wood coating, and 115.152–115.159 pertaining to municipal waste landfills retain their limited approval as revised in these SIP revisions because they strengthen the SIP. All other sections of these SIP revisions receive full approval.

(i) Incorporation by Reference.


(B) Revisions to Regulation V, as adopted by the Commission on January 4, 1995, effective on January 27, 1995, Sections 115.112(c), 115.112(c)(2)(A), 115.112(c)(3), 115.113(a), 115.113(b), 115.113(c), 115.115(a)(7), 115.115(b)(7), 115.116(a)(2), 115.116(a)(2)(A), 115.116(a)(2)(D), 115.117(c), 115.119 introductory paragraph, 115.121(b), 115.122(a)(4)(B), 115.123(a)(1), 115.127(a)(5)(C), 115.127(b)(2)(A), 115.143 introductory paragraph, 115.147(d), 115.149(a), 115.149(b), 115.159(a), 115.219(c).


(E) Certification dated May 24, 1995, that the copy of revisions to Regulation V adopted by the Commission on May 24, 1995, and submitted to EPA on July 12, 1995, is a true and correct copy of the document on file in the permanent records of the Commission.

(F) Revisions to Regulation V, as adopted by the Commission on October 25, 1995, effective November 20, 1995, Sections 115.131(a), 115.131(c), 115.132(c), 115.133(a), 115.133(b), 115.133(c), 115.135(a), 115.135(a)(5), 115.135(b), 115.135(d)(5), 115.137(a)(1), 115.137(a)(2), 115.137(a)(3), 115.137(c), 115.139 introductory paragraph.

(G) Certification dated October 25, 1995, that the copy of revisions to Regulation V adopted by the Commission on October 25, 1995, and submitted to EPA on November 10, 1995, is a true and correct copy of the document on file in the permanent records of the Commission.

(H) Revisions to Regulation V, as adopted by the Commission on December 6, 1995, effective December 28, 1995, Section 115.612(a)(1) (Table III).
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(I) Certification dated December 6, 1995, that the copy of revisions to Regulation V adopted by the Commission on December 6, 1995, and submitted to EPA on March 13, 1996, is a true and correct copy of the document on file in the permanent records of the Commission.

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(M) Revisions to Regulation V, as adopted by the Commission on July 24, 1996, effective August 16, 1996, that copies of revisions to General Rules and Regulation V adopted by The Commission on February 14, 1996, and submitted to EPA on March 13, 1996, are true and correct copies of documents on file in the permanent records of the Commission.

(N) Certification dated July 24, 1996, that the copy of revisions to Regulation V adopted by the Commission on July 24, 1996, and submitted to EPA on August 9, 1996, is a true and correct copy of the document on file in the permanent records of the Commission.

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115.137(a)(3), 115.137(b)(6), 115.137(c),
115.137(c)(4), 115.146(5), 115.147(5)(A),
115.147(5)(B), 115.147(5)(C), 115.149(b),
115.153 introductory paragraph,
115.156(3)(E)(1), 115.159(a), 115.159(b),
115.159(c), 115.211(a)(1), 115.211(a)(3),
115.212(a)(3), 115.212(a)(2), 115.212(a)(3),
115.212(a)(3)(C), 115.212(a)(3)(C)(i),
115.212(a)(4), 115.212(a)(5), 115.212(a)(6),
115.212(a)(6)(A), 115.212(a)(6)(B),
115.212(a)(6)(C), 115.212(a)(7),
115.212(a)(7)(A)–115.212(a)(7)(D),
115.212(a)(8), 115.212(a)(8)(A),
115.212(a)(8)(B), 115.212(a)(8)(B)(i),
115.212(a)(8)(B)(ii), 115.212(a)(8)(B)(iii),
115.212(a)(8)(C), 115.212(a)(8)(C)(i),
115.212(a)(8)(C)(ii), 115.212(a)(9),
115.212(a)(10), 115.212(a)(10)(A),
115.212(a)(10)(B), 115.214(a)(4),
115.214(a)(4)(E), 115.214(a)(5),
115.215(a)(8), 115.216(a), 115.216(a)(1),
115.216(a)(5), 115.216(b)(1),
115.217(a)(1), 115.217(a)(2), 115.217(a)(3),
115.217(a)(4), 115.217(a)(4)(A),
115.217(a)(4)(B), 115.217(a)(5),
115.217(a)(6)(D), 115.217(a)(7),
115.217(a)(7)(A)–115.217(a)(7)(E),
115.217(a)(8)(A)–115.217(a)(8)(B)(i),
115.217(a)(8)(B)(ii), 115.217(a)(8)(B)(iii),
115.217(b)(4)(B), 115.217(b)(5),
115.217(c)(2), 115.217(c)(4),
115.217(c)(4)(A)–115.217(c)(4)(D),
115.217(c)(5), 115.219(1), 115.219(4), 115.221 introductory paragraph.
115.222(7), 115.223 introductory paragraph, 115.226
introductory paragraph, 115.226
115.233 introductory paragraph, 115.256
introductory paragraph, 115.256
115.311(a)(1), 115.311(a)(1)(1), 115.311(b)(1),
115.312(a)(2), 115.312(a)(2)(A)–115.312(a)(2)(C),
115.312(b)(2)(A)–115.312(b)(2)(C),

(Q) Certification dated April 30, 1997, that copies of revisions to General Rules and Regulation V adopted by the Commission on April 30, 1997, and submitted to EPA on May 21, 1997, are true and correct copies of the SIP revisions on file in the permanent records of the Commission.

(R) Texas Natural Resource Conservation Commission order adopting amendments to the SIP; Docket Number 95–1198–RUL, issued December 19, 1995.

(ii) Additional Material.

(A) TNRC certification letter dated December 13, 1995, and signed by the Chief Clerk, TNRC that the attached are true and correct copies of the SIP revision adopted by the Commission on December 13, 1995.

(B) The following portions of the SIP narrative entitled Post–1996 Rate of Progress Plan for the Beaumont/Port Arthur and Houston/Galveston Ozone Nonattainment Areas Dated December 13, 1995: The section pertaining to Storage Tanks (pp. 41–47), the section pertaining to SOCMi Reactor and Distillation (p. 49) and the Section pertaining to Plastic Parts Coating (pp. 94–95).

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Plans” as adopted by the Texas Natural Resource Conservation Commission (TNRCC) on November 16, 1994, and July 9, 1997, was submitted by the Governor on November 22, 1994, and August 21, 1997, respectively.

(i) Incorporation by reference.


(B) TNRCC orders Docket No. 94–0709–SIP and 97–0143–RUL as passed and approved on November 16, 1994, and July 9, 1997, respectively.

(107) A revision to the Texas State Implementation Plan addressing the 15% Rate-of-Progress Plan requirements for the Beaumont/Port Arthur ozone nonattainment area was submitted by a cover letter from Governor George Bush dated August 9, 1996. This revision will aid in ensuring that reasonable further progress is made towards attaining the National Ambient Air Quality Standard (NAAQS) for ozone in the Beaumont/Port Arthur area. This submittal also contained revisions to the 1990 base year emissions inventory, Motor Vehicle Emission Budget, and contingency plan for the Beaumont/Port Arthur area.


(ii) Additional material.

(A) TNRCC certification letter dated July 24, 1996, and signed by Gloria Vasquez, Chief Clerk, TNRCC.

(B) The SIP narrative plan and tables entitled, “Revisions to the State Implementation Plan for the Control of Ozone Air Pollution,” as it applies to the Beaumont/Port Arthur area dated July 24, 1996.

(108) A revision to the Texas State Implementation Plan to adopt an alternate control strategy for the surface coating processes at Raytheon TI Systems, Inc., Lemmon Avenue Facility.

(i) Incorporation by reference.


(B) A letter from the Governor of Texas dated January 9, 1997, submitting the TI ARACT to the Regional Administrator.

(ii) Additional material. The document prepared by the Texas Natural Resource Conservation Commission titled “A Site-Specific Revision to the SIP Concerning the Texas Instruments Lemmon Avenue Facility.”

(109) [Reserved]

(110) Revision to the Texas State Implementation Plan adopted by the Texas Natural Resource Conservation Commission (TNRCC) on October 15, 1997, and submitted by the Governor on November 12, 1997, repealing the Perchloroethylene Dry Cleaning Systems regulations from the Texas SIP.


(ii) Additional materials.

(A) Letter from the Governor of Texas dated November 12, 1997, submitting amendments to 30 TAC Chapter 115 for approval as a revision to the SIP.

(111) Recodified and revised Regulation IV, 30 TAC Chapter 114 “Control of Air Pollution From Motor Vehicles” regulations of Texas submitted by the Governor on November 20, 1997, to reformat original Chapter 114 sections into seven new subchapters (A through G) and to remove original section 114.1(e), concerning leaded gasoline dispensing labeling requirements.

(i) Incorporation by reference.


(B) SIP narrative entitled “Revisions to 30 TAC Chapter 114 and to the State Implementation Plan (Reformatting of
(112) Revision to the Texas State Implementation Plan submitted by the Governor on January 10, 1996.

(i) Incorporation by reference.

(A) Texas Natural Resource Conservation Commission (TNRCC) General Rules (30 TAC Chapter 101), Section 101.2(b), adopted by TNRCC on December 13, 1995, effective January 8, 1996.

(B) TNRCC Docket No. 95–0849–RUL issued December 13, 1995, for adoption of amendments to 30 TAC Chapter 101, Section 101.2(b), regarding Multiple Air Contaminant Sources or Properties and revision to the SIP.

(ii) Additional materials. A letter from the Governor of Texas dated January 10, 1996, submitting revisions to 30 TAC Chapter 101, Section 101.2(b), for approval as a revision to the SIP.

(113) The Texas Natural Resource Conservation Commission submitted a revision to the State Implementation Plan (SIP) on August 9, 1996. This revision contained, among other things, 15% Rate-of-Progress plans for the Dallas/Fort Worth, El Paso and Houston/Galveston ozone nonattainment areas which will aid in ensuring the attainment of the National Ambient Air Quality Standards for ozone. This submittal also contained revisions to the 1990 base year emissions inventories, the associated Motor Vehicle Emission Budgets and contingency plans.


(ii) Additional material. TNRCC certification letter dated June 25, 1997, and signed by Gloria Vasquez, Chief Clerk, TNRCC.

(114) Recodified regulations of Texas Administrative Code, Title 30, Chapter 113, Subchapter B, controlling lead emissions from stationary sources, and submitted by the Governor in a letter dated August 21, 1997.

(i) Incorporation by reference.


(B) Texas Administrative Code, Title 30, Chapter 113, Subchapter B, entitled “Lead from Stationary Sources,” adopted by the TNRCC on July 9, 1997. Newly recodified sections 113.31, 113.32, 113.33, 113.34, 113.35, 113.36, 113.37, 113.41, 113.42, 113.43, 113.44, 113.45, 113.46, 113.47, 113.48, 113.52, 113.61, 113.62, 113.63, 113.64, 113.65, 113.66, 113.67, and 113.68.

(ii) Additional material. TNRCC certification letter dated June 25, 1997, and signed by Gloria Vasquez, Chief Clerk, TNRCC.

(115) [Reserved]

(116) A revision to the Texas State Implementation Plan (SIP) to include two modified Agreed Orders limiting sulfur dioxide (SO2) allowable emissions at two facilities in Harris County, submitted by the Governor by cover letter dated May 29, 1997.

(i) Incorporation by reference.

(A) TNRCC Docket No. 96–1188–AIR Order Modifying Commission Order No. 94–15 for Lyondel-Citgo Refining Company, LTD., as adopted by the TNRCC on June 29, 1994, and modified on July 31, 1996;


(ii) Additional material. TNRCC submittal to the EPA dated May 29, 1997, entitled, “Revisions to the SIP Concerning Sulfur Dioxide in Harris County.”

(117) Revisions to the Texas State Implementation Plan submitted to the EPA in a letter dated April 13, 1998. These revisions address Reasonably Available Control Technology for Wood
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Furniture coating operations and Ship
Building and Repair. The revisions also
address coating of oil and gas platforms at ship building and repair facilities.
(i) Incorporation by Reference.
(A) Revisions to Regulation V, as
adopted by the Commission on March
18, 1998, effective April 7, 1998, sections
115.10. Definitions—Introductory Paragraph, 115.420 Surface Coating Definitions, 115.420(a) General Surface Coating
Definitions,
114.420(a)(1)–
115.420(a)(10), 115.420(b) Specific surface
coating
definitions—Introductory
Paragraph, 115.420(b)(1), 115.420(b)(2),
115.420(b)(2)(A),
115.420(b)(2)(B),
115.420(b)(3)–115.420(b)(9), 115.420(b)(10),
115.420(b)(10)(A)–115.420(b)(10)(E),
115.420(b)(10)(F),
115.420(b)(10)(F)(i)–
115.420(b)(10)(F)(vii),
115.420(b)(10)(G),
115.420(b)(11),
115.420(b)(12),
115.420(b)(12)(A)–115.420(b)(12)(FF),
115.420(b)(13),
115.420(b)(13)(A),
115.420(b)(13)(A)(i), 115.420(b)(13)(A)(ii),
115.420(b)(13)(B),
115.420(b)(13)(B)(i)–
115.420(b)(13)(B)(ix),
115.420(b)(14),
115.420(b)(15),
115.420(15)(A),
115.420(15)(A)(i)–115.420(15)(A)(xi),
115.420(15)(B),
115.420(15)(B)(i)–
115.420(15)(B)(xix),
115.421(a),
115.421(a)(8),
115.421(a)(8)(B),
115.421(a)(8)(B)(i)–115.421(a)(8)(B)(ix),
115.421(a)(13),
115.421(a)(13)(A),
115.421(a)(13)(A)(viii),
115.421(a)(13)(A)(ix),
115.421(a)(14),
115.421(a)(14)(A),
115.421(a)(14)(A)(i),
115.421(a)(14)(A)(iii)(I)–
115.421(a)(14)(A)(iii)(III),
115.421(a)(14)(B),
115.421(a)(15),
115.421(a)(15)(A),115.421(a)(15)(B),
115.421(b), 115.422. Control Requirements—Introductory
Paragraph,
115.422(2),
115.422(3),
115.422(3)(A),
115.422(3)(B),
115.422(3)(C),
115.422(3)(C)(i),
115.422(3)(C)(ii),
115.422(3)(C)(ii)(I),
115.422(3)(C)(ii)(II),
115.422(3)(C)(iii)–115.422(3)(C)(v),
115.422(3)(C)(vi),
115.422(3)(C)(vi)(I),
115.422(3)(vi)(II),
115.422(3)(D),
115.422(3)(E),
115.422(3)(E)(i),
115.422(3)(E)(ii), 115.422(4), 115.422(4)(A)–
115.422(4)(C), 115.422(5), 115.422(5)(A),
115.422(5)(B),
115.423(a),
115.423(a)(1),
115.423(a)(2),
115.423(b),
115.423(b)(1),

115.423(b)(2),
115.426(a),
115.426(a)(1),
115.426(a)(1)(B),
115.426(a)(1)(B)(i),
115.426(a)(1)(B)(ii),
115.426(a)(2),
115.426(a)(2)(A),
115.426(a)(2)(A)(i),
115.426(b), 115.426(b)(1), 115.426(b)(1)(B),
115.426(b)(2),
115.426(b)(2)(A),
115.426(b)(2)(A)(i),
115.427(a),
115.427(a)(1),
115.427(a)(1)(B),
115.427(a)(1)(C),
115.427(a)(3),
115.427(a)(3)(A),
115.427(a)(3)(B),
115.427(b), 115.427(b)(4), 115.429(a), and
115.429(b).
(B) Certification Dated March 18, 1998
that these are true and correct copies
of revisions to 30 TAC Chapter 115 and
the SIP.
(118)–(119) [Reserved]
(120) Revisions submitted by the Governor on May 29, 1997, June 23, 1998, and
December 22, 1998, that change the definition of ‘‘primarily operated,’’ commit to on-board diagnostic testing, remove the test-on-resale of vehicles subject to the inspection and maintenance
program, and provide the legal authority for denial of re-registration of vehicles that have not complied with the I/
M program requirements, and the establishment of a class C misdemeanor
penalty for operating a grossly polluting vehicle in a nonattainment area.
(i) Incorporation by reference:
(A) Narrative of State Implementation Plan revision submitted May 29,
1997, by the Governor.
(B) Narrative of State Implementation Plan revision submitted June 23,
1998, by the Governor.
(C) Letter from the Governor dated
December 22, 1998, submitting Senate
Bill 1856.
(ii) Additional material:
(A) Senate Bill 1856.
(B) Memorandum of Agreement between the Texas Natural Resource Conservation Commission and the Texas
Department of Public Safety adopted
November 20, 1996, and signed February
5, 1997.
(121) Revisions submitted by the Governor on July 13, 2000, that remove approval of the Alternate Reasonably
Available Control Technology (ARACT)
for Lockheed Corporation, Bell Helicopter Textron, Incorporated; Bell

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§ 52.2300 [Reserved]

§ 52.2301 Federal compliance date for automobile and light-duty truck coating. Texas Air Control Board Regulation V (31 TAC chapter 115), control of air pollution from volatile organic compound, rule 115.191(1)(8)(A), is approved as meeting the requirements of part C, Clean Air Act for preventing significant deterioration of air quality.

(a) The requirements of section 110 of the Clean Air Act are not met regarding the final compliance date, as found in TACB rule 115.191(a)(8)(A), for the requirements of TACB Rule 115.191(a)(8)(A).

(b) TACB adopted revisions to rule 115.191(a)(8)(A) on October 14, 1988, and submitted them to EPA on December 13, 1988. Prior to the submittal, automobile and light-duty truck coating operations were to have complied with final control limits of § 115.191(a)(8)(B) of the federally approved State Implementation Plan (SIP), by December 31, 1986. In the December 13, 1988, submittal, the final control limits had been moved to § 115.191(a)(8)(A) and had been given a new extended compliance date of December 31, 1987. EPA does not recognize the later compliance data and retains the original compliance date for the final emission limits of December 31, 1986. The owner or operator of an automobile and light-duty truck coating operation shall comply with the requirements of TACB rule 115.191(a)(8)(A) no later than December 31, 1986.

[56 FR 40257, Aug. 14, 1991]

§ 52.2302 [Reserved]

§ 52.2303 Significant deterioration of air quality.

(a) The plan submitted by the Governor of Texas on December 11, 1985 (as adopted by TACB on July 26, 1985), October 26, 1987 (as revised by TACB on July 17, 1987), September 29, 1988 (as revised by TACB on July 15, 1988), February 18, 1991 (as revised by TACB on December 14, 1990), May 13, 1992 (as revised by TACB on May 8, 1992), August 31, 1993 (as recodified, revised and adopted by TACB on August 16, 1993), July 12, 1995 (as revised on March 1, 1995) containing Regulation VI—Control of Air Pollution for New Construction or Modification, Sections 116.010, 116.141 and 116.160–116.163; the Prevention of Significant Deterioration (PSD) Supplement document, submitted by the Governor on October 26, 1987 (as adopted by TACB on July 17, 1987); revision to General Rules, Rule 101.20(3), submitted by the Governor on December 11, 1985 (as adopted by TACB on July 26, 1985), is approved as meeting the requirements of part C, Clean Air Act for preventing significant deterioration of air quality.

(b) The plan approval is partially based on commitment letters provided by the Executive Director of the Texas Air Control Board, dated September 5, 1989 and April 17, 1992.

(c) 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(b) through (w) are hereby adopted and made a part of the applicable implementation plan and are applicable to sources located on land under the control of Indian governing bodies.

(d) The requirements of section 160 through 165 of the Clean Air Act are not met for new major sources or major modifications to existing stationary sources for which applicability determinations would be affected by dockside emissions of vessels. Therefore, the provisions of § 52.21(b) through (w) are hereby adopted and made a part of the applicable implementation plan and are applicable to such sources.


§ 52.2304 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.
§ 52.2305  (b) Regulation for visibility monitoring. The provisions of §52.26 are hereby incorporated and made a part of the applicable plan for the State of Texas.


§ 52.2306 Particulate Matter (PM$_{10}$) Group II SIP commitments.

On July 18, 1988, the Governor of Texas submitted a revision to the State Implementation Plan (SIP) that contained 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. The Texas Air Control Board adopted these revisions on May 13, 1988. The State of Texas has committed to comply with the PM$_{10}$ Group II SIP requirements, as articulated in the FEDERAL REGISTER notice of July 1, 1987 (52 FR 24670), for the defined areas of Dallas, Harris, Lubbock, and Nueces counties as provided in the Texas PM$_{10}$ Group II SIPs. In addition to the SIP, a letter from the Governor of Texas, dated July 18, 1988, stated that:

* * * In the July 1, 1987 issue of the FEDERAL REGISTER, the U.S. Environmental Protection Agency announced the requirement that each state submit a committal SIP for PM$_{10}$ Group II areas instead of full control strategies. States were also required to submit demonstrations of attainment and maintenance of the PM$_{10}$ National Ambient Air Quality Standards. The TACB is committed to carrying out the activities contained in the enclosed proposed SIP to satisfy those requirements * * *.

[54 FR 25586, June 16, 1989]

§ 52.2308 Area-wide nitrogen oxides (NO$_x$) exemptions.

(a) The Texas Natural Resource Conservation Commission (TNRCC) submitted to the EPA on June 17, 1994, a petition requesting that the Dallas ozone nonattainment area be exempted from the NO$_x$ control requirements of section 182(f) of the Clean Air Act (CAA) as amended in 1990. The Dallas nonattainment area consists of Dallas, Tarrant, Denton, and Collin counties. The exemption request was based on a photochemical grid modeling which shows that the Dallas nonattainment area would attain the National Ambient Air Quality Standards (NAAQS) for ozone by the CAA mandated deadline without the implementation of the additional NO$_x$ controls required under section 182(f). On November 21, 1994, the EPA conditionally approved this exemption request, conditioned upon the EPA approving the modeling portion of the Dallas attainment demonstration SIP.

(b) The TNRCC submitted to the EPA on June 17, 1994, a petition requesting that the El Paso ozone nonattainment area be exempted from the NO$_x$ control requirements of section 182(f) of the Clean Air Act (CAA) as amended in 1990. The El Paso nonattainment area consists of El Paso county, and shares a common airshed with Juarez, Mexico. The exemption request was based on a photochemical grid modeling which shows that the El Paso nonattainment area would attain the NAAQS for ozone by the CAA mandated deadline without the implementation of the additional NO$_x$ controls required under section 182(f). On November 21, 1994, the EPA conditionally approved this exemption request, conditioned upon the EPA approving the modeling portion of the El Paso attainment demonstration SIP.

(c) The Texas Natural Resource Conservation Commission submitted to the...
EPA on May 4, 1994, a petition requesting that the Victoria County incomplete data ozone nonattainment area be exempted from the requirement to meet the NO\textsubscript{X} provisions of the Federal transportation conformity rule. The exemption request was based on monitoring data which demonstrated that the National Ambient Air Quality Standard for ozone had been attained in this area for the 35 months prior to the petition, with the understanding that approval of the State’s request would be contingent upon the collection of one additional month of data. The required additional month of verified data was submitted later and, together with the data submitted with the State’s petition, demonstrated attainment of the NAAQS for 36 consecutive months. The EPA approved this exemption request on March 2, 1995.

(d) The TNRCC submitted to the EPA on August 17, 1994, with supplemental information submitted on August 31, 1994, and September 9, 1994, a petition requesting that the Houston and Beaumont ozone nonattainment areas be temporarily exempted from the NO\textsubscript{X} control requirements of section 182(f) of the CAA. The Houston nonattainment area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties. The Beaumont nonattainment area consists of Hardin, Jefferson, and Orange counties. The exemption request was based on photochemical grid modeling which shows that reductions in NO\textsubscript{X} would not contribute to attaining the ozone NAAQS. On April 12, 1995, the EPA approved the State’s request for a temporary exemption. Approval of the temporary exemption waives the federal requirements for NO\textsubscript{X} Reasonably Available Control Technology (RACT), New Source Review (NSR), I/M, and vehicle inspection and maintenance (I/M) for the period of the temporary exemption. The temporary exemption automatically expires on December 31, 1996, without further notice from the EPA. Based on the rationale provided in the notice of proposed rulemaking on this action, upon the expiration of the temporary exemption, the requirements pertaining to NO\textsubscript{X} RACT, NSR, conformity, and I/M will again become applicable, except that the NO\textsubscript{X} RACT implementation date applicable to the Houston and Beaumont nonattainment areas under section 182(f) shall be as expeditiously as practicable but no later than May 31, 1997, unless the State has received a permanent NO\textsubscript{X} exemption from the EPA prior to that time.

(e) The TNRCC submitted to EPA on March 6, 1996, a petition requesting that the Houston/Galveston and Beaumont/Port Arthur ozone nonattainment areas be granted an extension to a previously-granted temporary exemption from the NO\textsubscript{X} control requirements of sections 182(f) and 182(b) of the Clean Air Act. The temporary exemption was granted on April 19, 1995. The current petition is based on the need for more time to complete UAM to confirm the need for, and the extent of, NO\textsubscript{X} controls required. On May 23, 1997, EPA approved the State’s request for an extension to the temporary exemption. The temporary extension automatically expires on December 31, 1997, without further notice from EPA. Upon expiration of the extension, the requirements pertaining to NO\textsubscript{X} RACT, NSR, I/M, and transportation conformity will become applicable, except that the NO\textsubscript{X} RACT compliance date shall be implemented as expeditiously as practicable, but no later than May 31, 1999, unless the State has received a contingent NO\textsubscript{X} exemption from the EPA prior to that time.

(f) The extension of the temporary exemption from NO\textsubscript{X} control requirements of sections 182(f) and 182(b) of the Clean Air Act for the Houston/Galveston and Beaumont/Port Arthur ozone nonattainment areas granted on May 23, 1997, expired December 31, 1997. Upon expiration of the extension, the requirements pertaining to NO\textsubscript{X} RACT, NSR, I/M, and general and transportation conformity will become applicable and the State is expected to implement the requirements as expeditiously as possible.

(g) The Texas Natural Resource Conservation Commission submitted a letter to EPA requesting rescission of the previously-granted conditional exemption from the NO\textsubscript{X} control requirements of section 182(f) of the Act for...
§ 52.2309 Emissions inventories.

(a) The Governor of the State of Texas submitted the 1990 base year emission inventories for the Houston/Galveston (HGA), Beaumont/Port Arthur (BPA), El Paso (ELP), and Dallas/Fort Worth (DFW) ozone nonattainment areas on November 17, 1992 as a revision to the State Implementation Plan (SIP). 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 each of these areas.

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

(c) The HGA nonattainment area is classified as Severe-17 and includes Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties; the BPA nonattainment area is classified as Serious and includes Hardin, Jefferson, and Orange Counties; the ELP nonattainment area is classified as Moderate and includes El Paso County; and the DFW nonattainment area is classified as Moderate and includes Collin, Dallas, Denton, and Tarrant Counties.

(d) The Texas Natural Resource Conservation Commission submitted State Implementation Plan revisions to the 1990 base year emission inventory for the Beaumont/Port Arthur area with a cover letter from the Governor of Texas dated August 9, 1996.

(e) The Texas Natural Resource Conservation Commission submitted a revision to the State Implementation Plan (SIP) on August 9, 1996. This revision was submitted for the purpose of satisfying the 15% Rate-of-Progress requirements of the Clean Air Act, which will aid in ensuring the attainment of the National Ambient Air Quality Standards for ozone. This submittal also contained revisions to the 1990 base year emissions inventories for the Dallas/Fort Worth, El Paso and Houston/Galveston areas.

(f) The Texas Natural Resource Conservation Commission submitted a revision to the State Implementation Plan (SIP) on May 19, 2000. This revision was submitted for the purpose of satisfying the 9 percent Rate-of-Progress requirements of the Clean Air Act, which will aid in ensuring the attainment of the National Ambient Air Quality Standards for ozone. This submission also contained revisions to the 1990 base year emissions inventory for the Houston/Galveston areas.

§ 52.2311 Motor vehicle antitampering.

The State of Texas submitted revisions to the State Implementation Plan for 30 TAC Chapter 114, sections 114.1 "Maintenance and Operation of..."
Environmental Protection Agency

Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles and September 6, 1990, and July 13, 1993. The EPA disapproved these revisions that relate to Statewide antitampering provisions and exemptions to antitampering provisions for motor vehicles or motor vehicle engine emission control systems because the State’s antitampering rules are not consistent with the Act, section 203(a)(3) and EPA’s antitampering prohibitions as outlined in EPA’s antitampering enforcement policy, Mobile Source Enforcement Memorandum No. 1A.

Subpart TT—Utah

§ 52.2320 Identification of plan.

(a) Title of plan: “Utah 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. Clarifications of the plan relating to particulate regulations, CO and NO₂ control strategies, new source review, emergency episodes, availability of emission data, and source surveillance submitted May 18, 1972, by State Division of Health.

2. Revision of State new source review regulation, section 1.3.3 of the Utah Code of Air Conservation Regulations, submitted on September 13, 1972, by the Governor.

3. Transportation control plan submitted April 13, 1973, by the Governor.

4. Reenacted legislation providing for public availability of emission data submitted on June 13, 1974, by the State Division of Health.

5. The Revised Utah Air Conservation Regulations on July 10, 1975, by the Governor.

6. Provisions to meet the requirements of Part D and other sections of the Clean Air Act, as amended in 1977, were submitted on December 28, 1978, by the Governor.

7. On November 5, 1979, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR part 58, subpart C, §58.20.

8. Provisions to meet the transportation control requirements of Part D and other sections of the Clean Air Act, as amended in 1977, were submitted on November 5, 1979, and August 11, 1980, by the Governor.


10. Provisions to meet the requirements of Part C of the Clean Air Act, as amended in 1977, were submitted on August 17, 1981.

11. Provisions to meet the requirements of section 127 and Part D for carbon monoxide and ozone were submitted on August 11, 1980.

12. Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for particulates and volatile organic compounds, were submitted on April 8, 1981.

13. Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for particulates were submitted on March 1, 1982.

14. A revision to the definition of volatile organic compound was submitted on April 29, 1982.

15. Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for carbon monoxide in Provo and Ogden, Utah were submitted on September 20, 1982.

16. Additional information regarding stack monitoring at the main stack at the Kennecott Copper Smelter in Salt Lake City was submitted on December 27, 1982, and February 3, 1984.

17. Provision to meet the requirements of Part D of the Clean Air Act as amended in 1977 providing for implementing automobile inspection and maintenance in Salt Lake and Davis Counties were submitted on December 9, 1983, December 19, 1983, February 6, 1984, and March 1, 1984. A revision providing for the commitment to adopt regulations for VOC sources covered by future CTG’s (Group III) was submitted on February 6, 1984.

18. A revision to the SIP was submitted by the Governor for attainment of the SO₂ standard on August 17, 1981.

(19) A revision to the SIP was submitted by the Governor on April 26, 1985, for visibility monitoring and new source review.

(i) Incorporation by reference.
(A) Letter dated April 26, 1985, from Governor Norman Bangerter submitting the Utah Visibility SIP and Regulations.
(B) The Visibility SIP and the Utah Air Conservation Regulations 1.1.7 and 3.11.1 were adopted on April 15, 1985 referred to in the Governor’s letter as April 12, 1985.

(20) A revision to the SIP was submitted by the Governor on December 12, 1985, for attainment of the CO standard in Utah County.

(i) Incorporation by reference.
(A) Letter and attachments dated December 12, 1985, from Governor Norman H. Bangerter submitting the SIP Revision for attainment of NAAQS for CO in Utah County. The attachments included Section 9, Part C; Section 9, Appendices A, C, H, and I; and Technical Support Document—Provo.

(ii) Additional material.
(A) Letter dated May 8, 1986, from Brent C. Bradford to Irwin Dickstein; Re: Response to questions on I/M with anti-tampering program.

(21) A revision to the SIP was submitted by the Governor on December 11, 1987, for visibility general plan requirements and long-term strategies.

(i) Incorporation by reference.
(A) Letter dated December 2, 1988, from the Utah Bureau of Air Quality to the U.S. Environmental Protection Agency, Region VIII.

(B) A revised section 16, Visibility Protection, of the Utah SIP was adopted on November 12, 1987, except for the first three paragraphs of §16.1, the fifth and sixth paragraph of §16.4, and the second and third paragraphs of §16.5.

(22) In a letter dated May 2, 1986, the Governor submitted revisions to the Utah Air Conservation Regulations addressing GEP stack heights/dispersion techniques and a new Section 17 to the SIP addressing GEP stack height demonstration analysis.

(i) Incorporation by reference.
(A) Revisions to the Utah Air Conservation Regulations adopted April 18, 1986. The revisions consist of adding stack height definitions (UACR 1.1.128 through UACR 1.1.133) and updating stack height exemptions (UACR 3.8).
(B) Stack height demonstration analysis submitted by the State in a letter dated May 2, 1986.

(23) On May 2, 1991 the Governor of Utah submitted revisions to the plan. The revisions include amendments to the prevention of significant deterioration (PSD) portion of the plan to incorporate the nitrogen dioxide (NO₂) increments, and several “housekeeping” changes to definitions, new source review, and PSD regulations.

(i) Incorporation by reference.
(A) Revisions to the Utah Air Conservation Regulations, section R446–1–1, Foreword and Definitions, section R446–1–3, Control of Installations, and section R446–2–1, Utah State Implementation Plan Incorporation by Reference, effective January 1, 1991.
(B) Letter dated May 1, 1991, from Kenneth Hansen of the Utah Division of Administrative Rules to Dave McNeill of the Utah Bureau of Air Quality, confirming a codification change to paragraph R446–1–3.6.5, effective May 1, 1991. This letter contains a reprinted version of R446–1–3.6.5.

(ii) Additional material.
(A) February 26, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Conservation Committee, to Douglas M. Skie, EPA, transmitting administrative materials for the SIP revision.

(24) On May 4, 1990, and July 25, 1991, the Governor of Utah submitted revisions to the plan. The revisions include amendments to the ozone nonattainment area regulations for stationary sources of volatile organic compounds (VOCs), contained within Regulation R446–1–4.9 of the Utah Air Conservation.
Regulations, “Emission Standards. Non-Attainment Area Requirements—Ozone,” and the definitions applicable to the VOC regulations, contained within Regulation R446–1, “Foreword and Definitions.” The amendments were made to conform Regulations R446–1 and R446–4.9 to statutory requirements for application of reasonably available control technology (RACT) to stationary sources of VOC’s, as required by section 182(a)(2)(A) of the 1990 Clean Air Act, and to improve the clarity and enforceability of the regulations.

(i) Incorporation by reference. (A) Revisions to the following Utah Air Conservation Regulations, Section R446–1, Foreword and Definitions, effective January 1, 1991: R446–1.10, 1.16, 1.40, 1.60, 1.109, 1.126, 1.140, 1.150, 1.151, 1.159, 1.160, 1.161, 1.162, 1.163, 1.164, 1.165, 1.166, 1.167, 1.168, 1.169, 1.170, 1.171, 1.172, 1.173, 1.174, 1.175, 1.176, 1.177, 1.178, 1.180, 1.182, 1.183, 1.184.

(B) Revisions to the following rules of R446–1.4.9, Emission Standards. Non-Attainment Area Requirements—Ozone, effective June 15, 1991: 4.9.A through 4.9.E were added (disposal of VOCs; requirements for EPA concurrence on alternative test methods, alternative methods of control, alternative compliance periods, alternative emission limits, or alternative monitoring schedules; recordkeeping and reporting requirements; RACT requirements for major non-CTG sources; “once-in, always-in” requirements; and allowance for exclusion of non-reactive VOC’s); revisions to 4.9.1 (Petroleum Liquid Storage), 4.9.2 (Gasoline Transfer/Storage), 4.9.3 (Control of Hydrocarbon Emissions in Refineries), 4.9.4 (Degreasing and Solvent Cleaning Operations), 4.9.5 (Cutback Asphalt), 4.9.6 (Volatile Organic Compounds Used for Coating Paper, Fabric, Vinyl, Metal Furniture, Large Appliances, Magnet Wire, Flat Wood Paneling, Miscellaneous Metal Parts and Products, and Graphic Arts), 4.9.7 (Perchloroethylene Dry Cleaning Plants), 4.9.8 (Compliance Schedule); 4.9.9 (Compliance Schedule) was deleted.

(ii) Additional material. (A) May 9, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Conservation Committee, to Douglas Skie, EPA. This letter provided final changes to R446–1.4.9, indicated that these changes would become effective on June 15, 1991, and indicated that the State would submit the Ozone SIP revision package to EPA after the changes become effective.

(B) July 25, 1991, letter from Norman H. Bangerter, Governor, State of Utah, to James Scherer, EPA. Official SIP submittal, transmitting revised Regulation R446–1.4.9, and other administrative materials. This letter provided a negative declaration for seven CTG source categories: large petroleum dry cleaners, manufacturers of high density polyethylene, polypropylene, poly-styrene resins, manufacturers of synthesized pharmaceutical products, manufacturers of pneumatic rubber tires, natural gas/gas processing plants, and synthetic organic chemical manufacturing industries (SOCMI) with fugitive emissions and/or air oxidation processes.

(C) September 5, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Quality Board, to James Scherer, EPA. This letter provided a negative declaration for three CTG source categories: surface coating of metal coils, and surface coating of automobiles and light duty trucks.

(D) January 30, 1992, letter from F. Burnell Cordner, Executive Secretary, Utah Air Quality Board, to Doug Skie, EPA. This letter contained the State’s commitment to conduct capture efficiency testing using the most recent EPA capture efficiency protocols, and the commitment to adopt federal capture efficiency test methods after they are officially promulgated by EPA.

(25) The Governor of Utah submitted a PM10 State Implementation Plan (SIP) for Salt Lake and Utah Counties, Utah with a letter dated November 15, 1991. The submittals were made to satisfy those moderate PM10 nonattainment area SIP requirements due for Salt Lake and Utah Counties as outlined in the Clean Air Act of 1990. The Governor’s submittal also included revisions to the Utah Air Quality Rules and to other sections of the State-wide SIP. The Utah Air Conservation Regulations have been revised and renumbered over the past decade and are
being replaced in its entirely with this Governor's submittal.

(i) Incorporation by reference.
(B) Utah State Implementation Plan, Section 1–7 and 10–15, effective March 31, 1992.
(C) Utah State Implementation Plan, Section 9, Part A and Section 9, Part A, Appendix A effective August 14, 1991.

26. On November 9, 1992, Norman Bangerter, the Governor of Utah, submitted a SIP revision to the Utah Implementation Plan and Utah Air Conservation Regulations. This revision establishes and requires the implementation of oxygenated fuel programs in Provo-Orem and Salt Lake-Ogden Metropolitan Statistical Areas as required by section 211(m) of the Clean Air Act Amendments of 1990.

(i) Incorporation by reference.
(A) R307–8; Oxygenated Gasoline Program, of the Utah Air Conservation Regulations as adopted by the State, effective December 16, 1993.

(ii) Additional materials.
(A) Letter dated November 9, 1992, from Governor Norman Bangerter submitting the oxygenated gasoline program SIP revision.
(B) Letter dated May 19, 1994, from Governor Michael O. Leavitt submitting the oxygenated gasoline program SIP revision.

27. The Governor of Utah submitted a Section 16, Stack Height Demonstration and Section 9, Part B, Sulfur Dioxide of the Utah State Implementation Plan (SIP) a letter dated December 23, 1991, and May 15, 1992, respectively. The Governor's submittal also included statewide SO2 regulations.

(i) Incorporation by reference.
(A) Utah State Implementation Plan, Section 16, effective December 16, 1991.
(B) Utah State Implementation Plan, Section 9, Part B effective June 15, 1992.

28. On November 12, 1993, the Governor of Utah submitted revisions to its permitting requirements to satisfy the nonattainment new source review provisions in the amended Clean Air Act for all of its nonattainment areas. On May 20, 1994, the Governor of Utah submitted a revision to Utah's definition of volatile organic compounds.

(i) Incorporation by reference.


(ii) Additional material.
(A) Letter dated October 18, 1994 from Russell A. Roberts to Douglas M. Skie clarifying applicability of Utah's nonattainment new source review permitting requirements.

29. Revisions to the Utah State Implementation Plan for the 1990 Carbon Monoxide Base Year emission inventories for Ogden City, Salt Lake City, and Utah County were submitted by the Governor in a letter dated July 11, 1994.

(i) Incorporation by reference.
(A) Carbon Monoxide 1990 Base Year Emission Inventories for Ogden City, Utah SIP, Section IX, Part C.3., Table IX.C.5; Salt Lake City, Utah SIP, Section IX, Part C.3., Table IX.C.4; and Utah County, Utah SIP, Section IX, Part C.6., Table IX.C.10 all of which became effective on August 31, 1994.

30. On November 9, 1992, the Governor of Utah submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Utah State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.
(A) Utah Code, Title 19, Chapter 2, Air Conservation Act, Sections 19–2–109.1 and 19–2–109.2, to establish and fund a small business stationary source...
technical and environmental compliance assistance program, effective April 27, 1992.

(ii) Additional materials.
(A) November 9, 1992 letter from the Governor of Utah submitting a Small Business Assistance Program plan to EPA.
(B) The State of Utah plan for the establishment and implementation of a Small Business Assistance Program, promulgated September 30, 1992 by the Utah Air Quality Board, effective December 1, 1992.

(31) On February 1, 1995, the Governor of Utah submitted revisions to the prevention of significant deterioration permitting regulations in R307–1 and R307–1–3 of the Utah Air Conservation Regulations to incorporate changes in the Federal PSD permitting regulations for PM-10 increments and to make other minor, administrative changes.

(i) Incorporation by reference.
(A) Revisions to the Utah Air Conservation Regulations, R307–1–1, the definitions of “baseline area,” “baseline date,” “net emissions increase,” and “significant,” effective 9/22/94, printed 10/24/94.

(32)–(33) [Reserved]

(34) Revisions to the Utah State Implementation Plan for the Emission Statement Inventory regulation, UACR R307–1–3.5.4., revision of the ozone nonattainment area designation definition, UACR R307–1–3.3.3C, and other minor changes to definitions in UACR R307–1–1. were submitted by the Governor in a letter dated November 12, 1993.

(i) Incorporation by reference.
(A) Emission Statement Inventory regulation, UACR R307–1–3.5.4, ozone nonattainment area designation definition, UACR R307–1–3.3.3C, and the following definitions in UACR R307–1–1: “Control Apparatus”, “Emissions Information”, “Peak Ozone Season”, “Process Level”, and “Process Rate”.

All were adopted on August 4, 1993, and became effective on November 15, 1993.
(B) A letter dated May 30, 1995, from Russell Roberts, Director, Utah Division of Air Quality to Douglas Skie, Chief, Air Programs Branch for Region 8.

(35) [Reserved]

(36) The Governor of Utah submitted a revision to Utah’s State Implementation Plan (SIP) for Visibility Protection with a letter dated July 25, 1996. The revision was made to add a new subsection 15.10 to the SIP to include a policy statement regarding scenic views which was deleted from the Utah Air Conservation Regulations.

(i) Incorporation by reference.

(ii) Additional material.
(A) A July 25, 1996 letter from Michael O. Leavitt, Utah Governor, to Jack McGraw, EPA Region VIII Acting Regional Administrator, in which it was communicated, among other things, that the Utah Air Quality Board deleted R307–5 from the Utah Air Conservation Regulations. The deletion was effective March 29, 1996.

(37) On November 20, 1996, the Governor of Utah submitted a revision to the Utah State Implementation Plan. The submittal included a new Utah regulation which incorporates by reference the Federal new source performance standards in 40 CFR part 60, as in effect on March 12, 1996.

(i) Incorporation by reference.

(38) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone; Section X, Vehicle Inspection and Maintenance Program, Part A. General Requirements and Applicability; Section X, Vehicle Inspection and Maintenance Program, Part
(i) Incorporation by reference.
(A) UACR R307–2–13 adopted by the Utah Air Quality Board on January 8, 1997, effective March 4, 1997, including Section IX, Part D.2 of the Utah State Implementation Plan (SIP) that such rule incorporates by reference Ozone Maintenance Provisions for Salt Lake and Davis Counties, adopted by the Utah Air Quality Board on January 8, 1997, and excluding any other provisions that such rule incorporates by reference.
(D) UACR R307–2–31, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part B of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Davis County.
(G) UACR R307–1–3.3.3.C., a portion of Control of Installations, as adopted by the Utah Air Quality Board on January 8, 1997, effective January 15, 1997.
(H) UACR R307–1–3.5.3.B.(1), a portion of Emission Statement Inventory regulation, as adopted by the Utah Air Quality Board on January 8, 1997, effective January 15, 1997.
(i) UACR R307–14–1, Requirements for Ozone Nonattainment Areas and Davis and Salt Lake Counties, adopted by the
Utah Air Quality Board on August 9, 1995, effective on August 15, 1995.

(39) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide as submitted by the Governor on December 6, 1996 (with minor mathematical corrections submitted by the Utah Division of Air Quality on August 12, 1998), excluding Section IX, Part C.7.f.(3) of the plan, “Emissions Credit Allocation,” as EPA is not taking any action on that section of the plan. UACR R307–1–3.3 Revisions for Nonattainment and Maintenance Areas—New and Modified Sources; as submitted by the Governor on November 24, 1995.

(i) Incorporation by reference.

(A) UACR R307–2–12, adopted by the Utah Air Quality Board on August 7, 1996 and September 4, 1996, effective November 1, 1996, as modified through a notice of nonsubstantive rule change dated July 14, 1998, effective July 27, 1998, to correct minor mathematical errors in Section IX, Part C.7.f.(2) of the Utah State Implementation Plan (SIP). UACR R307–2–12 incorporates by reference a number of provisions of the Utah SIP, only some of which are relevant to this rulemaking action. EPA’s incorporation by reference of UACR R307–2–12 only extends to the following Utah SIP provisions and excludes any other provisions that UACR R307–2–12 incorporates by reference:


(B) UACR R307–1–3.3, a portion of Requirements for Nonattainment and Maintenance Areas—New and Modified Sources, as adopted by the Utah Air Quality Board on October 4, 1995, December 6, 1995, effective January 31, 1996.

(ii) Additional material.

(A) February 19, 1998, letter from Ursula Trueman, Director, Utah Division of Air Quality, Department of Environmental Quality to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, entitled “DAQS–0188–98; Technical Support Documents—Ogden City and Salt Lake City CO Maintenance Plans.” This letter confirmed that all the emission projections, contained in the technical support documents for both the Salt Lake City and Ogden City redesignation requests, were properly adopted by the Utah Air Quality Board in accordance with the Utah Air Quality Rules.

minor wording revisions which were made to UACR R307–6–1 regarding VOC emissions from air strippers and soil venting operations. The revision submitted November 20, 1996 also repealed UACR R307–14–8 which had addressed requirements for perchloroethylene dry cleaning plants located in ozone nonattainment and maintenance areas.

(i) Incorporation by reference.

(A) UACR R307–1–1, a portion of Forward and Definitions, definition of VOC, as adopted by the Utah Air Quality Board on January 7, 1998, effective January 8, 1998.

(B) UACR R307–6, a portion of De minimis Emissions from Air Strippers and Soil Venting Projects, nonsubstantive wording changes, effective October 1, 1995.

(41) On July 11, 1994 the Governor of Utah submitted revisions to the Utah State Implementation Plan (SIP) to revise the definition for “Sole Source of Heat” under UACR R307–1–1, “Foreword and Definitions,” to allow the exemption of those households with small portable heating devices from mandatory no-burn periods. This revision also made changes to the residential woodburning regulations under UACR R307–1–4.33 “No-Burn Periods,” which specifies the actions which must be taken if contingency measures are implemented in the Salt Lake, Davis or Utah County nonattainment areas. These plans were requested to be withdrawn by the Governor in a November 9, 1998, letter to the Regional Administrator. EPA returned the portions of these plans with a letter to the Governor on January 29, 1999. A nonsubstantive change was made in this section as a result of the revision which moves section 4.13.3 D to section 4.13.3 E; this change was also approved by EPA. On February 6, 1996 the Governor of Utah submitted revisions to the Utah State Implementation Plan to revise Utah’s open burning regulations, under UACR R307–1–2.4, to require that the local county fire marshal establish 30-day open burning windows during the spring and fall closed burning seasons in areas outside of Salt Lake, Davis, Weber, and Utah Counties as granted by the state forester. There were also minor changes made to the open burning regulations under UACR R307–1–2.4, “General Burning” and minor changes made to UACR R307–1–2.5 “Confidentiality of Information.” On July 9, 1998 the Governor of Utah submitted revisions to the Utah SIP to add a definition for “PM<sub>10</sub> Nonattainment Area,” under UACR R307–1–1, “Foreword and Definitions.”

(i) Incorporation by reference.


(B) UACR R307–1–4, a portion of “Emissions Standards,” as adopted by Utah Air Quality Board on December 9, 1993, effective on January 31, 1994.

(C) UACR R307–1–2, a portion of “General Requirements,” open burning changes and nonsubstantive wording changes, as adopted by Utah Air Quality Board on September 6, 1995, effective on October 31, 1995.

(D) UACR R307–1–1, a portion of “Foreword and Definitions,” addition of definition for “PM<sub>10</sub> Nonattainment Area,” as adopted by Utah Air Quality Board on January 7, 1998, effective on January 8, 1998.

(ii) Additional Material.

(A) July 20, 1998, fax from Jan Miller, Utah Department of Air Quality, to Cindy Rosenberg, EPA Region VIII, transmitting Utah Code 65A 8–9, regarding closed fire seasons.

(B) October 21, 1998, letter from Richard R. Long, Director, EPA Air and Radiation Program, to Ursula Trueman, Director, Utah Division of Air Quality, requesting that Utah withdraw the submitted Salt Lake and Davis County PM<sub>10</sub> Contingency Measure SIP revisions, the Utah County PM<sub>10</sub> Contingency Measure SIP revisions, and the Residential Woodburning in Salt Lake, Davis and Utah Counties PM<sub>10</sub> Contingency Measure SIP revision.

(C) November 9, 1998, letter from the Governor of Utah, to William Yellowtail, EPA Region VIII Administrator, requesting that the submitted Salt Lake and Davis County and Utah County PM<sub>10</sub> Contingency Measure SIP revisions and the Residential Woodburning in Salt Lake, Davis and Utah Counties PM<sub>10</sub> Contingency Measure SIP revision be withdrawn.
§ 52.2320

(D) December 16, 1998, letter from Larry Svoboda, Unit Leader, EPA Region VIII Air and Radiation Program, transmitting nonsubstantive changes to road salting and sanding, effective on June 1, 1994.

(E) January 5, 1999, letter from Ursula Trueman, Director, Utah Division of Air Quality, explaining EPA’s interpretation of nonsubstantive revision to definition of “PM10 precursor.”

(F) January 29, 1999, letter from William Yellowtail, EPA Region VIII Administrator, to Larry Svoboda, Unit Leader, EPA Region VIII Air and Radiation Program, transmitting nonsubstantive changes to R307–2–1, “Incorporation by Reference,” that was left out of the February 1, 1995 SIP submittal.

(G) March 16, 1999 letter from Larry Svoboda, Unit Leader, EPA Region VIII Air and Radiation Program, to Ursula Trueman, Director, Utah Division of Air Quality, explaining EPA’s interpretation of nonsubstantive revision to definition of “PM10 precursor.”

(H) April 28, 1999 letter from Richard Sprott, Planning Branch Manager, Utah Division of Air Quality, to Larry Svoboda, Unit Leader, EPA Region VIII Air and Radiation Program, providing explanation for and background to the “PM10 precursor” definition.

(I) August 26, 1999 fax from Jan Miller, Utah Division of Air Quality, to Cindy Rosenberg, EPA Region VIII Air and Radiation Program, providing explanation for and background to the “PM10 precursor” definition.

(J) On February 22, 1999 letter from Ursula Trueman, Director, Utah Division of Air Quality, to Larry Svoboda, Unit Leader, EPA Region VIII Air and Radiation Program, transmitting nonsubstantive change correction to R307–2–1, “Incorporation by Reference,” that was left out of the February 1, 1995 SIP submittal.

(K) August 22, 1999 fax from Jan Miller, Utah Division of Air Quality, to Cindy Rosenberg, EPA Region VIII Air and Radiation Program, providing explanation for and background to the “PM10 precursor” definition.

(L) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide (“Carbon Monoxide Maintenance Provisions for Ogden City”) as submitted by the Governor on December 9, 1996, excluding section IX, part C.8.f.(3) of the plan.
§ 52.2320 Identification of plan.

“Emissions Credit Allocation,” as EPA is not taking any action on that section of the plan. UACR R307–8: Oxynegenated Gasoline Program as submitted by the Governor on July 8, 1998.

(i) Incorporation by reference.

(A) UACR R307–2–12, section IX, part C of the Utah State Implementation Plan (SIP), adopted by the Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November 1, 1996. EPA’s incorporation by reference of UACR R307–2–12 only extends to the following Utah SIP provisions and excludes any other provisions that UACR R307–2–12 incorporates by reference:


(B) UACR R307–8, Oxygynated Gasoline Program, as adopted by the Utah Air Quality Board on April 21, 1998, effective April 22, 1998.

(ii) Additional materials.

(A) February 19, 1998, letter from Ursula Trueman, Director, Utah Division of Air Quality, Department of Environmental Quality to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, entitled “DAQP–131–00; Ogden City Carbon Monoxide (CO) Redesignation—Resolution of Issues with the Conformity Budgets.” This letter provided clarification regarding the transportation conformity budgets in section IX.C.8 of the Ogden City maintenance plan SIP revision.

(46) On April 19, 2000, the Governor of Utah submitted revisions to the State’s Air Conservation Regulations to update the definitions for “significant” and “volatile organic compound” to be in agreement with the federal definitions found at 40 CFR 51.166(23)(1) and 40 CFR 51.100(s)(1), July 1, 1998, respectively.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations section R307–101–2, definitions of “significant” and “volatile organic compound” (VOC), effective April 8, 1999.

[37 FR 10898, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2320, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTES: 1. At 67 FR 35444, May 20, 2002, § 52.2320 was amended by adding paragraph (c)(47), effective July 19, 2002. For the convenience of the user, the added text is set forth as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(47) The Governor of Utah submitted a request to repeal sections R307–1–4.11 and R307–2–28, and revise R307–7 of the Utah Air Conservation Regulations (UACR) on June 17, 1998. R307–1–4.11 is removed from the SIP. No action was taken on the repeal of R307–2–28 because it was never approved into the SIP. (i) Incorporation by reference.

(A) UACR R307–7 effective November 15, 1996.

2. At 67 FR 44069, July 1, 2002, § 52.2320 was amended by adding paragraph (c)(47), effective July 31, 2002. For the convenience of the user, the added text is set forth as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *
(51) On May 13, 2002, the Governor of Utah submitted a revision to Utah’s SIP involving a new rule R307-310 “Salt Lake County: Trading of Emission Budgets for Transportation Conformity.” R307-310 allows trading from the motor vehicle emissions budget for primary Particulate Matter of 10 microns or less in diameter (PM_{10}) in the Salt Lake County PM_{10} SIP to the motor vehicle emissions budget for Nitrogen Oxides (NO_{X}) in the Salt Lake County PM_{10} SIP. This trading mechanism allows Salt Lake County to increase their NO_{X} budget in the Salt Lake County PM_{10} SIP by decreasing their PM_{10} budget by an equivalent amount. These adjusted budgets in the Salt Lake County PM_{10} SIP would then be used for transportation conformity purposes.

(ii) Incorporation by reference.


§ 52.2321 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
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<tbody>
<tr>
<td></td>
<td>Particulate matter</td>
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<tr>
<td>Wasatch Front Intrastate</td>
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<tr>
<td>Four Corners Interstate</td>
<td></td>
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<tr>
<td>Utah Infrastate</td>
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§ 52.2322 Extensions.

(a) The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for one year (until December 31, 1995) the attainment date for the Salt Lake County PM_{10} nonattainment area. The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for two years (until December 31, 1996) the attainment date for the Utah County PM_{10} nonattainment area.

(b) [Reserved]

[66 FR 32760, June 18, 2001]

§ 52.2323 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Utah’s plan as meeting the requirements of section 110 of the Clean Air Act as amended in 1977. 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 10765, Feb. 19, 1980]

§§ 52.2324–52.2330 [Reserved]

§ 52.2331 Attainment dates for national standards.

The attainment date for the secondary NAAQS for sulfur dioxide for Salt Lake County and portions of Tooele County is December 31, 1994.

[61 FR 16062, Apr. 11, 1996]

§ 52.2332 Control Strategy: Ozone.

Determinations—EPA is determining that, as of July 18, 1995, the Salt Lake and Davis Counties ozone nonattainment area has attained the ozone standard based on air quality monitoring data from 1992, 1993, and 1994, 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 Salt Lake and Davis Counties ozone nonattainment area, these determinations shall no longer apply.

[60 FR 36729, July 18, 1995]
§ 52.2333 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since section 26–24–16 of the Utah Code Annotated (1953), may preclude the release of emission data, as correlated with applicable emission limitations, under certain circumstances.


§§ 52.2334–52.2345 [Reserved]

§ 52.2346 Significant deterioration of air quality.

(a) The Utah 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 prevention of significant deterioration of air quality. The provisions of §52.21 (b) through (v) are hereby incorporated by reference and made a part of the Utah State Implementation Plan and are applicable to proposed major stationary sources or major modifications to be located on Indian Reservations.

(c) The State of Utah has clarified the generalized language contained in the Utah Air Conservation Regulations on the use of the “Guidelines on Air Quality Models.” In a letter to Douglas M. Skie, EPA, dated May 26, 1989, F. Burnell Cordner, Director of the Bureau of Air Quality, stated:

* * * The language in section 3.7 of the Utah Air Conservation Regulations on the use of “Guidelines on Air Quality Models” means that all PSD permit reviews will comply with the use of the “Guideline on Air Quality Models (Revised)”, EPA 450/2-78-027R, and any future supplements approved by EPA.


§ 52.2347 Stack height regulations.

The State of Utah has committed to revise its stack height regulations so that 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 27, 1988, F. Burnell Cordner, Director, Bureau of Air Quality, stated:

* * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if the EPA’s response to the NRDC remand modifies the July 8, 1986 regulations, the EPA will notify the State of the rules that must be changed to comply with the EPA’s modified requirements. The State of Utah agrees to process appropriate changes.

[54 FR 24341, June 7, 1989]

§ 52.2348 National Highway Systems Designation Act Motor Vehicle Inspection and Maintenance (I/M) Programs.

On March 15, 1996 the Governor of Utah submitted a revised I/M program for Utah County which included a credit claim, a basis in fact for the credit claimed, a description of the County’s program, draft County ordinances, and authorizing legislation for the program. Approval is granted on an interim basis for a period of 18 months, under the authority of section 348 of the National Highway Systems Designation Act of 1995. If Utah County fails to start its program by November 15, 1997 at the latest, this approval will convert to a disapproval after EPA sends a letter to the State. At the end of the eighteen month period, the approval will lapse. At that time, EPA must take final rulemaking action upon the State’s SIP, under the authority of section 110 of the Clean Air Act. Final action on the State/County’s plan will be taken following EPA’s review of the State/County’s credit evaluation and final regulations (State and County) as submitted to EPA.


§ 52.2350 Emission inventories.

(a) The Governor of the State of Utah submitted the 1990 base year emission inventory of ozone precursors, which are volatile organic compounds, nitrogen oxides, and carbon monoxide, for the Salt Lake and Davis Counties ozone nonattainment area on January 13, 1995, as a revision to the State Implementation Plan (SIP). This inventory addresses emissions from point, area, non-road, on-road mobile, and biogenic sources. This Governor’s submittal was followed by the submittal of corrections to the inventory, on April 20, 1995, from Russell Roberts, Director,
Environmental Protection Agency

Division of Air Quality, Utah Department of Environmental Quality. The ozone maintenance plan for Salt Lake and Davis Counties that the Governor submitted on February 19, 1997, incorporates by reference the corrected 1990 base year ozone emission inventory as background material. The 1990 ozone base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the Salt Lake and Davis Counties area.

(b) On November 12, 1997, the Governor of Utah submitted the 1993 Carbon Monoxide Periodic Emission Inventories for Ogden City and Utah County as revisions to the Utah State Implementation Plan. These inventories address carbon monoxide emissions from stationary point, area, non-road, and on-road mobile sources.

(c) On June 14, 1999, the Governor of Utah submitted the 1996 Carbon Monoxide Periodic Emission Inventory for Utah County as a revision to the Utah State Implementation Plan. The inventory addresses carbon monoxide emissions from stationary point, area, non-road mobile, and on-road mobile sources.


§ 52.2351 Area-wide nitrogen oxides (NO\(_x\)) exemption.

On May 2, 1997, Ursula Trueman, Director, Division of Air Quality, Utah Department of Environmental Quality, submitted, on behalf of the State of Utah and pursuant to section 182(f)(2)(A) of the Clean Air Act as amended in 1990, a section 182(f)(2) NO\(_x\) Reasonably Available Control Technology (RACT) exemption request for major stationary sources of NO\(_x\) in the Salt Lake and Davis Counties ozone nonattainment area other than the PacifiCorp Gadsby and Kennecott Utah Copper Utah Power Plants. The exemption request was based on ambient air quality monitoring data which demonstrated that the ozone National Ambient Air Quality Standard (NAAQS) had been attained in the Salt Lake and Davis Counties ozone nonattainment area for the years 1990 through 1996. EPA approved this NO\(_x\) RACT exemption request on July 2, 1997.


§ 52.2370 Identification of plan.

Subpart UU—Vermont

§ 52.2370 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State Implementation Plan for Vermont 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 paragraphs (c) and (d) of this section with an EPA approval date prior to August 14, 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 August 14, 2000, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA-New England 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 14, 2000.

(3) Copies of the materials incorporated by reference may be inspected at the EPA-New England Office at One Congress Street, Boston, MA 02203; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

(c) EPA approved regulations.
## § 52.2370

### EPA APPROVED VERMONT REGULATIONS

<table>
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<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
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<tr>
<td><strong>Chapter 5 Air Pollution Control</strong></td>
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<td><strong>Subchapter I. Definitions</strong></td>
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<tr>
<td>Section 5–101</td>
<td>Definitions</td>
<td>07/29/93</td>
<td>04/22/98, 63 FR 19828</td>
<td>Definitions IBR’d into the Vermont SIP are numbered consecutively by EPA, and do not necessarily correspond to the State’s assigned definition number in the Vermont State Regulation, which are re-numbered whenever definitions are added or deleted from the State Regulation.</td>
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<tr>
<td>Section 5–201</td>
<td>Open burning prohibited.</td>
<td>07/22/98</td>
<td>04/22/98, 63 FR 19828.</td>
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<tr>
<td>Section 5–202</td>
<td>Permissible open burning.</td>
<td>01/25/78</td>
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<tr>
<td>Section 5–203</td>
<td>Procedures for local authorities to burn natural wood.</td>
<td>01/25/78</td>
<td>12/21/78, 43 FR 59496.</td>
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<tr>
<td>Section 5–211</td>
<td>Prohibition of visible air contaminants.</td>
<td>08/12/78</td>
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<td>Section 5–221</td>
<td>Prohibition of potentially polluting materials in fuel.</td>
<td>01/25/78</td>
<td>12/21/78, 43 FR 59496.</td>
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<td>Prohibition of particular matter.</td>
<td>11/13/81</td>
<td>02/26/85, 50 FR 7767.</td>
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<td>Section 5–241</td>
<td>Prohibition of nuisance and odor.</td>
<td>01/25/78</td>
<td>12/21/78, 43 FR 59496.</td>
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<td>Section 5–251</td>
<td>Control of nitrogen oxides emissions.</td>
<td>01/04/95</td>
<td>04/09/97, 62 FR 17084.</td>
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<tr>
<td>Section 5–252</td>
<td>Control of sulfur dioxide emissions.</td>
<td>01/04/95</td>
<td>04/09/97, 62 FR 17084.</td>
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<tr>
<td>Section 5–253.1</td>
<td>Petroleum liquid storage in fixed roof Tanks.</td>
<td>10/29/92</td>
<td>04/22/98, 63 FR 19829.</td>
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<tr>
<td>Section 5–253.2</td>
<td>Bulk gasoline terminals.</td>
<td>10/29/92</td>
<td>04/22/98, 63 FR 19829.</td>
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<td>Section 5–253.3</td>
<td>Bulk gasoline plants.</td>
<td>10/29/92</td>
<td>04/22/98, 63 FR 19829.</td>
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<td>Section 5–253.4</td>
<td>Gasoline tank trucks.</td>
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<td>04/22/98, 63 FR 19829.</td>
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<td>Section 5–253.5</td>
<td>Stage I vapor recovery controls at gasoline dispensing facilities.</td>
<td>10/29/92</td>
<td>04/22/98, 63 FR 19829.</td>
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<td>Section 5–253.10</td>
<td>Paper coating.</td>
<td>10/29/92</td>
<td>04/22/98, 63 FR 19829.</td>
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<tr>
<td>Section 5–253.12</td>
<td>Coating of flat wood paneling.</td>
<td>10/29/92</td>
<td>04/22/98, 63 FR 19829.</td>
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<td>Section 5–253.13</td>
<td>Coating of miscellaneous metal parts.</td>
<td>07/29/93</td>
<td>04/22/98, 63 FR 19829.</td>
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<td>Section 5–253.14</td>
<td>Solvent metal cleaning.</td>
<td>07/29/93</td>
<td>04/22/98, 63 FR 19829.</td>
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<tr>
<td>Section 5–253.15</td>
<td>Cutback and emulsified asphalt.</td>
<td>08/02/94</td>
<td>04/22/98, 63 FR 19829.</td>
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<tr>
<td>Section 5–253.20</td>
<td>Other sources that emit volatile organic compounds.</td>
<td>08/03/93</td>
<td>04/09/97, 62 FR 17084.</td>
<td></td>
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<tr>
<td>Section 5–261</td>
<td>Control of hazardous air contaminants.</td>
<td>11/03/81</td>
<td>02/10/82, 47 FR 6014.</td>
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<table>
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<th>EPA approval date</th>
<th>Explanations</th>
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<td>Scope</td>
<td>12/15/90</td>
<td>03/05/91, 56 FR 9177.</td>
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<tr>
<td>Sulfur dioxide primary</td>
<td>03/24/79</td>
<td>02/19/80, 45 FR 10775.</td>
<td></td>
</tr>
<tr>
<td>Sulfur dioxide secondary</td>
<td>03/24/79</td>
<td>02/19/80, 45 FR 10775.</td>
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<tr>
<td>PM(_{10}) primary and secondary standards</td>
<td>11/01/90</td>
<td>08/01/97, 62 FR 41282</td>
<td>Removal of the TSP standard (Section 5-304 and 5-305) and establishment of PM(_{10}) standard (Section 5-306).</td>
</tr>
<tr>
<td>Carbon monoxide primary and secondary</td>
<td>03/24/79</td>
<td>02/19/80, 45 FR 10775</td>
<td>Formerly Section 5-306, renumbered to 5-307 when new Section 5-306 for PM(_{10}) was created.</td>
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<tr>
<td>Ozone primary and secondary</td>
<td>03/24/79</td>
<td>02/19/80, 45 FR 10775</td>
<td>Formerly Section 5-307, renumbered to 5-308 when new Section 5-306 for PM(_{10}) was created.</td>
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<td>Lead primary and secondary</td>
<td>11/03/81</td>
<td>02/10/82, 47 FR 6014</td>
<td>Formerly Section 5-308, renumbered to 5-309 when new Section 5-306 for PM(_{10}) was created.</td>
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<tr>
<td>Nitrogen dioxide primary and secondary</td>
<td>12/15/90</td>
<td>03/05/91, 56 FR 9177</td>
<td>Formerly Section 5-309, renumbered to 5-310 when new Section 5-306 for PM(_{10}) was created.</td>
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<td>Classification of air contaminant sources</td>
<td>03/24/79</td>
<td>02/19/80, 45 FR 10775.</td>
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<td>Written Reports when requested</td>
<td>03/24/79</td>
<td>02/19/80, 45 FR 10775.</td>
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<tr>
<td>Methods for sampling and testing of sources</td>
<td>12/10/72</td>
<td>05/31/72, 37 FR 10899.</td>
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<tr>
<td>Required air monitoring</td>
<td>03/24/79</td>
<td>02/19/80, 45 FR 10775.</td>
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<tr>
<td>Required air modeling</td>
<td>03/24/79</td>
<td>02/19/80, 45 FR 10775.</td>
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### Subchapter V. Review of New Air Contaminant Sources

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<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of construction or modification of air contaminant sources</td>
<td>09/17/86</td>
<td>07/17/87, 52 FR 26982.</td>
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<tr>
<td>Major stationary sources and major modifications</td>
<td>07/14/95</td>
<td>08/04/98, 62 FR 41870.</td>
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### Subchapter VII. Motor Vehicle Emissions

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<td>Removal of control devices</td>
<td>03/24/79</td>
<td>02/19/80, 45 FR 10775.</td>
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## EPA APPROVED VERMONT REGULATIONS—Continued

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<th>EPA approval date</th>
<th>Explanations</th>
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<tr>
<td>Section 5–702</td>
<td>Excessive smoke emissions from motor vehicles.</td>
<td>03/24/79</td>
<td>02/19/80, 45 FR 10775.</td>
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<td>Section 5–801</td>
<td>Effective date</td>
<td>03/24/79</td>
<td>01/30/80, 45 FR 6781.</td>
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### Tables

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<tr>
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<th>Explanations</th>
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<tr>
<td>1</td>
<td>Table 1 Process weight standards.</td>
<td>01/25/78</td>
<td>12/21/78, 43 FR 59496.</td>
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<tr>
<td>2</td>
<td>Table 2 PSD increments.</td>
<td>12/15/90</td>
<td>03/05/91, 56 FR 9177.</td>
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<td>3</td>
<td>Table 3 Levels of significant impact for non-attainment areas.</td>
<td>11/03/81</td>
<td>02/10/82, 47 FR 6014.</td>
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### Subchapter VIII. Registration of Air Contaminant Sources

| Section 5–801 | Definitions | 04/20/88 | 01/10/95, 60 FR 2527. | |
| Section 5–802 | Requirement for registration. | 04/20/88 | 01/10/95, 60 FR 2527. | |
| Section 5–803 | Registration procedure. | 04/20/88 | 01/10/95, 60 FR 2527. | |
| Section 5–804 | False or misleading information. | 04/20/88 | 01/10/95, 60 FR 2527. | |
| Section 5–805 | Commencement or recommencement of operation. | 04/20/88 | 01/10/95, 60 FR 2527. | |
| Section 5–806 | Transfer of Operation | 04/20/88 | 01/10/95, 60 FR 2527. | |

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

<table>
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<tr>
<th>Name of source</th>
<th>Permit No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
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</thead>
<tbody>
<tr>
<td>U.S. Samaica Corporation, in Rutland, VT.</td>
<td>Environmental Protection Regulations, Chapter 5, Air Pollution Control, Subchapter II, Section 5–253.20.</td>
<td>01/04/95</td>
<td>04/09/97, 45 FR 17087</td>
<td>Administrative orders for U.S. Samaica Corporation, in Rutland, Vermont, adopted and effective on January 4, 1995.</td>
</tr>
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</table>

### (e) Nonregulatory.
<table>
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<tr>
<th>Name of non regulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/effective date</th>
<th>EPA approved date</th>
<th>Explanations</th>
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</thead>
<tbody>
<tr>
<td>Notice of public hearing .............</td>
<td>Statewide</td>
<td>Submitted 02/03/72</td>
<td>06/15/72, 37 FR 11911</td>
<td>(c)(1) Vermont Agency of Environmental Conservation.</td>
</tr>
<tr>
<td>Miscellaneous non-regulatory revisions to the plan.</td>
<td>Submitted 03/03/75</td>
<td>01/21/76, 41 FR 3085</td>
<td></td>
<td>(c)(4) Vermont Agency of Environmental Conservation. Deletion of Winooski sampling site for particulates and sulfur dioxide.</td>
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<tr>
<td>Plans to meet various requirements of the Clean Air Act, including Part C.</td>
<td>Submitted 03/21/79, and 11/21/79.</td>
<td>01/30/80, 45 FR 6781</td>
<td></td>
<td>(c)(9) See Plans to attain below.</td>
</tr>
<tr>
<td>Attainment Plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977.</td>
<td>Submitted 03/21/79, 11/21/79, 11/27,79, and 12/19/79.</td>
<td>02/19/80, 45 FR 10775</td>
<td></td>
<td>(c)(10) Plans to attain. State of Vermont air quality implementation plan (March 1979). The secondary TSP standard for Barre City and a portion of the Champlain Valley Air Management Area, the carbon monoxide standard in the Champlain Valley Air Management Area and the ozone standard in Chittenden, Addison, and Windsor Counties. 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 were also included.</td>
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<tr>
<td>A plan to provide for public, local and state involvement in federally funded air pollution control activities.</td>
<td>Submitted 03/28/80</td>
<td>09/09/80, 45 FR 59314</td>
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<td>(c)(11) A plan to provide for public, local and state involvement in federally funded air pollution control activities.</td>
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<tr>
<td>A plan to attain and maintain the National Ambient Air Quality Standard for lead.</td>
<td>Submitted 06/24/80, and 11/07/80.</td>
<td>03/18/81, 46 FR 17192</td>
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<td>(c)(12) A plan to attain and maintain the National Ambient Air Quality Standard for lead. A letter further explaining the state procedures for review of new major sources of lead emissions.</td>
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<tr>
<td>A revision to the air quality monitoring network. Narrative submittal “Implementation Plan for the Protection of Visibility in the State of Vermont” and “Appendices”. State Implementation Plan narrative.</td>
<td>Submitted 03/21/79</td>
<td>10/08/80, 45 FR 66789; corrected by 03/16/81, 46 FR 15897, 07/17/87, 52 FR 26973</td>
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<td>(c)(13) meets the requirements of 40 CFR part 58.</td>
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<tr>
<td>State Implementation Plan narrative.</td>
<td>Submitted 04/15/86</td>
<td>07/17/87, 52 FR 26973</td>
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<td>(c)(19) Describing procedures, notifications, and technical evaluations to fulfill the visibility protection requirements of 40 CFR part 51, subpart P.</td>
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<tr>
<td>State Implementation Plan narrative.</td>
<td>Submitted 12/07/90, and 01/10/91.</td>
<td>03/05/91, 56 FR 9175</td>
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<td>(c)(20) State of Vermont Air Quality Implementation Plan dated November, 1990.</td>
</tr>
<tr>
<td>Name of non regulatory SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submittal date/ effective date</td>
<td>EPA approved date</td>
<td>Explanations</td>
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<td>--------------------------------------</td>
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</tr>
<tr>
<td>Revisions to the State Implementation Plan.</td>
<td>Submitted 02/03/93, 08/09/93, and 08/10/94.</td>
<td>Submitted 02/03/93, 08/09/93, and 08/10/94.</td>
<td>04/22/98, 63 FR 19828</td>
<td>(c)(25)State of Vermont: Air Quality Implementation Plan dated August 1993.</td>
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<tr>
<td>Revisions to the State Implementation Plan.</td>
<td>Submitted 07/10/00</td>
<td>Submitted 07/10/00</td>
<td>07/10/00, 65 FR 42290</td>
<td>(c)(26)letter from VT Air Pollution Control Division dated July 28, 1998 stating a negative declaration for the aerospace coating operations CTG category.</td>
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[65 FR 54115, Sept. 8, 2000]
§ 52.2371 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutants</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Particulate matter</td>
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<tr>
<td>Champlain Valley Interstate</td>
<td>II</td>
</tr>
<tr>
<td>Vermont Intrastate</td>
<td>II</td>
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</table>


§ 52.2372 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Vermont’s plan as identified in § 52.2370 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.

[45 FR 10782, Feb. 19, 1980]

§ 52.2373 Legal authority.

(a) The requirements of § 51.230(c) of this chapter are not met. Vermont does not have the authority to make emissions data available to the public since 10 V.S.A. section 363 would require the data to be held confidential if a source certified that it related to production or sales figures, unique processes, or would tend to affect adversely the competitive position of the owner.


§ 52.2374 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–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.


§ 52.2375 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Vermont’s plan.

<table>
<thead>
<tr>
<th>Air quality control region and nonattainment area¹</th>
<th>Pollutant</th>
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<tr>
<td></td>
<td>SO₂</td>
<td>PM10</td>
<td>NOₓ</td>
<td>CO</td>
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<tr>
<td>Primary</td>
<td>Secondary</td>
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<tr>
<td>Champlain Valley control region—Chittenden County:</td>
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<tr>
<td>Champlain Valley Air Management Area:</td>
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<td>Essex Town (including Essex Jct.)</td>
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<tr>
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¹ Sources subject to plan requirements and attainment dates established under section 110(g)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those regulations by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2375, revised as of July 1, 1978.

a. Air quality levels presently below secondary standards or area is unclassifiable.

b. 12/31/82.


§ 52.2377 Review of new sources and modifications.

Regulation 5–501(3) entitled “Default Permits” is disapproved.

[45 FR 10782, Feb. 19, 1980]

§ 52.2378 Certification of no facilities.

On June 6, 1986, the Vermont Agency of Environmental Conservation submitted a letter certifying that there are no facilities within the State’s boundaries subject to the Continuous Emissions Monitoring requirements of 40 CFR part 51, Appendix P. This negative declaration was submitted to EPA in accordance with 40 CFR 51.19(e).

[51 FR 42221, Nov. 24, 1986]

§ 52.2379 Significant deterioration of air quality.

The program to review the construction and operation of new and modified major stationary sources in attainment areas is approved as meeting the requirements of Part C, except regulation 5–501(3) entitled “Default permits”, and a portion of the SIP revision narrative from the first full paragraph on pages 9–11 through the first four lines of pages 9–12 inclusive, both of which were submitted on March 21, 1979 and which are disapproved.

[45 FR 6784, Jan. 30, 1980]
§ 52.2381 EPA-approved Vermont State regulations.

The following table identifies the state regulations which have been submitted to and adopted by EPA as revisions to the Vermont 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 §52.2370. To the extent that this table conflicts with §§52.2370, 52.2370 governs.

**TABLE 52.2381—EPA-APPROVED REGULATIONS**

[Vermont SIP regulations 1972 to present]

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### TABLE 52.2381—EPA-APPROVED REGULATIONS

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### Notes
- **Section 5–402(1) approved.**
- **Section 5–402(1) only.**
- **Section 5–404(4)(e) approved.**
- **Except 5–401(4) approved.**
- **Except 5–501(3).**
- **Except 5–501(3).**
- **Related to visibility in Class I areas. 5–502(4)(d) and (4)(e) approved.**
- **502 (4)(d) and (4)(e) approved.**
§ 52.2382 Rules and regulations.

(a) Non-Part D—No Action. EPA is neither approving or disapproving the following elements of the revisions:

(1) Permit fees.
(2) Intergovernmental consultation.
(3) Stack height requirements.
(4) Interstate pollution notification requirements.
(5) Conflict of interest requirements.

(b) Regulation for visibility monitoring and new source review. The provisions of §§52.26 and 52.27 are hereby incorporated and made part of the applicable plan for the State of Vermont.

§ 52.2383 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 requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§52.26 and 52.27 are hereby incorporated and made part of the applicable plan for the State of Vermont.
§ 52.2385 Requirements for state implementation plan revisions relating to new motor vehicles.

Vermont must comply with the requirements of §51.120.

(60 FR 4738, Jan. 24, 1995)

§ 52.2386 Original identification of plan section.

(a) This section identifies the original “Air Implementation Plan for the State of Vermont” and all revisions submitted by Vermont that were federally approved prior to August 14, 2000.

(b) The plan was officially submitted on January 29, 1972.

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

(1) Notice of public hearing submitted on February 3, 1972, by the Vermont Agency of Environmental Conservation.

(2) Miscellaneous non-regulatory revisions to the plan submitted on February 25, 1972, by the Vermont Agency of Environmental Conservation.

(3) Miscellaneous changes to regulations 5-412, 5-466, 5-467, 5-481, 5-486, 5-487, and 5-488 submitted on May 19, 1972, by the Vermont Agency of Environmental Conservation.


(7) Revision to Regulation 5-231, Prohibition of Particulate Matter, section 1, Industrial Process Emissions, with respect to wood processing operations, submitted by the Vermont Secretar of Environmental Conservation on April 11, 1977.

(8) Revisions to Chapter 5 of the Vermont Air Pollution Control Regulations, submitted by the Secretary of Environmental Conservation on February 21, 1978.

(9) Plans to meet various requirements of the Clean Air Act, including Part C, were submitted on March 21 and November 21, 1979. Included in these revisions is a program for the review of construction and operation of new and modified major stationary sources of pollution in attainment areas.

(10) Attainment plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977, were submitted on March 21, November 21, November 27 and December 19, 1979. Included are plans to attain: The secondary TSP standard for Barre City and a portion of the Champlain Valley Air Management Area, the carbon monoxide standard in the Champlain Valley Air Management Area and the ozone standard in Chittenden, Addison, and Windsor Counties. 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 were also included.

(11) A plan to provide for public, local and state involvement in federally funded air pollution control activities was submitted on March 28, 1980.

(12) A plan to attain and maintain the National Ambient Air Quality Standard for lead was submitted on June 24, 1980 by the Secretary of the Vermont Agency of Environmental Conservation. A letter further explaining the state procedures for review of new major sources of lead emissions was submitted on November 7, 1980 by the Director, Air & Solid Waste Programs, Vermont Agency of Environmental Conservation.

(13) A revision to the air quality monitoring network which meets the requirements of 40 CFR part 58, submitted on March 21, 1979 by the Governor of Vermont.


(15) Revisions to amend Regulations 5-101 “Definitions”, 5-501 “Review of Construction or Modification of New

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Air Contaminant Sources’; 5-502 “Major Stationary Sources”, and Section 9 of the non-regulatory portion of the SIP; to delete Regulations 5-253(1) “Storage of Volatile Organic Compounds”, 5-253(3), “Bulk Gasoline Terminals”, and 5-231(4) “Potentially Hazardous Particulate Matter”; to add Regulation 5-261 “Control of Hazardous Air Contaminants”; and to amend Table 3 of the Regulations “Levels of Significant Impact for Nonattainment Areas”; submitted by the Secretary of the Vermont Agency of Environmental Conservation on August 24, 1981.

(16) A revision to Regulation 5-231, “Prohibition of Particulate Matter,” by the addition of subparagraph (3)(b) submitted by the Secretary of the Vermont Agency of Environmental Conservation for all but three stationary wood-fired combustion sources (excluded from submittal: Moran Generating Station, Burlington Electric Department; Rutland Plywood Company; and Cersosimo Lumber Company) on February 12, 1982.

(17) A revision to approve Regulation 5-231(3)(b) for Cersosimo Lumber Company submitted on March 23, 1983 by the Secretary of the Vermont Agency of Environmental Conservation. (Note: The Cersosimo Lumber Company was excluded from the original approval of Regulation 5-231(3)(b) into the Vermont SIP identified at subparagraph (c)(16) above.)

(18) A revision to approve Vermont Regulation 5-231(3)(b) for Rutland Plywood Corporation, submitted on October 19, 1984 by the Secretary of the Vermont Agency of Environmental Conservation.

Note: Rutland Plywood Corporation was excluded from the original approval of Regulation 5-231(3)(b) in the Vermont SIP, identified at paragraph (c)(16) above.

(19) A plan to protect visibility in the Lye Brook Wilderness, a mandatory Class I Federal area, from impairment caused by plume blight and to monitor visibility, in fulfillment of the requirements of 40 CFR part 51, subpart P. Submitted on April 15, 1986, the plan approves, only as they apply to mandatory Class I Federal areas, revisions to Vermont Regulations 5-101 (3), (14), (21), (59), and (76); 5-501(4); and 5-502 (4)(d) and (4)(e).

(i) Incorporation by reference.
(A) Amendments to Environmental Protection Regulations Chapter 5, Air Pollution Control, Subchapter V. Review of New Air Contaminant Sources, 5-501 at subsection (4) requiring responsiveness to comments and any analyses submitted by any Federal Land Manager, filed in its adopted form on September 2, 1986.
(B) Amendments to Environmental Protection Regulations Chapter 5, Air Pollution Control, Subchapter V. Review of New Air Contaminant Sources, 5-502 at subsection (4)(d) requiring a demonstration of no adverse impact on visibility in any Class I Federal area; and at subsection (4)(e) which reletters the former subsection (4)(d), filed in its adopted form on September 2, 1986.

(ii) Additional material.
(A) Narrative submittal consisting of two volumes entitled, “Implementation Plan for the Protection of Visibility in the State of Vermont” and “Appendices” describing procedures, notifications, and technical evaluations to fulfill the visibility protection requirements of 40 CFR part 51, subpart P.

(20) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on December 7, 1990 and January 10, 1991.

(i) Incorporation by reference.
(A) Letter dated December 7, 1990 and letter with attachments dated January 10, 1991 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan.

(B) Section 5-301 “Scope,” section 5-309 “Nitrogen Dioxide—Primary and Secondary Ambient Air Quality Standards,” and Table 2 “Prevention of Significant Deterioration (PSD) Increments,” of Chapter 5 “Air Pollution Control” of Vermont’s Environmental Protection Regulations effective in the State of Vermont on December 7, 1990.

(ii) Additional materials.

(B) Nonregulatory portions of the state submittal.

(21) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on August 9, 1993.

(i) Incorporation by reference.

(A) Letter dated August 9, 1993 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan. Vermont resubmitted Vermont’s rule entitled “Registration of Air Contaminant Sources,” Sections 5–801 through 5–806 and the SIP narrative entitled “State of Vermont Air Quality Implementation Plan, February 1993” to meet the emission statement requirements of the Clean Air Act Amendments of 1990.

(B) Letter dated February 4, 1993 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan which included Vermont’s rule entitled “Registration of Air Contaminant Sources,” Sections 5–801 through 5–806 and the SIP narrative entitled “State of Vermont Air Quality Implementation Plan, February 1993” to meet the emission statement requirements of the Clean Air Act Amendments of 1990. Sections 5–801 through 5–806 were previously adopted by Vermont and became effective on April 20, 1988.


(ii) Additional materials.

(A) Vermont’s SIP narrative entitled “State of Vermont Air Quality Implementation Plan, February 1993” which addresses emission statement requirements not covered by sections 5–801 through 5–806.

(B) Letter dated October 5, 1993 from the Vermont Air Pollution Control Division which clarifies Vermont procedures in developing the emission statement information.

(C) Nonregulatory portions of the submittal.

(22) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on August 9, 1993 and March 20, 1995.

(i) Incorporation by reference.

(A) Letters from the Vermont Air Pollution Control Division dated August 9, 1993 and March 20, 1995 submitting revisions to the Vermont State Implementation Plan.


(23) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division in November, 1990, establishing a PM_{10} standard.

(i) Incorporation by reference.

(A) Letter from the Vermont Air Pollution Control Division dated December 10, 1990 submitting a revision to the Vermont State Implementation Plan.

(B) Section 5 of the Vermont air quality State Implementation Plan, dated November, 1990.

(24) Revisions to the State Implementation Plan submitted by the Vermont Department of Environmental Conservation on March 7, 1996.

(i) Incorporation by reference.

(A) Letter from the Vermont Department of Environmental Conservation dated March 7, 1996 submitting a revision to the Vermont State Implementation Plan.

(B) Amendments to Table 2 “Prevention of Significant Deterioration Increments” referenced in Section 5–502(4)(c) of the Vermont Agency of Natural Resources Environmental Regulations (effective July 29, 1995).

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.
§ 52.2386  40 CFR Ch. I (7–1–02 Edition)


(i) Incorporation by reference.
(A) Letters from the Vermont Air Pollution Control Division dated February 4, 1993, August 9, 1993, and August 10, 1994 submitting revisions to the Vermont State Implementation Plan.
(B) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.1, entitled “Petroleum Liquid Storage in Fixed Roof Tanks,” effective in the State of Vermont on November 13, 1992.
(C) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253,2, entitled “Bulk Gasoline Terminals,” effective in the State of Vermont on November 13, 1992.
(D) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253,3, entitled “Bulk Gasoline Plants,” effective in the State of Vermont on November 13, 1992.
(E) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253,4, entitled “Gasoline Tank Trucks,” effective in the State of Vermont on November 13, 1992.
(F) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253,5, entitled “Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities,” effective in the State of Vermont on November 13, 1992.
(G) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253,10, entitled “Paper Coating,” effective in the State of Vermont on November 13, 1992.
(H) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253,12, entitled “Coating of Flat Wood Paneling,” effective in the State of Vermont on November 13, 1992.
(i) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253,13, entitled “Coating of Miscellaneous Metal Parts,” effective in the State of Vermont on August 13, 1993.
(J) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253,14, entitled “Solvent Metal Cleaning,” effective in the State of Vermont on August 13, 1993.
(K) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253,15, entitled “Cutback and Emulsified Asphalt,” effective in the State of Vermont on August 17, 1994.

(ii) Additional materials.
(B) Letter from the Vermont Agency of Natural Resources dated September 30, 1996 submitting a negative declaration for the shipbuilding and repair Control Techniques Guideline (CTG) category.
(C) Letter from the Vermont Agency of Natural Resources dated April 20, 1994 submitting a negative declaration for the synthetic organic chemical manufacturing industry (SOCMI) distillation and reactor processes CTG categories.
(D) Letters from the Vermont agency of Natural Resources dated April 6, 1992 and August 28, 1992 submitting negative declarations for several pre-1990 CTG categories.
(E) Nonregulatory portions of the submittal.
(26) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on July 28, 1998.

(i) Additional materials.
(A) Letter from the Vermont Air Pollution Control Division dated July 28, 1998 stating a negative declaration for
Subpart VV—Virginia

§ 52.2420 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Virginia under section 110 of the Clean Air Act, 42 U.S.C. 7410, and 1 CAR 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 March 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 March 1, 2000 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 3 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 March 1, 2000.

(3) Copies of the materials incorporated by reference may be inspected at the Region 3 EPA Office at 1650 Arch Street, Philadelphia, PA 19103; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 1200 Pennsylvania Ave., NW., Washington, DC.

(c) EPA approved regulations.

EPA-APPROVED REGULATIONS IN THE VIRGINIA SIP

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<td>2/1/85</td>
<td>2/25/93, 58 FR 11373</td>
<td>EPA has informed VA that except for the Appeals rule, these provisions no longer need to be part of the SIP. VA has withdrawn 2/93 and 2/98 revisions to the Appeals rule from SIP review. Last substantive SIP change became State-effective on 8/6/79 [§ 52.2465 (c)(5)].</td>
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<td>2/25/93, 58 FR 11373</td>
<td>Codified at 52.2465(c)(74) VA has formally requested that this provision be removed from the SIP. EPA will review in a separate action.</td>
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### Part I Special Provisions

#### Chapter 40 Existing Stationary Sources [Part IV]

### Part II Emission Standards

#### Article 1 Visible Emissions and Fugitive Dust/Emissions [Rule 4-1]

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#### Article 4 General Process Operations [Rule 4-4]

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#### Article 6  Rubber Tire Manufacturing Operations [Rule 4–6]

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#### Article 7  Incinerators [Rule 4–7]

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#### Article 8 Fuel Burning Equipment [Rule 4–8]


#### Article 9 Coke Ovens [Rule 4–9]


#### Article 10 Asphalt Concrete Plants [Rule 4–10]

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**Article 11 Petroleum Refinery Operations [Rule 4-11]**

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**Article 12 Chemical Fertilizer Manufacturing Operations [Rule 4-12]**

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**Article 13 Kraft Pulp Mills [Rule 4-13]**

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<td>120–04–1302. Remaining definitions are federally enforceable as part of the Section 111(d) plan for kraft pulp mills (see, §62.11610).</td>
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<td>120–04–1310A. Note: Sections 5–40–1750B. through D. are Register enforceable as part of the Section 111(d) plan for kraft pulp mills (see, §62.11610).</td>
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**Article 15. Coal Preparation Plants [Rule 4–15]**

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#### Article 16 Portland Cement Plants [Rule 4–16]

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#### Article 17 Woodworking Operations [Rule 4–17]

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**Article 23 Nitric Acid Production Units [Rule 4-23]**

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**Article 24 Solvent Metal Cleaning Operations [Rule 4-24]**

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### Article 25 Volatile Organic Compound Storage and Transfer Operations [Rule 4–25]

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### Article 26 Large Coating Application Systems [Rule 4–26]

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#### Article 30  Metal Coil Coating Application Systems [Rule 4–30]

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#### Article 31  Paper and Fabric Coating Application Systems [Rule 4–31]

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#### Article 32  Vinyl Coating Application Systems [Rule 4–32]

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**Article 33 Metal Furniture Coating Application Systems [Rule 4-33]**

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**Article 34 Miscellaneous Metal Parts and Products Coating Application Systems [Rule 4-34]**

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**Article 35 Flatwood Paneling Coating Application Systems [Rule 4-35]**

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**Article 36 Graphic Arts Printing Process [Rule 4-36]**

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**Article 37 Petroleum Liquid Storage and Transfer Operations [Rule 4-37]**

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**Article 38 Dry Cleaning Systems [Rule 4-38]**

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**Article 39** Asphalt Paving Operations [Rule 4–39]

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**Article 40** Open Burning [Rule 4–40]

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**Article 41** Mobile Sources [Rule 4–41]

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**Article 45** Lithographic Printing Processes

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5-40-7820 | Standard for Volatile Organic Compounds. | 4/1/96 | 3/12/97, 62 FR 11334 | 
5-40-7840 | Standard for Visible Emissions. | 4/1/96 | 3/12/97, 62 FR 11334 | 
5-40-7850 | Standard for Fugitive Dust Emissions. | 4/1/96 | 3/12/97, 62 FR 11334 | 
5-40-7880 | Compliance | 4/1/96 | 3/12/97, 62 FR 11334 | 
5-40-7890 | Test Methods and Procedures. | 4/1/96 | 3/12/97, 62 FR 11334 | 
5-40-7900 | Monitoring | 4/1/96 | 3/12/97, 62 FR 11334 | 
5-40-7910 | Notification, Records and Reporting. | 4/1/96 | 3/12/97, 62 FR 11334 | 
5-40-7920 | Registration | 4/1/96 | 3/12/97, 62 FR 11334 | 
5-40-7930 | Facility and Control Equipment Maintenance and Malfunction. | 4/1/96 | 3/12/97, 62 FR 11334 | 
5-40-7940 | Permits | 4/1/96 | 3/12/97, 62 FR 11334 | 

### Chapter 50 New and Modified Stationary Sources [Part V]

#### Part I Special Provisions

| State citation (9 VAC 5) | Title/subject | State effective date | EPA approval date | Explanation [Former SIP citation]
---|---|---|---|---
5-50-10 | Applicability | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-01. 
5-50-20 | Compliance | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-02. 
5-50-30 | Performance Testing | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-03. 
5-50-50 | Notification, Records and Reporting. | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-05. 

#### Part II Emission Standards

##### Article 1 Visible Emissions and Fugitive Dust Emissions [Rule 5-1]

| State citation (9 VAC 5) | Title/subject | State effective date | EPA approval date | Explanation [Former SIP citation]
---|---|---|---|---
5-50-60 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-0101. 
5-50-70 | Definitions | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-0102. 
5-50-90 | Standard for Fugitive Dust Emissions. | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-0104. 
5-50-100 | Monitoring | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-0105. 
5-50-110 | Test Methods and Procedures. | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-0106. 
5-50-120 | Waivers | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-0107. 

##### Article 4 Stationary Sources [Rule 5-4]

| State citation (9 VAC 5) | Title/subject | State effective date | EPA approval date | Explanation [Former SIP citation]
---|---|---|---|---
5-50-240 | Applicability and Designation of Affected Facility. | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-0401. 
5-50-250 | Definitions | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-0402. 
5-50-300 | Standard for Fugitive Dust Emissions. | 4/17/95 | 4/21/00, 65 FR 21320 | 120-05-0407. 
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| Definitions       | 1/197                | 3/23/98, 63 FR 13795 | 120–08–01.                      |
| General           | 1/197                | 3/23/98, 63 FR 13795 | 120–08–01.                      |
| Ambient Air Increments | 1/197      | 3/23/98, 63 FR 13795 | 120–08–01.                      |
| Ambient Air ceilings | 1/197            | 3/23/98, 63 FR 13795 | 120–08–01.                      |
| Applications       | 1/197                | 3/23/98, 63 FR 13795 | 120–08–01.                      |
| Compliance with Local Zoning Requirements | 1/197 | 3/23/98, 63 FR 13795 | 120–08–01.                      |
## Environmental Protection Agency

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**Article 9 Permits—Major Stationary Sources and Major Modifications Located in Nonattainment Areas 120–08–03.**

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### Chapter 91 Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area

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<td>5–160–190 ...............</td>
<td>Savings provision ..........</td>
<td>1/1/97</td>
<td>10/21/97, 62 FR 54585</td>
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<tr>
<td>5–160–200 ...............</td>
<td>Review and confirmation of this chapter by board.</td>
<td>1/1/97</td>
<td>10/21/97, 62 FR 54585</td>
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<tr>
<td><strong>Chapter 200 National Low Emission Vehicle Program</strong></td>
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<td>5–200–30 .................</td>
<td>Transition from national LEV requirements to a Virginia Sec. 177 program.</td>
<td>4/14/99</td>
<td>12/28/99, 64 FR 72564</td>
<td>SIP Effective Date: 2/28/00.</td>
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<tr>
<td><strong>2 VAC 5—Chapter 480 Regulation Governing the Oxygenation of Gasoline</strong></td>
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<tr>
<td>5–480–20 .................</td>
<td>Applicability ..........</td>
<td>11/1/96</td>
<td>2/17/00, 65 FR 8051</td>
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</table>
(d) EPA approved State Source-Specific Requirements.
## EPA-APPROVED VIRGINIA SOURCE-SPECIFIC REQUIREMENTS

<table>
<thead>
<tr>
<th>Source name</th>
<th>Permit/order or registration number</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>40 CFR part 52 citation</th>
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<tbody>
<tr>
<td>Norfolk Naval Base-Exchange Service Station</td>
<td>[NONE]</td>
<td>8/6/79</td>
<td>8/17/81, 46 FR 41499</td>
<td>52.2465(c)(41).</td>
</tr>
<tr>
<td>Reynolds Metal Co.—Rolling Mill</td>
<td>DSE—597–87</td>
<td>9/30/87</td>
<td>8/20/90, 55 FR 33904</td>
<td>52.2465(c)(92).</td>
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<tr>
<td>Aquafin (Hercules) Company</td>
<td>50363</td>
<td>9/26/90</td>
<td>11/1/91, 56 FR 56159</td>
<td>52.2465(c)(93).</td>
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<td>Nabisco Brands, Inc.</td>
<td>DTE—179–91</td>
<td>4/24/91</td>
<td>3/6/92, 57 FR 8080</td>
<td>52.2465(c)(95).</td>
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<td>Reynolds Metals Co.—Bellwood</td>
<td>30401</td>
<td>11/19/91</td>
<td>3/18/92, 57 FR 9388</td>
<td>52.2465(c)(96).</td>
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<tr>
<td>Reynolds Metals Co.—South</td>
<td>DSE—413A–86</td>
<td>10/31/86</td>
<td>6/13/86, 61 FR 29963</td>
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<tr>
<td>Philip Morris, Inc.—Blended Leaf Facility</td>
<td>50080</td>
<td>2/27/86</td>
<td>10/14/97, 62 FR 53277</td>
<td>52.2465(c)(120).</td>
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<tr>
<td>Philip Morris, Inc.—Park 500 Facility</td>
<td>50722</td>
<td>3/26/97</td>
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<tr>
<td>Philip Morris, Inc.—Richmond Manufacturing Center</td>
<td>50076</td>
<td>3/3/96</td>
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<tr>
<td>Virginia Electric and Power Co.—Innsbrook Technical Center</td>
<td>50396</td>
<td>3/30/96</td>
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<tr>
<td>Hercules, Inc.—Aquafin Division</td>
<td>V—0163–96</td>
<td>7/12/96</td>
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<tr>
<td>City of Hopewell—Regional Wastewater Treatment Facility</td>
<td>50735</td>
<td>5/30/96</td>
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<tr>
<td>Allied Signal, Inc.—Hopewell Plant</td>
<td>50232</td>
<td>3/6/96</td>
<td>10/14/97, 62 FR 53277</td>
<td>52.2465(c)(121).</td>
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<td>Allied Signal, Inc.—Chesterfield Plant</td>
<td>V—0114–96</td>
<td>5/20/96</td>
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<tr>
<td>Bear Island Paper Co. L.P.</td>
<td>V—135–96</td>
<td>7/12/96</td>
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<td>Stone Container Corp.—Hopewell Mill</td>
<td>50370</td>
<td>5/30/96</td>
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<tr>
<td>ICI Americas Inc.—Films Division—Hopewell Site</td>
<td>50418</td>
<td>5/30/96</td>
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<td>Tuscarora, Inc.</td>
<td>71814</td>
<td>6/5/96</td>
<td>1/22/99, 64 FR 3425</td>
<td>52.2465(c)(128).</td>
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<td>Potomac Electric Power Company (PEPCO)—Potomac River Generating Station (Permit to Operate)</td>
<td>Registration No. 70228</td>
<td>9/18/99</td>
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<td>52.2420(d).</td>
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<td>Virginia Power (VP)—Possum Point Generating Station (Permit to Operate)</td>
<td>Registration No. 70225</td>
<td>9/26/90</td>
<td>12/14/00</td>
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## EPA-APPROVED VIRGINIA SOURCE-SPECIFIC REQUIREMENTS—Continued

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<tr>
<th>Source name</th>
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<th>State effective date</th>
<th>EPA approval date</th>
<th>40 CFR part 52 citation</th>
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<tr>
<td>Virginia Power (VP)—Possum Point Generating Station [Permit containing NOx RACT requirements]</td>
<td>Registration #70225</td>
<td>7/21/2000</td>
<td>January 2, 2001, 66 FR 15</td>
<td>52.2420(d).</td>
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</tbody>
</table>
§ 52.2423 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Particulate matter</td>
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<tr>
<td>Eastern Tennessee-Southwestern Virginia Interstate</td>
<td>I</td>
</tr>
<tr>
<td>Valley of Virginia Intrastate</td>
<td>I</td>
</tr>
<tr>
<td>Central Virginia Intrastate</td>
<td>I</td>
</tr>
<tr>
<td>Northeastern Virginia Intrastate</td>
<td>3A</td>
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<tr>
<td>State Capital Intrastate</td>
<td>I</td>
</tr>
<tr>
<td>Hampton Roads Intrastate</td>
<td>I</td>
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<tr>
<td>National Capital Intrastate</td>
<td>I</td>
</tr>
</tbody>
</table>

§ 52.2422 [Reserved]

§ 52.2423 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Virginia’s plan for the attainment and maintenance of the national standards. The State included a provision dealing with open burning in its submittal of August 10, 1973. This provision was included for information purposes only and was not to be considered a part of the plan to implement national standards. Accordingly, this additional provision is not considered a part of the applicable plan.

(b)–(c) [Reserved]

(d) The portion of the January 11, 1979 SIP submittal pertaining to Smyth County is not approved, pending a possible redesignation of the area to attainment status.

(e) The requirements of §51.22 are not met with respect to section 4.55(b) of the Virginia regulations, because the regulation is not adequately enforceable. Therefore, section 4.55(b) is disapproved.

(f) Section 9 VAC 5-40-20.A.3. of the Virginia Regulations for the Control and Abatement of Air Pollution is not considered part of the applicable plan because it contradicts a previously approved section of the SIP.

(g) Section 4.31(d)(3) of Part IV of the Virginia Regulations for the Control and Abatement of Air Pollution is not considered part of the applicable plan because the substitute criteria, listed in section 4.31(d)(3), contain inherent variations in quality control which do not present an accurate representation of collection efficiency.

(h) In an April 19, 1991 request submitted by the Virginia Department of Air Pollution Control, the source-specific emission limitation for James River Paper which EPA had approved on August 18, 1983 is deleted. James River Paper Co. (now known as Custom Papers Group—Richmond, Inc.) located in Richmond, Virginia is now required to comply with the applicable Virginia SIP paper coating regulation.

(i) Pursuant to an October 31, 1991 request submitted by the Virginia Department of Air Pollution Control, the source-specific Alternate Control Program (bubble) for J.W. Fergusson & Sons, Inc. located in Richmond, Virginia is required to comply with the Virginia SIP graphic arts RACT regulation approved by EPA on January 25, 1984 (see 40 CFR 52.2420(c)(48) and (c)(74)).


(k) The maintenance plan SIP revision, and request to redesignate the
§ 52.2424 Motor vehicle emissions budgets.

(a) Motor vehicle emissions budget for the Hampton Roads maintenance area adjusting the mobile emissions budget contained in the maintenance plan for the horizon years 2015 and beyond adopted on August 29, 1996 and submitted by the Virginia Department of Environmental Quality on August 29, 1996.

(b) Motor vehicle emissions budget for the Richmond maintenance area adjusting the mobile emissions budget contained in the maintenance plan for the horizon years 2015 and beyond adopted on July 30, 1996 and submitted...
§ 52.2425 1990 Base Year Emission Inventory.

(a) EPA approves as a revision to the Virginia Implementation Plan the 1990 base year emission inventory for the Washington Metropolitan Statistical Area, submitted by Director, Virginia Department of Environmental Quality, on November 1, 1993, April 3, 1995 and October 12, 1995. This submittal consists 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).

(b) EPA approves as a revision to the Virginia State Implementation Plan the 1990 base year emission inventories for the Richmond-Petersburg, Norfolk-Virginia Beach, and Smyth County ozone nonattainment areas submitted by the Director, Virginia Department of Environmental Quality on November 11, 1992, November 18, 1992, November 1, 1993, and December 15, 1994. These submittals consist of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in each area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NOX).

(c) EPA approves as a revision to the Virginia State Implementation Plan the 1990 base year emission inventories for the Northern Virginia ozone nonattainment areas submitted by the Director, Virginia Department of Environmental Quality on November 30, 1992, November 1, 1993, and April 3, 1995. These submittals consist of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in each area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NOX).

(d) EPA approves as a revision to the Virginia State Implementation Plan amendments to the 1990 base year emission inventories for the Northern Virginia ozone nonattainment area submitted by the Director, Virginia Department Environmental Quality, on December 17, 1997. This submittal consists of amendments to the 1990 base year point, area, non-road mobile, and on-road mobile source emission inventories for the following pollutants: volatile organic compounds (VOC), and oxides of nitrogen (NOX).

§ 52.2426 Photochemical Assessment Monitoring Stations (PAMS) Program.

On November 23, 1994 Virginia’s Department of Environmental Quality 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 the Virginia SIP. As with all components of the SIP, Virginia must implement the program as submitted and approved by EPA.

§ 52.2427 Source surveillance.

(a)–(b) [Reserved]

(c) The requirements of § 51.213 of this chapter are not met because the plan does not provide procedures for determining actual emission reductions achieved as a result of implementing the proposed transportation control measures. Rectifying provisions are promulgated in this section.

(d) Monitoring transportation sources.

(1) This section is applicable to the Commonwealth of Virginia.

(2) In order to assure the effectiveness of the inspection and maintenance program approved in § 52.2423 and required by § 52.2441, and the retrofit devices required under §§ 52.2444, 52.2445, 52.2446, and 52.2447 the Commonwealth shall monitor the actual per-vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the
§ 52.2428

Commonwealth of Virginia in accordance with §58.35 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(3) In order to assure the effective implementation of the car pool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free employee parking; and the parking surcharge approved in §52.2423, the Commonwealth shall monitor vehicle miles traveled and average vehicle speeds for each area in which such sections are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the Commonwealth of Virginia in accordance with §58.35 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table 1.

<table>
<thead>
<tr>
<th>Roadway type</th>
<th>VMT or average vehicle speed</th>
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</thead>
<tbody>
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<td>Vehicle type (1)</td>
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<tr>
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<tr>
<td>Arterial</td>
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<tr>
<td>Collector</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td></td>
</tr>
</tbody>
</table>

1 Continue with other vehicle types as appropriate.

(4) No later than March 1, 1974, the Commonwealth shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(i) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(ii) The administrative procedures to be used.

(iii) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of the geographical area to which the data apply; identification of the location at which the data will be collected; and the time periods during which the data will be collected.


§ 52.2428 Control Strategy: Carbon monoxide and ozone.

(a) Determination—EPA has determined that, as of November 5, 1997, the Richmond ozone nonattainment area, which consists of the counties of Chesterfield, Hanover, Henrico, and part of Charles City County, and of the cities of Richmond, Colonial Heights and Hopewell, has attained the 1-hour .12 ppm ozone standard based on three years of air quality data for 1993, 1994 and 1995. EPA has further determined 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 Richmond area for so long as the area does not monitor any violations of the 1-hour .12 ppm ozone standard, or until the area is no longer designated nonattainment. If a violation of the ozone NAAQS is monitored in the Richmond ozone nonattainment area while the area is designated nonattainment, these determinations shall no longer apply.

(b) EPA approves the Commonwealth’s 15 Percent Rate of Progress Plan for the Virginia portion of the Metropolitan Washington, D.C. ozone nonattainment area, submitted by the Acting Director of the Virginia Department of the Environmental Quality on April 14, 1998.

(c) EPA is approving the Commonwealth of Virginia’s post-1996 (ROP) plan SIP revision for the Washington area which was submitted on December 19, 1997, and supplemented on May 25, 1999, and the transportation control measures in Appendix H of the May 25, 1999 submittal.

(d) EPA approves the revisions to the State Implementation Plan submitted by the Virginia Department of Environmental Quality on April 29, 1998, August 18, 1998, and February 9, 2000, and only section 9.1.1.2 of the March 31, 2000 SIP supplement dealing with a
commitment to revise the 2005 attainment motor vehicle emissions budgets within one-year of the EPA’s release of the MOBILE6 model. 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 Metropolitan Washington, DC serious ozone nonattainment area. The revision establishes an attainment date of November 15, 2005 for the Metropolitan Washington, DC ozone nonattainment area. This revision establishes motor vehicle emissions budgets for 2005 of 101.4 tons per day of volatile organic compounds (VOC) and 166.7 tons per day of nitrogen oxides (NO\textsubscript{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. In the revision, Virginia commits to revise their VOC and NO\textsubscript{X} transportation conformity budgets within one year of the release of the MOBILE6 model. Virginia also commits to conduct a mid-course review to assess modeling and monitoring progress achieved towards the goal of attainment by 2007, and submit the results to EPA by December 31, 2003.

§ 52.2429 Extensions.

The Administrator hereby approves a request to extend the attainment date for the national ambient air quality standards for ozone to November 15, 2005 for the Metropolitan Washington, DC ozone nonattainment area.

§§ 52.2430–52.2432 [Reserved]

§ 52.2433 Intergovernmental cooperation.

(a) The requirements of Subpart M of this chapter are not met because the plan does not adequately identify the State and local agencies, and their responsibilities, involved in carrying out the proposed transportation control measures.

§§ 52.2434–52.2435 [Reserved]

§ 52.2436 Rules and regulations.

(a) [Reserved]

(b) The requirements of §51.281 are not met with respect to Section 4.55 (b) of the Virginia regulations, because the regulation is not adequately enforceable. Therefore, Section 4.55(b) is disapproved.

§§ 52.2437–52.2449 [Reserved]

§ 52.2450 Conditional approval.

(a) Virginia’s September 28, 1994 SIP submittal of a Consent Order and Agreement (Order) between the Department of Environmental Quality of the Commonwealth of Virginia and Philip Morris, Inc. establishing reasonably available control technology (RACT) for the Manufacturing Center located in Richmond, Virginia is conditionally approved based on certain contingencies. The condition for approval is to revise and resubmit the Order as a SIP revision within one year of September 29, 1995 according to one of the following: Eliminate the exemption to use non-ethanol-based flavorings in lieu of add-on controls; restrict the applicability of the exemption to the use of non-VOC based flavorings; or impose monitoring and reporting requirements sufficient to determine net increases or decreases in emissions on a mass basis relative to the emissions that would have occurred using add-on controls on an average not to exceed thirty days.

§§ 52.2451 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are met since the plan includes approvable procedures for the Prevention of Significant Air Quality Deterioration.

(b) Regulations for preventing significant deterioration of air quality.
§ 52.2452

The provisions of §52.21 (b) through (w) are hereby removed from the applicable state plan for the Commonwealth of Virginia.

[63 FR 13798, Mar. 23, 1998]

§ 52.2452 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. The provisions of §52.26 are hereby incorporated and made a part of the applicable plan for the State of Virginia.

(c) Long-term strategy. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of Virginia.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.2453 Requirements for state implementation plan revisions relating to new motor vehicles.

Virginia must comply with the requirements of §51.120 with respect to the portion of Virginia that in 1990 was located in the Consolidated Metropolitan Statistical Area containing the District of Columbia.

[60 FR 4738, Jan. 24, 1995]

§ 52.2454 Prevention of significant deterioration of air quality for Merck & Co., Inc.’s Stonewall Plant in Elkton, VA.

(a) Applicability. (1) This section applies only to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, in Elkton, Virginia ("site").

(2) This section sets forth the prevention of significant deterioration of air quality preconstruction review requirements for the following pollutants only: carbon monoxide, nitrogen oxides, ozone (using volatile organic compounds as surrogate), particulate matter with an aerodynamic diameter less than 10 microns (PM<sub>10</sub>), and sulfur dioxide. This section applies in lieu of §52.21 for the pollutants identified in this paragraph as well as particulate matter, but not for particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns (PM<sub>2.5</sub>) regulated as PM<sub>2.5</sub>; however, the preconstruction review requirements of §52.21, or other preconstruction review requirements that the Administrator approves as part of the plan, shall remain in effect for any pollutant which is not specifically identified in this paragraph and is subject to regulation under the Act.

(b) Definitions. For the purposes of this section:

- **12-month rolling total** for an individual pollutant or the total criteria pollutants, as specified in paragraph (d) of this section, is calculated on a monthly basis as the sum of all actual emissions of the respective pollutant(s) from the previous 12 months.

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

- **Completion of the powerhouse conversion** means the date upon which the new boilers, installed pursuant to paragraph (g) of this section, are operational. This determination shall be made by the site based on the boiler manufacturer’s installation, startup and shakedown specifications.

- **Permitting authority** means either of the following:

  (1) The Administrator, in the case of an EPA-implemented program; or

  (2) The State air pollution control agency, or other agency delegated by the Administrator, pursuant to paragraph (o) of this section, to carry out this permit program.

- **Process unit** means:

  (1) Manufacturing equipment assembled to produce a single intermediate or final product; and

  (2) Any combustion device.

- **Responsible official** means:

  (1) The president, secretary, treasurer, or vice-president of the business entity in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the business entity; or

  (2) A duly authorized representative of such business entity if the representative is responsible for the overall operation of one or more manufacturing,
production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(ii) The authority to sign documents has been assigned or delegated to such representative in accordance with procedures of the business entity.

Site means the contiguous property at Route 340 South, Elkton, Virginia, under common control by Merck & Co., Inc., and its successors in ownership, known as the Stonewall site.

(c) Authority to issue permit. The permitting authority may issue to the site a permit which complies with the requirements of paragraphs (d) through (n) of this section. The Administrator may delegate, in whole or in part, pursuant to paragraph (o) of this section, the authority to administer the requirements of this section to a State air pollution control agency, or other agency authorized by the Administrator.

(d) Site-wide emissions caps. The permit shall establish site-wide emissions caps as provided in this paragraph.

(1) Initial site-wide emissions caps. The initial site-wide emissions caps shall be based on the site’s actual emissions during a time period, within five years of the date of permit issuance, which represents normal site operation. The permitting authority may allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual site-wide emissions shall be calculated using the actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(i) Total criteria pollutant emissions cap. The permit shall establish a total criteria pollutant emissions cap (total emissions cap). The criteria pollutants included in the total emissions cap are the following: carbon monoxide, nitrogen oxides, ozone (using volatile organic compounds as surrogate), particulate matter with an aerodynamic diameter less than 10 microns, and sulfur dioxide.

(ii) Individual pollutant caps. The permit shall establish individual pollutant caps for sulfur dioxide, nitrogen oxides and PM10.

(2) Adjustments to the site-wide emissions caps. (i) The permit shall require that upon completion of the powerhouse conversion, the site shall reduce the site-wide emissions caps as follows:

(A) The total emissions cap shall be reduced by 20 percent from the initial site-wide emissions cap established pursuant to paragraph (d)(1)(i) of this section.

(B) The sulfur dioxide cap shall be reduced by 25 percent from the initial site-wide emissions cap established pursuant to paragraph (d)(1)(ii) of this section.

(C) The nitrogen oxide cap shall be reduced by 10 percent from the initial site-wide emissions cap established pursuant to paragraph (d)(1)(ii) of this section.

(ii) The permit may specify other reasons for adjustment of the site-wide emissions caps.

(e) Operating under the site-wide emissions caps. (1) The permit shall require that the site’s actual emissions of criteria pollutants shall not exceed the total emissions cap established pursuant to paragraph (d) of this section.

(2) The permit shall require that the site’s actual emissions of sulfur dioxide, nitrogen oxides and PM10 shall not exceed the respective individual pollutant cap established pursuant to paragraph (d) of this section.

(3) Compliance with the total emissions cap and individual pollutant caps shall be determined by comparing the respective cap to the 12-month rolling total for that cap. Compliance with the total emissions cap and individual pollutant caps shall be determined within one month of the end of each month based on the prior 12 months. The permit shall set forth the emission calculation techniques which the site shall use to calculate site-wide actual criteria pollutant emissions.

(4) Installation of controls for significant modifications and significant new installations. (i) This paragraph applies to significant modifications and significant new installations. Significant modifications for the purposes of this section are defined as changes to an existing process unit that result in an increase of the potential emissions of the
§ 52.2454

process unit, after consideration of existing controls, of more than the significance levels listed in paragraph (e)(4)(ii) of this section. Significant new installations for the purposes of this section are defined as new process units with potential emissions before controls that exceed the significance levels listed in paragraph (e)(4)(ii) of this section. For purposes of this section, potential emissions means process unit point source emissions that would be generated by the process unit operating at its maximum capacity.

(ii) The significance levels for determining significant modifications and significant new installations are:

1. 100 tons per year of carbon monoxide;
2. 40 tons per year of nitrogen oxides;
3. 40 tons per year of sulfur dioxide;
4. 40 tons per year of volatile organic compounds;
5. 15 tons per year of PM10.

(iii) For any significant modification or significant new installation, the permit shall require that the site install, at the process unit, emission controls, pollution prevention or other technology that represents good environmental engineering practice in the pharmaceutical or batch processing industry, based on the emission characteristics (such as flow, variability, pollutant properties) of the process unit.

(f) Operation of control equipment. The permit shall require that the site shall continue to operate the emissions control equipment that was previously subject to permit requirements at the time of issuance of a permit pursuant to this section. This equipment shall be operated in a manner which minimizes emissions, considering the technical and physical operational aspects of the equipment and associated processes. This operation shall include an operation and maintenance program based on manufacturers’ specifications and good engineering practice.

(g) Powerhouse conversion. The permit shall require that the site convert the steam-generating powerhouse from burning coal as the primary fuel to burning natural gas as the primary fuel and either No. 2 fuel oil or propane as backup fuel.

1. The new boilers shall be equipped with low nitrogen oxides technology.
2. The site shall complete the powerhouse conversion (completion of the powerhouse conversion) no later than 30 months after the effective date of the permit.

(h) Monitoring, recordkeeping and reporting. (1) The permit shall set forth monitoring, recordkeeping, and reporting requirements sufficient to demonstrate compliance with the site-wide emissions caps. The monitoring, recordkeeping and reporting requirements shall be structured in a tiered system, such that the requirements become more stringent as the site’s emissions approach the total emissions cap.

2. At a minimum, the permit shall require that the site submit to the permitting authority semi-annual reports of the site-wide criteria pollutant emissions (expressed as a 12-month rolling total) for each month covered by the report. These reports shall include a calculation of the total emissions cap, as well as, the emissions of sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds and PM10.

3. Any reports required by the permit to be submitted on an annual or semi-annual basis shall contain a certification by the site’s responsible official that to his belief, based on reasonable inquiry, the information submitted in the report is true, accurate, and complete.

4. Any records required by the permit shall be retained on site for at least five years.

1. Air quality analysis. The permittee shall demonstrate, prior to permit issuance and on a periodic basis which shall be specified in the permit, that emissions from construction or operation of the site will not cause or contribute to air pollution in excess of any:

1. Maximum allowable increase or maximum allowable concentration for any pollutant, pursuant to section 165 of the Act;
2. National ambient air quality standard or;
3. Other applicable emission standard or standard of performance under the Act.

(j) Termination. (1) The permit may be terminated as provided in this paragraph for reasons which shall include
the following, as well as any other termination provisions specified in the permit:

(i) If the Administrator or the permitting authority determines that continuation of the permit is an imminent and substantial endangerment to public health or welfare, or the environment;

(ii) If the permittee knowingly falsifies emissions data;

(iii) If the permittee fails to implement the powerhouse conversion pursuant to paragraph (g) of this section;

(iv) If the permittee receives four consent orders or two judgments adverse to the site arising from non-compliance with this permit in a five year period that are deemed material by the Administrator or the permitting authority; or

(v) If the total emissions cap is exceeded.

(2) In the event of termination, the Administrator or the permitting authority shall provide the permittee with written notice of its intent to terminate the permit. Within 30 calendar days of the site's receipt of this notice, the site may take corrective action to remedy the cause of the termination. If this remedy, which may include a corrective action plan and schedule, is deemed acceptable by the Administrator or the permitting authority (whichever agency provided written notice of its intent to terminate the permit), the action to terminate the permit shall be withdrawn. Otherwise, the permit shall be terminated in accordance with procedures specified in the permit.

(3) Termination of the permit does not waive the site's obligation to complete any corrective actions relating to non-compliance under the permit.

(k) Inspection and entry. (1) Upon presentation of credentials and other documents as may be required by law, the site shall allow authorized representatives of the Administrator and the permitting authority to perform the following:

(i) Enter upon the site;

(ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) Have access at reasonable times to batch and other plant records needed to verify emissions.

(iv) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required under the permit;

(v) Sample or monitor any substances or parameters at any location, during operating hours, for the purpose of assuring permit compliance or as otherwise authorized by the Act.

(2) No person shall obstruct, hamper, or interfere with any such authorized representative while in the process of carrying out his official duties. Refusal of entry or access may constitute grounds for permit violation and assessment of civil penalties.

(3) Such site, facility and equipment access, and sampling and monitoring shall be subject to the site's safety and industrial hygiene procedures, and Food and Drug Administration Good Manufacturing Practice requirements (21 CFR parts 210 and 211) in force at the site.

(m) Permit issuance. The permitting authority shall provide for public participation prior to issuing a permit pursuant to this section. At a minimum, the permitting authority shall:

(1) Make available for public inspection, in at least one location in the area of the site, the information submitted by the permittee, the permitting authority's analysis of the effect on air quality including the preliminary determination, and a copy or summary of any other materials considered in making the preliminary determination;

(2) Notify the public, by advertisement in a newspaper of general circulation in the area of the site, of the application, the preliminary determination, and of the opportunity for comment at a public hearing as well as written public comment;

(3) Provide a 30-day period for submittal of public comment;
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(4) Send a copy of the notice of public comment to the following: the Administrator, through the appropriate Regional Office; any other State or local air pollution control agencies, the chief executives of the city and county where the site is located; any State, Federal Land Manager, or other governing body whose lands may be affected by emissions from the site.

(5) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the site, the control technology required, and other appropriate considerations.

(n) Permit modifications. The permit shall specify the conditions under which the permit may be modified by the permitting authority. The permitting authority shall modify the permit in accordance with the procedures set forth in this paragraph.

(1) Permit modifications that require public participation. For any change that does not meet the criteria for an administrative permit modification established in paragraph (n)(2)(i) of this section, the permitting authority shall provide an opportunity for public participation, consistent with the provisions of paragraph (m) of this section, prior to processing the permit modification.

(2) Administrative permit modification. (i) An administrative permit modification is a permit revision that:

(A) Corrects typographical errors;

(B) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the site;

(C) Requires more frequent monitoring, recordkeeping, or reporting by the permittee;

(D) Allows for a change in ownership or operational control of a source where the permitting authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the permitting authority;

(E) Updates the emission calculation methods specified in the permit, provided that the change does not also involve a change to any site-wide emissions cap.

(F) Changes the monitoring, recordkeeping or reporting requirements for equipment that has been shutdown or is no longer in service.

(G) Any other change that is stipulated in the permit as qualifying as an administrative permit modification, provided that the permit condition which includes such stipulation has already undergone public participation in accordance with paragraph (m) of this section.

(ii) An administrative permit modification may be made by the permitting authority consistent with the following procedures:

(A) The permitting authority shall take final action on any request for an administrative permit modification within 60 days from receipt of the request, and may incorporate such changes without providing notice to the public, provided that the permitting authority designates any such permit revisions as having been made pursuant to this paragraph.

(B) The permitting authority shall submit a copy of the revised permit to the Administrator.

(C) The site may implement the changes addressed in the request for an administrative permit modification immediately upon submittal of the request to the permitting authority.

(o) Delegation of authority. (1) The Administrator shall have the authority to delegate the responsibility to implementing this section to any agency other than a Regional Office of the Environmental Protection Agency, the following provisions shall apply:

(A) The permitting authority shall consult with the appropriate State and local air pollution control agency prior to making any determination under this section. Similarly, where the delegate agency does not have continuing responsibility for managing land use, it shall consult with the appropriate State and local agency primarily responsible for managing land use prior
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(4) Miscellaneous non-regulatory additions to the plan submitted on February 14, 1973, by the Governor.

(5) Transportation control plan for National Capital AQCR submitted April 11, 1973, by the Governor.

(6) Amendments to the National Capital AQCR Transportation Control Plan submitted on May 30, 1973, by the Governor.

(7) Amendments to the National Capital AQCR Transportation Control Plan submitted on July 11, 1973, by the Governor.

(8) Amendments to the National Capital AQCR Transportation Control Plan submitted on July 9, 1973, by the Governor.

(9) Miscellaneous non-regulatory additions to the plan submitted on August 10, 1973, by the Governor.

(10) Revision to plan setting forth control strategy for particulate matter in the State Capital AQCR submitted August 20, 1973, by the Governor.

(11) Indirect Source Review plan was submitted December 6, 1973, by the State Air Pollution Control Board.

(12) Revisions to air quality standards for sulfur oxides section 3.703 of the Commonwealth of Virginia’s Regulations for the Control and Abatement of Air Pollution, submitted February 12, 1974, by the Virginia Air Pollution Control Board.

(13) AQMA designations were submitted on May 7, 1974 by the Governor of the State of Virginia.

(14) Revision deleting preface to the State air pollution control regulations submitted May 24, 1974 by the Virginia Air Pollution Control Board.

(15) An amendment to Section 2.05(a) (Variances) former Section 2.01(f) of the Commonwealth of Virginia Regulations for the Control and Abatement to Air Pollution submitted on August 14, 1975 by the Commonwealth Secretary of Commerce and Resources.

(16) A variance to allow the operation of the Alexandria City Incinerator in excess of the federally approved particulate emission limitations for incinerators until December 31, 1979, by the Commonwealth Secretary of Commerce and Resources.

(17) Amendment to section 7.02 (Episode Determination) [former sections 6.01(b), 6.701(b)] of the Commonwealth
of Virginia for the Control and Abatement of Air Pollution submitted on January 29, 1976, by the Secretary of Commerce and Resources.

(18) Amendment to sections 7.01 (General) [former section 6.700] and 7.02 (Episode Determination) [former section 6.701(b)] of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution submitted on March 11, 1977, by the Secretary of Commerce and Resources.

(19) Amendments to Part I, Subpart 1.01 (Certain Terms Defined) and to Part IV, Section 4.52 (former Section 4.705.13) of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution submitted on April 16, 1974, by the Commonwealth Secretary for Commerce and Resources.

(20) Amendments to Part I (Definitions), Sections 1.01 and 1.02; amendments to Part II (General), Sections 2.01, 2.03, 2.04, 2.07, 2.08, 2.10, 2.12, 2.30, and 2.31; amendments to Part III (Ambient Air Quality Standards), Sections 3.01, 3.03 [sections 3.03(b)(1) and 3.03(b)(2) are deleted] 3.04, 3.05, 3.06, 3.07 and deletion of Section 3.08; amendments to Part IV (Existing Sources), Sections 4.01, 4.20, 4.40, 4.41, 4.51(b) through 4.51(g), 4.70, 4.71, 4.80–4.86, 4.90–4.92, and 4.100–4.102 and deletion of Section 4.07.02; amendments to Part VII (Air Pollution Episode), Sections 7.01, 7.02, and 7.05; and amendments to Appendices A, B, C (former Appendix A), D, E [former Section 4.08.04], G, H, and I submitted on August 14, 1975 by the Secretary of Commerce and Resources.

(21) Deletion of former Section 4.703.04 (Bacharach Standard) submitted on June 16, 1976 by the Secretary of Commerce and Resources.

(22) Amendments to Part I (Definitions), Section 1.01, submitted on October 20, 1976 by the Secretary of Commerce and Resources.

(23) Amendment to Section 10–17.21 of the Virginia Air Pollution Control Law submitted August 1975 by the Commonwealth.

(24) Amendment to subsection 4.52(e) (former section 4.705.03) of the Virginia regulations for the control and abatement of air pollution; submitted on April 16, 1974, as amended June 16, 1976, by the secretary of commerce and resources.

(25) A variance issued to the Spruance, Virginia plant of E.I. DuPont de Nemours and Company exempting one of their boilers from Rule EX-3 until December 31, 1980, submitted on December 13, 1978 by the Secretary of Commerce and Resources.

(26) On November 28, 1977 the State submitted an amendment to the Virginia SIP consisting of a permit extension and an emission offset for the Hampton Roads Energy Company’s proposed refinery and terminal in Portsmouth, Virginia. This submittal was supplemented by the Commonwealth on March 17, 1978, May 26, 1978, August 9, 1978, and October 5, 1979. The March 17th submittal included a letter dated March 6, 1978 from the Commission of the Virginia Department of Highways and Transportation committing to a reduction of nonmethane hydrocarbon emissions through the substitution of emulsion-based asphalt for solvent-based asphalt thus providing the needed emission offset. This letter is an addendum to the Virginia SIP. The State-issued permit to HREC, as amended, is also made part of the Virginia SIP.

(27) On January 11, 1979, the Governor submitted the nonattainment area plans for Virginia with respect to ozone and carbon monoxide.

(28) The following portions of Virginia’s September 6, September 21, and December 17, 1979, submittals are approved:

(i) September 6, 1979, submittal: Section 2.33(g)(1)(vi) of the regulation.

(ii) September 21, 1979, submittal, the following Sections of Virginia’s regulations: Sections 4.57(b)(2)(ii); 4.55(f)(4)(i); 4.56(e); 4.52(a); 2.03(a)(1); 2.33(f)(3); Part I of the regulations, the definitions of “Delayed Compliance Order” and “Nonattainment Area;” Sections 4.02(f)(1) through 4.02(f)(5); Appendix N; and those portions of Sections 4.54, 4.55 and 4.56 where the phrase “will be considered acceptable compliance by the Board” has been modified.

(iii) December 17, 1979, submittal: Chapter 3, Control Strategy Demonstration, design value for Northern Virginia.
(29) The following portions of Virginia's August 14, 1975, August 31, 1977, and January 11, 1979, submittals as they relate to Section 2.33 are approved:

(i) August 14, 1975, submittal: Section 2.33 (b) and (i).

(ii) August 31, 1977, submittal: Section 2.33(h).

(iii) January 11, 1979, submittal: Section 2.33 (a), (c), (d), (e), (f), (g) and (k).

(30) Amendments of Part I (Definitions), section 1.02; Part II (General Provisions), Sections 2.02 (a), (c), and (e) (former section 2.11 (a), (b), and (d)), section 2.05(b), section 2.11; and Part IV (Regulations for Existing sources), sections 4.10, 4.11, and 4.13 deletion of the following regulations from Part IV: Former sections 4.03.02, 4.05.03, 4.05.04, 4.05.05(b), 4.10.03, 4.705.04, and 4.705.05 submitted on August 14, 1975 by the Secretary of Commerce and Resources.

(31) Amendments on Part I (Definitions), section 1.02; Part III (Ambient Air Quality Standards), section 3.02(c); Part IV (Special Provisions), section 4.02(a), (a)(1), (a)(2), (b), (c), and (d) (Formerly section 2.04) and section 4.03; and Part VII (Air Pollution Episode), sections 7.04 (a), (b), (d), and (e) submitted on October 20, 1976 by the Secretary of Commerce and Resources.

(32) Amendments of Part II, (General Provisions), section 2.02(b) submitted on March 11, 1977, by the Secretary of Commerce and Resources.

(33) Amendments on Part II, (General Provisions), section 2.02(d) submitted on September 20, 1978, by the Secretary of Commerce and Resources.

(34) Amendments to Part II (General Provisions), section 2.06 (b) and (c); and Part VII (Air Pollution Episode), section 7.03(d); and deletion of Part IV (Existing Sources), Rule EX–7, section 4.07.05 submitted on August 14, 1975, by the Secretary of Commerce and Resources.

(35) Amendments to Part I (Definitions), section 1.02; Part II (General Provisions), section 2.06 (a) and (d); Part III (Ambient Air Quality Standards), section 3.02 (a) and (b); Part IV (Existing Sources), sections 4.20, 4.21, 4.23 (formerly sections 4.41), 4.25, 4.26, 4.27, and 4.51(a), Part VII (Air Pollution Episode), former section 4.51(b) through (g) are changed to section 4.51 (c) through (h). Sections 7.01(b) and 7.02 (a), (b), and (d); and Appendix A; and, deletion of former sections 4.20, 4.21, and 4.22 submitted on September 20, 1978 by the Secretary of Commerce and Resources.

(36) Amendments to Part VII (Air Pollution Episode), sections 7.03 (c) and (e) and 7.04(c); and deletion of Part II (General Provisions), section 2.04(a)(2) as submitted on March 11, 1977 by the Secretary of Commerce and Resources.

(37) Amendments to Part I (Definitions), section 1.02; Part IV (Existing Sources), Rule EX–2, section 4.22; and Part VII (Air Pollution Episode), section 7.03 (a) and (b) as submitted on September 21, 1979 by the Secretary of Commerce and Resources.

(38) A revision submitted by the Commonwealth of Virginia on March 24, 1980 which is intended to establish an Ambient Air Quality Monitoring Network.

(39) Amendments to Part I (Definitions), section 1.02; and Part IV (Emission Standards for Particulate Emissions from Fuel Burning Equipment, Rule EX–3), sections 4.30, 4.31 (except section 4.31(d)(3)) and 4.32 submitted on September 21, 1979.

(40) A revision submitted by the Commonwealth of Virginia on January 9, 1979 consisting of an amendment to the Virginia Regulations for the Control and Abatement of Air Pollution, Part IV, Rule EX–2, Emission Standards for Visible Emissions.

(41) A revision submitted by the Commonwealth of Virginia on August 13, 1979 consisting of a variance from Part IV, Rule EX–10, Sections 4.100(a)(1), (2) and (3) for preparing cars for overseas shipment at the Exchange Service Station on the Naval Base in Norfolk, Virginia.

(42) A variance issued to the Union Camp Corporation Particleboard Plant located at Franklin, Virginia exempting dryers 1FSD, 2FSD, and pre-dryer 3FSD from Part IV, Rule EX–4, Section 4.41(i) until December 15, 1981, submitted on July 28, 1980 and amended on April 16, 1981 by the Virginia Secretary of Commerce and Resources.

(43) The variance issued to the Norfolk Naval Shipyard located at Portsmouth, Virginia exempting the salvage fuel-fired boilers and the power plant
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boilers from Sections 4.22 and 4.31(a)(1) until July 31, 1982, submitted on August 29, 1980 and amended on May 5, 1981 by the Secretary of Commerce and Resources.

(44) A revision submitted by the Commonwealth of Virginia on June 19, 1980 consists of a 1979 Amendment to the provisions of Section 10–17.12 (Qualifications of members of Board) of the Virginia Air Pollution Control Law.

(45) A revision submitted by the Commonwealth of Virginia on August 19, 1980 consists of a 1979 Amendment to the provisions of Section 10–17.12 (Qualifications of members of Board) of the Virginia Air Pollution Control Law.

(46) A revision submitted by the Commonwealth of Virginia on August 29, 1980 and amended on May 5, 1981 by the Secretary of Commerce and Resources.

(45) A revision submitted by the Commonwealth of Virginia on June 19, 1980 consists of a 1979 Amendment to the provisions of Section 10–17.12 (Qualifications of members of Board) of the Virginia Air Pollution Control Law.

(47) Amendments to Chapter 1 of all nonattainment plans; amendments to Chapter 11 of the Richmond, Northern Virginia, Peninsula, and Southeastern plans; amendments to Chapter 9 of the Roanoke and Stafford plans; addition of Appendices A and B to all plans; amendments to Chapter 3 of the Northern Virginia, Peninsula, Southeastern, Roanoke and Stafford plans; amendments to Chapter 10 of the Richmond, Peninsula, and Southeastern plans; addition of Appendix C to the Northern Virginia Plan; and, certain revisions to Chapter 5 of all plans were submitted by the Secretary of Commerce and Resources on April 13, 1981. Revision of Chapter 10 of the Northern Virginia plan submitted on July 23, 1981.

(48) The revisions submitted on December 17, 1979 by the Secretary of Commerce and Resources related to the ozone and carbon monoxide nonattainment area plans, except section 1.02, “Vapor Tight”, sections 4.54(h), 4.56(h), 4.55(m)(2), and 4.57(a)(5), Chapter 3 of the Roanoke plan, Chapter 6 of the Peninsula, Richmond, and Southeastern Virginia plans, and Appendix P.

(49) The May 15, 1980 revision, as amended by the April 3, 1981 revision, submitted by the Secretary of Commerce and Resources pertaining to Chapter 9 of the Richmond and Northern Virginia nonattainment plans. This submittal includes the State Statute authorizing an Inspection and Maintenance program and a schedule for the implementation of this program.

(50) Amendments to Part II (General Provisions), Sections 2.33(a)(5) and 2.34(i) submitted on February 19, 1981, by the Secretary of Commerce and Resources.

(51) Revisions to section 1.02 (Terms Defined) of Part I (Definitions) and Section 4.51(c)(2) of Part IV (Rule EX–5, Emission Standards for Gaseous Pollutants) were submitted by the Secretary of Commerce and Resources, Commonwealth of Virginia, on September 28, 1978.

(52) A revision submitted by the Commonwealth of Virginia on October 20, 1976 consisting of amendments to sections 2.34(a), 2.34(b), and 2.34(h) of the Virginia Air Pollution Control Board Regulations.

(53) A revision submitted by the Commonwealth of Virginia on September 20, 1978 consisting of amendments to Part I, Definitions, modification of “Combustion Installation”; and sections 4.02(a)(2), 4.02(e), and 4.21 of the Virginia Air Pollution Control Board Regulations.

(54) A revision submitted by the Commonwealth of Virginia on September 6, 1979 consisting of amendments to Part I, Definitions; sections 2.33(a), 2.33(c), 2.33(d), 2.33(e), 2.33(h), 2.33(k), 2.33(m), 3.05(a), 3.05(b), 3.05(c), 3.05(d), 4.02(g)(2), (3), (4), (5), and (6), 4.23, 4.40, 4.41, 4.90, 4.91, 4.92(b), 4.93(b), 7.01(b), 7.02(a), 7.02(b), 7.02(d); and, Appendix B of the Virginia Air Pollution Control Board Regulations.

(55) A revision submitted by the Commonwealth of Virginia on September 21, 1979 consisting of amendments to Part I, Definitions; sections 2.03(c), 2.03(e), 2.09(d), 2.09(f), 2.34(c), 2.34(d), 2.34(e), 2.34(f), 2.34(g), 4.02(f)(7) through (10), 4.54(a), 4.54(b), 4.54(c), 4.54(e), 4.54(f), 4.54(g), 4.55(a), 4.56(a), 4.56(b), 4.56(c), 4.56(d), 4.56(f), 4.56(g), 4.57(a), 4.57(b); and Appendix M of the Virginia Air Pollution Control Board Regulations.

(56) The variance issued to the Southside Mental Health and Mental Retardation Support Unit located in Petersburg, Virginia exempting the facility from Sections 4.22 and 4.31(a)(1)(i) until June 30, 1982. It was submitted on

(57) A revision submitted by the Commonwealth of Virginia on October 20, 1976 consisting of the addition of Sections 1.02, (Definition of Continuous Emission Monitoring); 4.04 (a) through (f); 4.05 (a) through (e); and Appendix J, except for Part II, Sections a.2. and d.2.

(58) A revision submitted by the Commonwealth of Virginia on September 20, 1978 consisting of amendments to Sections 4.04 (a)(1) and (b); 4.04(e); Appendix J; and the addition of Sections 4.24 (a), (b) and (c).

(59) Amendments to sections 1.02, 4.56(f)(3), and Appendix M as submitted on April 13, 1981 by the Secretary of Commerce and Resources.

(60) Revisions submitted on February 16, 1981, except the compliance schedules contained in Chapter 7, by the Secretary of Commerce and Resources related to the ozone and carbon monoxide nonattainment plan for the Richmond area.

(61) Amendments to Part III, Ambient Air Quality Standards, Section 3.08, Lead, submitted on December 30, 1980 by the Secretary of Commerce and Resources.

(62) A variance issued to the U.S. Marine Corps Quantico Base Central Heating Plant located in Prince William County, Virginia, exempting their boilers from Rules EX-2 and EX-3 until October 31, 1984, submitted on November 5, 1980, revised on December 16, 1981 and further revised December 1, 1983 by the Commonwealth of Virginia.

(63) [Reserved]

(64) Amendments to Part V, sections 5.01, 5.13, and 5.17 as submitted on August 14, 1975 by the Secretary of Commerce and Resources.

(65) Amendments to Part V, sections 5.02 (b) through (d); 5.03, 5.04 (b) through (d) and (f); and 5.05 as submitted on October 20, 1976 by the Secretary of Commerce and Resources.

(66) Amendments to Part V, sections 5.02 (a) and (e), 5.04 (a) and (e), 5.10, 5.14, 5.15, and 5.16 as submitted September 20, 1978 by the Secretary of Commerce and Resources.

(67) Amendments to Part V, sections 5.40 and 5.45 as submitted on September 6, 1979 by the Secretary of Commerce and Resources.

(68) Amendment to Part V, section 5.12 as submitted on September 21, 1979 by the Secretary of Commerce and Resources.

(69) Amendments to Part I, section 1.02, Part II, sections 2.31, 2.33 (a) through (e), (g) (k), and (m), Part IV, Rule EX-4, section 4.41(b)(4); Part V, Rule NS-4, sections 5.42, 5.43, and 5.44, Part VIII, section 8.02 and Appendix L as submitted August 18, 1981 by the Secretary of Commerce and Resources.

(70) Revisions submitted on July 13, 1981 and August 10, 1981, pertaining to the Inspection and Maintenance Program in the Northern Virginia AQCR, by the Secretary of Commerce and Resources.

(71) Amendments to Part IV, Emission Standards for Open Burning (RULE EX-1), Section 4.11 to the Virginia Regulations for the Control and Abatement of Air Pollution, submitted on May 26, 1982 by the Commonwealth of Virginia.

(72) [Reserved]

(73) A revision submitted by the Commonwealth of Virginia on December 17, 1979 consisting of revisions to Chapter 3 of the Roanoke Plan and a revised Appendix P.

(74) Amendments to sections 1.02: 2.04(a); 2.14; 2.32(c); 2.33(j); 2.34(g): 4.02 (f) and (g): 4.54; 4.55; 4.56; 4.57; 4.94; 5.02(f); 8.02(o); and Appendix J, Part II sections a.2. and d.2; submitted on December 27, 1982 by the Commonwealth of Virginia.

(75) Amendments to sections 4.56, 5.02(a), and 5.15; submitted on January 5, 1983 by the Commonwealth of Virginia.

(76) Amendments to section 4.51(b) of the Virginia Air Pollution Control Board Regulations submitted on September 20, 1978 by the Commonwealth of Virginia.

(77) [Reserved]

(78) The Washington Metropolitan Air Quality Plan for the Northern Virginia Nonattainment Area for Ozone and Carbon Monoxide Air Quality Standards submitted by the Virginia State Air Pollution Control Board on January 12, 1983.

(79) Amendments to Appendix I of the Virginia Regulations for the Control
and Abatement of Air Pollution consisting of confirmation of local government commitments by Fairfax County and Loudoun County to implement the Northern Virginia nonattainment plan; submitted on December 3, 1982 by the Virginia State Air Pollution Control Board.

(80) [Reserved]

(81) Amendments to sections 1.02, 2.33, 4.02, and 5.02 of the Virginia Regulations for the Control and Abatement of Air Pollution submitted on January 24, 1983 by the Virginia State Air Pollution Control Board.

(82) Amendment for an alternate compliance schedule for the Ford Motor Company plant in Norfolk, Virginia submitted on December 30, 1982 by the Virginia State Air Pollution Control Board.

(83) Approval of an alternative emissions reduction plan for total suspended particulates at the Reynolds Aluminum Company’s Bellwood reclamation facility located in Chesterfield County, Virginia submitted on April 1, 1983 by the Commonwealth of Virginia.

(84) A variance issued to the City of Portsmouth, exempting their Municipal Incinerator from Rule EX–7, section 4.71 for particulate emissions until February 15, 1985, submitted on May 6, 1983 by the Commonwealth of Virginia.

(85) Amendments to the Department of State Police Administrative and Procedural Regulations for the Motor Vehicle Inspection and Maintenance (I/M) Program submitted on December 29, 1982 by the Virginia State Air Pollution Control Board.

(86) Amendments to section 4.103 of the Virginia Regulations for the Control and Abatement of Air Pollution submitted on June 5, 1984 by the Virginia State Air Pollution Control Board.

(87) A revision to the Virginia State Implementation Plan was submitted on December 17, 1984 by the Virginia State Air Pollution Control Board.

(i) Incorporation by reference.

(A) Letter dated November 29, 1984 from the Virginia State Air Pollution Control Board to the Ford Motor Company containing a compliance schedule for installing the electrophoretic deposition process (EDP) for prime coating operations at the Norfolk assembly plant, adopted on November 26, 1984.

(ii) Additional material.

(A) Technical Support Document dated November 26, 1985, prepared by the Virginia State Air Pollution Control Board.

(88) The repeal of §52.2420(c)(26) pertaining to a permit and emission offset for the Hampton Roads Energy Company’s proposed refinery and terminal in Portsmouth, Virginia.

(89) Revisions to the Virginia Regulations for the Control and Abatement of Air Pollution were submitted on February 15, 1985 by the Commonwealth of Virginia:

(i) Incorporation by reference.

(A) Letter dated February 15, 1985 from the Virginia State Air Pollution Control Board transmitting a recodification and restructuring of the Virginia Regulations for the Control and Abatement of Air Pollution.

(B) The following provisions of the Virginia regulations, effective February 1, 1985:

(1) Part I General Definitions

Sections 120–01–01, 120–01–02 (former sections 1.01, 1.02) (except for definitions of “dispersion technique,” “excessive concentrations,” “good engineering practice (GEP) stack height,” “hazardous air pollutant,” “nearby,” “stationary source” and “variance”).

(2) Part II General Provisions

Sections 120–02–01 through 120–02–04 (former sections 2.01–2.04); 120–02–05A (former section 2.05A); 120–02–06 through 120–02–07 (former sections 2.06–2.07) 120–02–11, 120–02–14 (former sections 2.11, 2.14); 120–02–31, 120–02–32, and 120–02–34 (former sections 2.31, 2.32, 2.34).

Note: SIP Sections 2.09, 2.10, 2.12, and 2.30 have been redesignated as Sections 120–02–09, 120–02–10, 120–02–12, and 120–02–30 respectively. There are no wording changes. SIP Section 2.33 has been moved to Part VIII.

(3) Part III Ambient Air Quality Standards

Sections 120–03–01 through 120–03–05 (former sections 3.01–3.05), 120–03–07, 120–05–08 (former Sections 3.07–3.08)
(4) Part IV  Emission Standards From Existing Sources

Sections 120–04–01 through 120–04–05 (except for sections 120–04–02.A.3. and 120–04–021).


Rules 4–5, 4–6, 4–23, and 4–38 (except for sections within each rule pertaining to control of odors and noncriteria pollutants).

Rule 4–7 (except for sections 120–04–0706 through 120–04–0708).


DELETION OF RULE EX–8

NOTE: (1) All sections within each rule pertaining to control odors and noncriteria pollutants are not part of the SIP.

(2) Emission standards for hydrogen sulfide (sections 120–04–0406, 120–04–1105), total reduced sulfur (section 120–04–1304), and sulfuric acid mist (section 120–04–2104) are currently not part of the SIP.

(3) Section 120–04–3705D.3.b. (former section 4.56(e)(3)(i)) pertaining to monthly throughput exemptions for gasoline bulk plants is not an approved part of the SIP.

(5) Part V Emission Standards for New and Modified Sources

Sections 120–05–01 through 120–05–05 (except for section 120–05–02.H.).

Rule 5–1, Sections 120–05–0101, 120–05–0102.A., B., C. (definition of “opacity” only), 120–05–0104 through 120–05–0107.

Rule 5–4 (except for sections 120–05–0408 and 120–05–0409).

Note: All sections within each rule pertaining to odors and noncriteria pollutants are not part of the SIP.

(6) Part VII Air Pollution Episodes

Sections 120–07–01, 120–07–02 (added), Sections 120–07–03 through 120–07–07 (revised) (former Sections 7.01–7.05).

(7) Part VIII Permits for New and Modified Sources


Section 120–08–03.A., B. (except for definitions of “allowable emissions,” “building, structure, or facility,” “net emissions increase,” “potential to emit,” “secondary emissions,” and “stationary source”). C. through G. (except for F.1.), and I. through P. (former section 8.02).

Note: Sections pertaining to sources of hazardous pollutants (sections 120–08–01C.1.b., 120–08–01H.2., 120–08–03C.1.b., and 120–08–03H.2.) are not part of the SIP.

(8) Appendices

A. D. F. G. J. K. N. P. (Revised)
New B. (Added)
B. H.—No Change
Old E.—Deleted

(ii) Additional material.

(A) Remainder of February 15, 1985 State submittal.

(B) Letter with attachments from the Virginia State Air Pollution Control Board (VSAPCB) to U.S. EPA Region III: June 21, 1985.


(90) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on February 14, 1985.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated February 14, 1985 submitting a revision to the Virginia State Implementation Plan.

(B) The following provisions of the Virginia regulations, effective February 1, 1985:

(1) Part IV—Emission Standards From Existing Sources

“Rule 4–1, sections 120–04–0101 through 120–04–0107, deletion of the definitions of “fumes” and “mist”.


Rule 4–9, section 120–04–0903.C.


Rule 4–12, sections 120–04–1202.C. (definitions of “manufacturing operation,” “materials handling equipment,” “physically connected,” “process operation,” “process unit,” “process weight,” and “process weight rate” only), 120–04–1203.

Rule 4–13, sections 120–04–1302.C. (definitions of “cross recovery furnace,” “kraft pulp mill,” “lime kiln,” “recovery furnace,” “smelt dissolving tank,” and “straight kraft recovery furnace” only), 120–04–1303, 120–04–1305.


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Rule 4-17, sections 120-04-1702.C., 120-04-1703.

Rule 4-18, sections 120-04-1802.C. (definitions of “aluminum production operation,” “brass or bronze,” “brass or bronze production,” “ferroalloy production operation,” “gray iron foundry operation,” “lead,” “magnesium product operation,” “primary copper,” “primary lead smelter,” “primary metal operation,” “primary zinc smelter,” “secondary lead production operation,” “secondary metal operation,” “steel foundry operation,” and “zinc processing operation” only), 120-04-1803.

Rule 4-19, sections 120-04-1902.C., 120-04-1903.


(2) Part V—Emission Standards for New and Modified Sources

Rule 5-1, sections 120-05-0102.C. (definitions of “fugitive dust,” “fugitive emissions,” and “six minute period” only), 120-05-0103, 120-05-0104.

(3) Appendix Q

(i) Additional materials.

(A) Remainder of the February 14, 1985 submittal.

(B) Letters of June 21, 1985 and September 5, 1985 from the Virginia State Air Pollution Control Board to EPA.

(91) Revisions to the State Implementation Plan for the good engineering practice (GEP) stack height requirements submitted on May 12, 1986 by the Virginia State Air Pollution Control Board:

(i) Incorporation by reference.

(A) Letter of May 12, 1986 from the Executive Director, Virginia State Air Pollution Control Board, transmitting the revised good engineering practice (GEP) stack heights requirements.

(B) Revised Regulations 120-01-02 (Revised definitions of dispersion technique, elevated terrain, Excessive Concentrations, GEP Stack Height, Nearby, Stack, Stack in Existence), 120-04-021, and 120-04-02H of the Virginia Regulations for the Control and Abatement of Air Pollution, adopted April 7, 1986, and effective June 6, 1986.

(C) Deletion of the following definitions from Regulation 120-01-02: Elevated Terrain, Plume Impaction

(ii) Additional material.

(A) Remainder of the official State submittal, transmitted on May 16, 1986.

(92) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control regarding non-CTG RACT requirements for aluminum rolling mills applicable to Reynolds Metals in Richmond, Virginia on December 17, 1987.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated December 17, 1987 submitting a revision to the Virginia State Implementation Plan.

(B) Consent Agreement and Order (DSE-597–87) between the Virginia State Air Pollution Control Board and Reynolds Metals Company dated December 21, 1987 and effective May 1, 1988.

(ii) Additional materials.

(A) Letter dated May 4, 1988 from James E. Sydnor, Assistant Executive Director, Programs, VASAPCB to Jesse Baskerville, EPA Region III responding to EPA’s comments submitted for the public hearing on November 9, 1987 regarding the Reynolds RACT determination.


(93) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on March 26, 1991.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated March 26, 1991 submitting a revision to the Virginia State Implementation Plan.

(B) Agreement between the State Air Pollution Control Board of the Commonwealth of Virginia and the Aqualon Company (Source Registration No. 50363) reducing allowable emissions of sulfur dioxide, dated September 24, 1990 and September 26, 1990.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the Virginia Department of Air Pollution Control on March 26, 1991.

(94) Addition of Section 120-08-04 (Permits—operating) to Part VIII of the Virginia Regulations for the Control and Abatement of Air Pollution
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submitted on July 18, 1991 by the Virginia Department of Air Pollution Control:

(i) Incorporation by reference.

(A) Letter of July 18, 1991 from the Virginia Department of Air Pollution Control transmitting a revision to the Virginia State Implementation Plan.

(B) Regulation 120–08–04 (Permits—operating) of Part VIII, Virginia Regulations for the Control and Abatement of Air Pollution, effective July 1, 1991.

(ii) Additional material.

(A) Letter from the Virginia Department of Air Pollution Control dated April 29, 1991.

(B) The following provisions of the Virginia Regulations for the Control and Abatement of Air Pollution, effective February 1, 1985:

1. Section 120–04, as published in The Virginia Register of Regulations (Monday, July 31, 1989—Volume 5, Issue 22), with an effective date of October 1, 1989.

2. Agreement between the State Air Pollution Control Board, effective on April 24, 1991.

3. Additional material.

(A) Technical Support Document for the RACT Determination for Nabisco Brands, Inc., Henrico County, VA; Consent Agreement and Order No. DTE–179–91 between Nabisco Brands, Inc. and the Virginia Air Pollution Control Board, effective on April 24, 1991.

4. Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on April 29, 1991.

5. Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

6. Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

7. Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on September 28, 1989.

8. Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

9. Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on November 21, 1988.

10. Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on February 14, 1985.

11. Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on February 1, 1985:

(A) Remainder of July 18, 1991 State submittal.

(B) Consent Agreement and Order No. DTE–179–91 between Nabisco Brands, Inc., Henrico County, VA; Consent Agreement and Order No. DTE–179–91.

(C) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control dated December 16, 1991.

(D) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control dated December 16, 1991.

(E) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control dated December 28, 1989.

96. Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

(i) Incorporation by reference. (A) Letter from the Virginia Department of Air Pollution Control dated December 6, 1991 submitting a revision to the Virginia State Implementation Plan.

(B) Agreement between the State Air Pollution Control Board of the Commonwealth of Virginia and Burlington Industries (Source Registration No. 30401) reducing allowable emissions of sulfur dioxide, dated November 19, 1991.

(ii) Additional materials. (A) Remainder of the State Implementation Plan revision request submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

97. Revision to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on September 28, 1989.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated September 28, 1989 submitting a revision to the Virginia State Implementation Plan.

(B) “Regulation for the Control of Motor Vehicle Emissions” (VR 120–99–01), as published in The Virginia Register of Regulations (Monday, July 31, 1989—Volume 5, Issue 22), with an effective date of October 1, 1989.


(ii) Additional materials.

(A) The remainder of the State submittal.

98. Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on February 14, 1985.

(i) Incorporation by reference.


(B) The following provisions of the Virginia Regulations for the Control and Abatement of Air Pollution, effective February 1, 1985:

1. Part I General Definitions.

2. Part IV Emission Standards from Existing Sources.


4. Rule 4–05, Section 120–04–0405.

5. Rule 4–08, Section 120–04–0806.


Deletion of Section 4.50 of the Virginia Regulations for the Control and Abatement of Air Pollution in effect before February 1, 1985.

(ii) Additional material.
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(A) Remainder of the February 14, 1985, State submittal pertaining to:
The revised definitions of “variance,” “coal preparation plant,” and “sulfuric acid production unit”; and Virginia’s revised sulfur dioxide provisions.

(B) Letter dated July 14, 1986, from the Virginia State Air Pollution Control Board to EPA.

(99) Revisions to the Commonwealth of Virginia Regulations Volatile organic compound (VOC) RACT Fix-up regulations submitted on May 10, 1991, by the Department of Environmental Quality formerly the Virginia Department of Air Pollution Control: Effective date July 1, 1991.

(i) Incorporation by reference.

(A) Letter of May 10, 1991, from the Department of Environmental Quality transmitting VOC RACT Fix-up regulations.

(B) The following Commonwealth of Virginia regulations effective July 1, 1991:

(1) Part I; section 120-01-02 (revised definition of “actual emissions rate”, “department”, “emissions unit”, “volatile organic compound”)

(2) Part II sections:

120-02-08 A., B.
120-02-34 C., J.

(3) Part IV sections:

120-04-01 B., C.
120-04-02 C., D., F., H.
120-04-03 A.
120-04-04 F.
120-04-05 E., F., G.

Rule 4-4 sections:

120-04-0402 (definition of “combustion unit”, “manufacturing operation”, “reasonably available control technology”)
120-04-0407 A., B., C.

sections 120-04-0407 through 120-04-0408 have been renumbered to 120-04-0403 through 120-04-0404; sections 120-04-0411 through 120-04-0416 have been renumbered to 120-04-0412 through 120-04-0417, section 120-04-0417 has been renumbered to 120-04-0418.

Rule 4-5 sections:

120-05-0501 B.
120-05-0504 A.2., B.4., B.5., C.4., D.1.e.

Rule 4-6 sections:

120-04-0601 B.
120-04-0603 A.1., B.1., C.1., D.1.

Rule 4-11 sections:

120-04-1102 (revised definition of “condensate crude oil”)
120-04-1106 A.1., B.1., C.1., C.2., D.
120-04-1107 B.3.

Rule 4-24 sections:

120-04-2401 A., B., C (deleted)
120-04-2403 A.1., B.1., C.1.
120-04-2404 A.1.a.3., B.1.c.5., C.1.e.5.

Rule 4-25 sections:

120-04-2501 A., B., C.
120-04-2504 A.2., B.1.b., C.1.b.

Rule 4-26 sections:

120-04-2601 C. (deleted)
D. (replaces previous C.)
120-04-2602 (new definition for “coating application system”, and “oven”)
120-04-2603 A. (introduction revised), A.1., B. (introduction revised), B.1., D.
120-04-2609 B., C.

Rule 4-27 sections:

120-04-2701 A., B., C. (deleted), D. (renumbered C.)
120-04-2702 C. (added definitions for “coating application system”, deleted definition for “coating line”; modified definition for “oven”)
120-04-2703 A., C.
120-04-2704 (introduction revised), C., D.
120-04-2705 B., C.

Rule 4-28 sections:

120-04-2801 A., B., C. (deleted), D. (renumbered C.)
120-04-2804 A., A.5., A.6., B. (added), C., D., E., (formerly B., C., D., have been revised/renumbered).
120-04-2805 B., C.

Rule 4-29 sections:

120-04-2901 A., B., C. (deleted), D. (renumbered/revised to C.)
120-04-2902 C. (deleted definition of “coating line”, addition of definition for “coating application system”, definition modified “oven”)
120-04-2903 A.1., B.1., C.1., D.1., E.
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120–40–2009 B., C.  
Rule 4–30 sections:  
120–40–3002 C. (deleted definition of “coating line”; added definition of “coating application system”; modified definition of “oven”)  
120–40–3003 A., C.  
120–40–3004 (introduction revised), D., E.  
120–40–3009 B., C.  
Rule 4–31 sections:  
120–40–3102 C. (deleted definition of “coating line”; added definition of “coating application system”; modified definition of “oven” and “fabric coating”).  
120–40–3103 A., D., E. (added)  
120–40–3104 (introduction revised), F.  
120–40–3109 B., C. (added)  
Rule 4–32 sections:  
120–40–3202 C. (deleted definitions for “coating line”; added definition of “coating application system”; modified definition of “oven” and “fabric coating”).  
120–40–3203 A., C.  
120–40–3204 (introduction revised), D., E.  
120–40–3209 B., C. (added)  
Rule 4–33 sections:  
120–40–3302 C. (deleted definitions of “coating line”; added definition of “coating application system”; modified definition of “oven”).  
120–40–3303 A., C. (added)  
120–40–3304 (introduction revised), F., G.  
120–40–3309 B., C. (added)  
Rule 4–34 sections:  
120–40–3402 (modified definitions of “coating application system”; “clear coating”, “extreme performance coatings”, and “oven”).  
120–40–3403 D. (added)  
120–40–3404 (introduction revised) F., G.  
120–40–3409 B., C. (added)  
Rule 4–35 sections:  
120–40–3502 (modified definitions of “coating application system” and “oven”).  
120–40–3503 D. (added)  
120–40–3504 (introduction revised), F., G.  
120–40–3509 B., C.  
Rule 4–36 sections:  
120–40–3602 C. (added definitions for “high-solids ink”, “low-solvent ink”, “printing process”, modified definition of “publication roto gravure printing” and “waterborne inks.”)  
120–40–3603 (the following were deleted: A., B., C.), A. (new/revised), B. (formerly D., modified), C. (formerly E. was modified)  
120–40–3604 deleted  
120–40–3609 B.  
Rule 4–37 sections:  
120–40–3701 A., B.  
120–40–3702 (modified definitions of “crude oil” and “custody transfer”).  
120–40–3703 A.1., A.3., A.4. (added), R.1., D.3., E.1., E.3.a. through E.3.d. was revised to E.3.a. through E.3.b.; revisions were made to the following: F.1., F.3., F.8., F.10., F.11., F.16. (deleted)  
Rule 4–38 section:  
120–40–3801 B.  
Rule 4–39 section:  
120–40–3901 B.  
(4) Part V sections:  
120–50–01 the following were added: C and D.  
120–50–02 the following were revised: C., D., F., G. (deleted)  
120–50–03 A.  
120–50–04 A. and F. were revised.  
120–50–05 the following were added: E. and F. H. (formerly F. renumbered)  
(5) Part VII sections:  
120–70–01  
120–70–02 C. (modified definition of “air pollution episode”.)  
120–70–04 B.1., B.1.b., B.2.a., B.3.a., B.4.a., B.5.a.  
(6) Appendix K  
(7) Appendix N  
(8) Appendix P  
(9) Appendix R I., II.B., II.D., II.E., II.F., II.G., II.H., II.J., II.K., II.L., II.M., II.N., II.O., II.P., III.V. (deleted), VII., VIII.  
(10) Appendix S (revised and renamed in its entirety to include other appendices)  
(I) Appendix T (deleted in its entirety and revised to be included in new appendix S.)  
(ii) Additional material.  
(A) Remainder of May 10, 1991, Commonwealth’s submittal.
(100) Revisions to the Commonwealth of Virginia Regulations Oxygenated Gasoline Program regulations submitted on November 1, 1993, by the Department of Environmental Quality, formerly the Virginia Department of Air Pollution Control: Effective date November 1, 1993.
(i) Incorporation by reference.
(A) Letter of November 1, 1993, from the Department of Environmental Quality transmitting Oxygenated Gasoline Program regulations.

(ii) Additional materials.
(A) Remainder of November 13, 1992, and November 1, 1993, State submittals.

(101) Revisions to the Virginia regulation for the control of volatile organic compounds emitted from petroleum liquid storage and transfer operations, primarily related to the addition of Stage II vapor recovery equipment on gasoline refueling equipment, as submitted on November 5, 1992 by the Virginia Department of Air Pollution Control (now the Virginia Department of Environmental Quality).

(i) Incorporation by reference.
(A) Letter of November 5, 1992, from the Virginia Department of Air Pollution Control requesting approval of revisions to the Commonwealth’s State Implementation Plan’s requirements for volatile organic compounds from petroleum liquid storage and transfer operations, primarily related to the addition of Stage II vapor recovery equipment, as submitted on November 5, 1992 by the Virginia Department of Air Pollution Control (now the Virginia Department of Environmental Quality).

(ii) Additional material.
(A) Remainder of Virginia’s November 5, 1992, State submittal.

(102) Revisions to the Virginia State Implementation Plan submitted on November 4, 1992 by the Virginia Department of Air Pollution Control.

(i) Incorporation by reference.
(A) Letter of November 4, 1992 from the Virginia Department of Air Pollution Control transmitting amendments to the Virginia State Implementation Plan pertaining to Virginia’s air quality regulations, Virginia State Air Pollution Control Board Regulations for the Control and Abatement or Air Pollution.

(B) The following revisions to Virginia’s air quality regulations, adopted by the Virginia State Air Pollution Control Board on October 30, 1992, effective January 1, 1993:

(1) Amendments to section 120-01-02, the definition for the term volatile organic compound.

(2) Amendments to appendix P, pertaining to emission control areas.

(ii) Additional material.
(A) Remainder of Virginia’s November 4, 1992 State submittal pertaining to section 120-01-02 and appendix P.

(103) Revisions to the Commonwealth of Virginia Regulations State Implementation Plan submitted on November 4, 1992 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.
(A) Letter of November 4, 1992 from the Virginia Department of Environmental Quality transmitting a revised regulation to require owners of stationary sources in emissions control areas to submit emission statements annually.

(B) Amendments to Title VR 120-01, addition of paragraph B to section 120-02-31 and the addition of Appendix S including referenced document AQP-8,
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(ii) Additional Material.
(A) Remainder of November 4, 1992 State submittal related emission statements.

(104) Revisions to the Virginia Regulations for the Control and Abatement of Air Pollution submitted on February 14, 1985 by the Virginia Department of Air Pollution Control:
(i) Incorporation by reference.
(A) Letter of February 14, 1985 from the Virginia Department of Air Pollution Control transmitting a revision to the Virginia State Implementation Plan.

(B) The following provisions of the Virginia regulations, effective February 1, 1985:
(1) Revisions to Part IV, Rule 4–41 (Mobile Sources), Sections 120–04–4103A and 120–04–4103B.
(2) Deletion of SIP Regulation 4.52.
(ii) Additional material.
(A) Remainder of February 14, 1985 State submittal pertaining to the revised provisions of Section 120–04–4103 and the deletion of SIP regulation 4.52.

(105) Revisions to the Virginia Regulations For the Control and Abatement of Air Pollution submitted on April 12, 1989 by the Virginia Department of Air Pollution Control:
(i) Incorporation by reference.
(A) Letter from the Virginia Department of Air Pollution Control dated April 12, 1989 submitting a revision to the Virginia State Implementation Plan.

(B) The following provisions of the Virginia regulations, effective October 1, 1986.
(7) Part I Definitions. Section 1.02 (Definitions of “Reference method,” “Reid vapor pressure,” “Stationary source,” “True vapor pressure” and “Vapor pressure”).
(2) Part IV Emission Standards from Existing Sources.

Rule 4–5, Sections 120–08–0502C. (Definitions of “Condenser,” “Production equipment exhaust system,” “Reactor” and “Synthesized pharmaceutical products manufacturing”) and 120–04–0504C.3.b. (Control Technology Guidelines)

Rule 4–21, Sections 120–04–2102C. (Definitions of “Sulfuric acid mist” and “Sulfuric acid production unit”) and 120–04–2110E. (Monitoring)

Rule 4–34. Section 120–04–3402C. (Definitions of “Application area,” “Carbon adsorption system,” “Coating applicator,” “Extreme environmental conditions,” “Flashoff area,” “Miscellaneous metal parts and products” and “Major groups”)


Rule 4–41, Sections 120–04–4102C. (Definitions of “Mobile source” and “Motor vehicle”) and 120–04–4103B.2. (Export Import of Motor Vehicles)

(3) Part VIII Permits.


Section 120–08–03 (Permits—Major Stationary Sources and Major Modifications Locating in Nonattainment Areas), subsections 120–08–03B.3. (all terms) and 120–08–03N.7. (Offsets)

(ii) Additional material.
(A) Remainder of February 12, 1989 State submittal pertaining to the revised provisions of Parts I, IV and VIII.

(106) Revisions to the Virginia State Implementation Plan submitted on November 6, 1992 by the Virginia Department of Environmental Quality:
(i) Incorporation by reference.
(A) Letter of November 6, 1992 from the Virginia Department of Environmental Quality transmitting revisions to Virginia’s State Implementation Plan, pertaining to volatile organic compound requirements in Virginia’s air quality regulations adopted by the Virginia State Air Pollution Control Board on October 30, 1992 and effective on January 1, 1993.
(B) Revisions to §120–04–0407 (A), (B), and (C) that lower the applicability threshold for RACT to 50 tons per year in the Virginia portion of the Metropolitan Washington, D.C. serious ozone nonattainment area and add a RACT compliance date of May 31, 1995 for major VOC sources in the Richmond moderate ozone nonattainment area, and the Virginia portion of the Metropolitan Washington, D.C. nonattainment area, effective January 1, 1993.

(ii) Additional material.
(A) Remainder of State submittal pertaining to §120–04–0407.


(ii) Additional material.
(A) Remainder of State submittal pertaining to §120–04–0407.


(i) Incorporation by reference.
(A) Letter of March 29, 1993 from the Virginia Department of Air Pollution Control transmitting revisions governing confidentiality of information.

(B) The following provisions of the Virginia regulations, adopted October 30, 1992 and effective January 1, 1993.

(1) Revisions to Sections 120–08–01A.; 120–08–01C.4.; 120–08–01D.; 120–08–01F. [former SIP Section 120–08–01G.]; 120–08–01G. [except for paragraphs .01G.1, .01G.4.a, and .01G.4.b]; 120–08–01H. (except for paragraph .01H.1) [former SIP Section 120–08–01F, except for paragraph .01F.2]; 120–08–01I. (except for paragraph .01I.2) [former SIP Section 120–08–01J.]; 120–08–01K.; 120–08–01L. [former SIP Section 120–08–01M. [former SIP Section 120–08–01K.]; 120–08–01P. [former SIP Section 120–08–01M.]; Addition of Sections 120–08–01N and 120–08–01O. (2) Revisions to the following definitions in Section 120–08–01B: "allowable emissions," "commence," "federally enforceable," "modification," "potential to emit," "secondary emissions" and "stationary source.

(3) Revisions to Appendix R, Sections I (title only), II.A, II.P. II.Q (added), II.R (added), III.A, III.C, III.E, III.G, III.I, III.L, III.T, III.U, IV., V., and VIII.

(ii) Additional material.
(A) Remainder of the March 29, 1993 State submittal pertaining to the revised provisions to Section 120–08–01 (except for paragraphs .01G.1, .01G.4.a, .01G.4.b, .01H.1, .01I.2, and .01J.2) and Appendix R listed in paragraphs (c)(109)(1)(B) (I) through (III) of this section.

(B) Letter of March 18, 1996 from the Virginia Department of Environmental Quality, Air Division, clarifying the effect of the exemption of wood sawmills from the provisions of Section 120–08–01 (Appendix R, Section II.R).

(110) Alternative Compliance Plans submitted on November 4, 1986 by the
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Virginia State Air Pollution Control Board:

(i) Incorporation by reference.

(A) Letter of November 4, 1986 from the Virginia State Air Pollution Control Board transmitting alternative compliance plans for the Reynolds Metals—Bellwood and South Plants, Richmond, Virginia.

(B) The below-described Consent Agreements and Orders between the Commonwealth of Virginia and the Reynolds Metals Company, effective October 31, 1986:

1. DSE-413A-86—Consent Agreement and Order Addressing Reynolds Metals Company’s Bellwood Printing Plant (Registration No. 50260).

2. DSE-412A-86—Consent Agreement and Order Addressing Reynolds Metals Company’s Richmond Foil Plant (Registration No. 50534).

(ii) Additional material.

(A) Remainder of November 4, 1986 State submittal.

(B) Letter of February 12, 1987 from the Virginia State Air Pollution Control Board.

(111)—(112) [Reserved]

(113) Revisions to the Virginia State Implementation Plan submitted April 22, 1996 by the Virginia Department of Environmental Quality.

(i) Incorporation by reference.

(A) Letter of April 22, 1996 from the Virginia Department of Environmental Quality transmitting revisions to Virginia’s State Implementation Plan, pertaining to regulations to control sources of volatile organic compounds (VOC).

(B) Revisions to the following Virginia regulations adopted by the Virginia State Air Pollution Control Board on December 19, 1995 and effective April 1, 1996:

1. Added Definitions to 9–VAC 5–10–20 (General Definitions) (Former SIP Section 120–04–0102)—“Federally enforceable”, “Implementation plan”, “Potential to Emit”, and “State enforceable”; and revised definitions to 9–VAC 5–10–20 for “Administrator” and “Volatiles organic compound”.


3. Revisions to Article 4, Rule 4–4, section 9–VAC 5–40–420 (Former SIP Section 120–04–0419)—Introductory paragraph and paragraphs 5–40–420.1 through .5 are revised, while paragraph 5–40–420.6 is added.


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(9) Revisions to Appendix S (“Air Quality Program Policies and Procedures”), sections I.D and II.C.

(10) Revisions to AQP–3 “Procedures For the Measurement of Capture Efficiency For Determining Compliance With Volatile Organic Compound Emission Standards Covering Surface Coating Operations and Graphic Arts Printing Processes (Flexographic, Packaging Rotogravure, and Publication Rotogravure Printing Lines).”

(ii) Additional material.

(A) Remainder of April 22, 1996 Commonwealth submittal pertaining to regulations 4–4 to 4–36, 4–45 and Appendix S.

(114) Revisions to the Virginia State Implementation Plan submitted April 26, 1996 by the Virginia Department of Environmental Quality.

(i) Incorporation by reference.

(A) Letter of April 26, 1996 from the Virginia Department of Environmental Quality transmitting revisions to Virginia’s State Implementation Plan.

(B) Revisions to the following Virginia regulation adopted by the Virginia State Air Pollution Control Board on December 19, 1995 and effective April 1, 1996:

(1) Revisions to Article 40, Rule 4–40 “Emission Standards for Open Burning” (former Part IV, Rule 4–40), Sections 9 VAC 5–40–5600.A.(all revisions) and B. (citation only) (Former SIP Sections 12–04–4001.A. and .B.) Addition of Section 9 VAC 5–40–5600.C.


(3) Addition of Sections 9 VAC 5–40–5620 (Open Burning Prohibitions), 9 VAC 5–40–5630 (Permissible Open Burning), and 9 VAC 5–40–5640 (Waivers).

(4) Revisions to Appendix D (Forest Management and Agricultural Practices), Sections II (introductory sentence), II.E. and III.F.

(ii) Additional material.

(A) Remainder of April 22, 1996 Commonwealth submittal pertaining to regulation 4–40.

(115) Revisions to Virginia’s regulations to fulfill Group III PM–10 requirements, submitted on June 15, 1989, by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of June 15, 1989 from the Virginia Department of Environmental Quality transmitting Virginia’s Group III PM–10 SIP revisions to EPA.

(B) “Group III” PM–10 plan revisions (effective July 1, 1988).

(1) Virginia rule 120–01–02, which provides regulatory definitions for “particulate matter,” particulate matter emissions,” “PM10,” “PM10 emissions,” and “total suspended particulate matter”;

(2) Virginia rule 120–03–06, which provides an ambient air quality standard for PM–10;

(3) Virginia rule 120–07–04, which revises rules regarding air pollution episodes to include PM–10 as well as TSP; and

(4) Virginia rule 120–08–02, which revise permitting rules to provide for the review of proposed permits with respect to PM–10.

(ii) Additional material.

(A) Remainder of Virginia’s June 15, 1989 submittal.

(116) Revisions to Virginia’s coke oven regulations submitted September 6, 1979 as revised February 14, 1985.

(i) Incorporation by reference.

(A) Letters of September 6, 1979 and February 14, 1985 from the Virginia Department of Environmental Quality transmitting regulations limiting particulate matter emissions from coke oven batteries.

(B) Revisions to Virginia Department of Environmental Quality Rule 4–9 limiting particulate emissions from coke oven batteries (effective March 3, 1979; January 1, 1985):
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(1) Virginia rules 120–04–0903A and 120–04–0903B, which provide mass emission limits from coking, charging, and pushing operations;

(2) Virginia rule 120–04–0905, which provides a standard for visible emissions;

(3) Virginia rule 120–04–0906, which provides a standard for fugitive dust and other fugitive emissions;

(4) Virginia rule 120–04–0910A, which specifies the timing in the coking cycle of multiple tests pursuant 120–04–0903; and

(5) Virginia rule 120–04–0910B.2 which specifies the certification and testing methods for Virginia Rule 120–04–0905.

(ii) Additional material.

(A) Remainder of Virginia’s September 6, 1979 submittal related emission limits for coke oven batteries.

(117) The ten year ozone maintenance plan for Hampton Roads, Virginia ozone nonattainment area submitted by the Virginia Department of Environmental Quality on August 27, 1996:

(i) Incorporation by reference.

(A) Letter of August 27, 1996 from the Virginia Department of Environmental Quality transmitting the 10 year ozone maintenance plan for the Hampton Roads marginal ozone nonattainment area.

(B) The ten year ozone maintenance plan including emission projections, control measures to maintain attainment and contingency measures for the Hampton Roads ozone nonattainment area adopted on August 27, 1996.

(ii) Additional material.

(A) Remainder of August 27, 1996 Commonwealth submittal pertaining to the redesignation request and maintenance plan referenced in paragraph (c)(117)(i) of this section.

(118) Revision to the Virginia State Implementation Plan on January 27, 1997, by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.


(B) Consent agreements:

(1) Philip Morris—Blended Leaf, City of Richmond, VA, Consent Agreement Registration No. 50080, effective on February 27, 1996.

(2) Philip Morris—Park 500, Chesterfield County, VA, Consent Agreement Registration No. 50722, effective on March 26, 1997.

(3) Philip Morris Tobacco Manufacturing Center, City of Richmond, VA, Consent Agreement Registration No. 50076, effective on July 12, 1996.

(4) Virginia Power—Chesterfield Station, Chesterfield County, VA, Consent Agreement Registration No. 50396, effective on May 30, 1996.
(5) Hercules Incorporated—Aqualon Division, City of Hopewell, VA, Consent Agreement Registration No. 50363, effective on July 12, 1996.

(6) Hopewell Regional Wastewater Treatment Facility, City of Hopewell, VA, Consent Agreement Registration No. 50735, effective on May 30, 1996.

(ii) Additional material.

(A) Technical Support Documents submitted as part of the RACT determinations in paragraph (c)(120) (i) of this section by the Commonwealth of Virginia on April 9, 1996, August 8, 16, 19, 23, 1996, and March 26, 1997.

(121) Revisions to the State Implementation Plan submitted on August 12, 21, 26, 30, 1996, September 3, 1996 and March 27, 1997 by the Virginia Department of Environmental Quality regarding non-CTG VOC RACT requirements for six sources:

(i) Incorporation by reference.

(A) Letters submitted by the Virginia Department of Environmental Quality transmitting source-specific VOC RACT determinations in the form of Consent Agreements on the following dates: August 12, 21, 26, 30, 1996, September 3, 1996 and March 27, 1997.

(B) Consent Agreements:

(1) AlliedSignal Inc.—Hopewell Plant, City of Hopewell, VA, Consent Agreement Registration Number 50232, effective March 26, 1997;

(2) AlliedSignal Inc.—Chesterfield Plant, Chesterfield County, VA, Consent Agreement Registration Number 50233, effective May 20, 1996;

(3) Bear Island Paper Company, L.P., Hanover County, VA, Consent Agreement Registration Number 50840, effective July 12, 1996;

(4) Stone Container Corporation Hopewell Mill, City of Hopewell, Virginia, Consent Agreement Registration Number 50370, effective May 30, 1996;

(5) E.I. DuPont de Nemours and Company, Spruance Plant, Chesterfield County, Virginia, Consent Agreement Registration Number 50397, effective May 30, 1996;

(6) ICI Americas, Inc. Film Division—Hopewell Site, Chesterfield County, Virginia, Consent Agreement Registration Number 50418, effective May 30, 1996.

(ii) Additional material.

(A) Technical Support Documents submitted as part of the RACT determinations in paragraph (c)(121)(i) of this section by the Commonwealth of Virginia on August 12, 21, 23, 26, 30, 1996, September 3, 1996 and March 27, 1997.

(122) Revisions to the Virginia Regulations to terminate and rescind the 1983 alternative emission reduction plan for Bellwood Reclamation Plant submitted on November 12, 1997, by the Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of November 12, 1997 from the Department of Environmental Quality transmitting a Consent Agreement to terminate the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant.

(B) Consent Agreement to terminate and rescind the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant, signed and effective on November 7, 1997.

(123) Revisions to the Virginia Regulations for the Prevention of Significant Deterioration submitted on March 20, 1997 by the Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of March 20, 1997 from the Department of Environmental Quality transmitting a SIP revision for regulations for the Prevention Significant Deterioration.

(B) Letter of February 18, 1993 from the Department of Air Pollution Control transmitting a SIP revision for regulations defining the prevention of significant deterioration areas.

(C) Letter of January 13, 1998 from the Depart of Environmental Quality transmitting a SIP revisions to the Virginia Administrative Code numbering system.

(D) The following provisions of the Virginia Regulations for the Control and Abatement of Air Pollution:


(2) Appendix L to VR 120–01, renumbered as 9 VAC 5–20–205, Prevention of
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(ii) Additional material.
(A) Remainder of March 20, 1997 State submittal.
(124)–(127) [Reserved]
(128) Revision to the State Implementation Plan submitted on July 12, 1996 by the Virginia Department of Environmental Quality regarding VOC RACT requirements for one VOC source.

(i) Incorporation by reference.
(A) The letter dated July 12, 1996 from the Virginia Department of Environmental Quality submitting one source-specific VOC RACT determination in the form of a Consent Agreement for Tuscarora Incorporated.
(B) Consent Agreement for Tuscarora Incorporated—Sterling, Loudoun County, VA, Consent Agreement, Registration Number 71814, effective on June 5, 1996.

(ii) Additional Material: Remainder of the State submittal pertaining to Tuscarora Incorporated.

(129) Revisions to the Virginia Regulations pertaining to permit requirements for new and modified stationary sources locating in nonattainment areas mandated under Title I, Sections 171–173 and 182 of the Clean Air Act submitted on November 9, 1992, by the Commonwealth of Virginia:

(i) Incorporation by reference.
(A) The letter dated November 9, 1992, from the Commonwealth of Virginia, Department of Air Pollution Control transmitting revisions to the Virginia Regulations pertaining to permit requirements for new and modified stationary sources locating in nonattainment areas.

(B) Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, Permits for Stationary Sources, Section 120-08-03. “Permits—Major Stationary Sources and Major Modifications Locating in Nonattainment Areas”. (Effective January 1, 1993).

(ii) Additional materials—The remainder of the November 2, 1992 submittal pertaining to Regulation 120-08-03.

(130) Revisions to the State Implementation Plan submitted on April 22, 1996 and October 9, 1998 by the Virginia Department of Environmental Quality regarding regulations for reasonably available control technology requirements to control volatile organic compound emissions from solvent metal cleaning operations using non-halogenated solvents.

(i) Incorporation by reference.
(A) The letters dated April 22, 1996 and October 9, 1998 from the Virginia Department of Environmental Quality transmitting revisions to the Virginia State Implementation Plan pertaining to Rule 4-24 (9 VAC 5-40-3260 et seq.) of 9 VAC 5 Chapter 40.


(131) Limited approval of revisions to the Virginia State Implementation Plan submitted on November 9, 1992 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.
(A) Letters of November 9, 1992 and December 11, 1992 from the Virginia Department of Environmental Quality transmitting Virginia rule 120-04-0408 to implement major source NOx RACT requirements in the Northern Virginia Emissions Control Area.
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(C) Renumbering of previously SIP approved sections in rule 120-04-0408 and -0409 to 120-04-0409 and -0410, respectively and previously SIP approved sections -0412 through -0418 to -0413 through -0419, respectively, effective January 1, 1993.

(ii) Additional Material—Remainder of November 9, 1992 submittal and supplemental information submitted by the Virginia Department of Environmental Quality on December 11, 1992 and August 11, 1998 pertaining to 120-04-0408.

(132) Limited approval of revisions to the Virginia State Implementation Plan submitted on November 9, 1992 and August 11, 1998 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letters of November 9, 1992, December 11, 1992 and August 11, 1998 from the Virginia Department of Environmental Quality transmitting Virginia regulation 9 VAC 5-40-311 (formerly Appendix T) establishing RACT requirements on major sources in the Northern Virginia Emissions Control Area.

(B) Addition of Virginia regulation 9 VAC 5-40-311, sections A, B, C.1, C.2, C.3.b, and C.3.d-g and Errata pages, establishing RACT requirements for major sources of NOX in the Northern Virginia Emissions Control Area, effective on July 1, 1997.

(ii) Additional Material—Remainder of November 9, 1992 submittal and supplemental information submitted by the Virginia Department of Environmental Quality on December 11, 1992 and August 11, 1998 pertaining to VAC 5-40-311.

(133) [Reserved]


(i) Incorporation by reference.


(B) Regulations for the Enhanced Motor Vehicle Emissions Inspection Program in the Northern Virginia Area: 9 VAC 5-91-10 et seq.

(C) Letter of November 30, 1998 from the Virginia Department of Environmental Quality transmitting an Alternative Program Credit Evaluation Program.

(D) Letter of February 2, 1999 from the Virginia Department of Environmental Quality, transmitting an Evaluation of Virginia’s Enhanced I/M Program Credits.


(ii) Additional material.

(A) Remainder of June 16, 1998 submittal,

(B) Remainder of November 30, 1998 submittal, as supplemented on February 22, 1999, and

(C) Remainder of February 2, 1999 submittal.

(135) Revisions to the Virginia Regulations for the adoption of the National Low Emission Vehicle Program submitted on May 27, 1999 by the Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of May 27, 1999 from the Department of Environmental Quality transmitting Virginia’s plan for adoption of a National Low Emission Vehicle Program.

(B) Regulation for a National Low Emission Program, codified at 9 VAC 5-200 of the Virginia Code, effective on April 14, 1999, to add: 9 VAC 5-200-10, Paragraphs A, B, and C; and 9 VAC 5-200-20; and 9 VAC 5-200-30.

(ii) Additional Material.—Remainder of May 27, 1999 submittal pertaining to the National Low Emissions Vehicle Program.

(136) Revisions to the Virginia Regulations, to relegate the oxygenated gasoline program to a carbon monoxide contingency measure, submitted on April 30, 1997 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of April 30, 1997 from the Virginia Department of Environmental Quality transmitting an Enhanced Vehicle Emissions Inspection Program for the Northern Virginia Area.

(B) Regulations for the Enhanced Motor Vehicle Emissions Inspection Program in the Northern Virginia Area: 9 VAC 5-91-10 et seq.

(C) Letter of November 30, 1998 from the Virginia Department of Environmental Quality transmitting an Alternative Program Credit Evaluation Program.

(D) Letter of February 2, 1999 from the Virginia Department of Environmental Quality, transmitting an Evaluation of Virginia’s Enhanced I/M Program Credits.


(ii) Additional material.

(A) Remainder of June 16, 1998 submittal,

(B) Remainder of November 30, 1998 submittal, as supplemented on February 22, 1999, and

(C) Remainder of February 2, 1999 submittal.

(135) Revisions to the Virginia Regulations for the adoption of the National Low Emission Vehicle Program submitted on May 27, 1999 by the Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of May 27, 1999 from the Department of Environmental Quality transmitting Virginia’s plan for adoption of a National Low Emission Vehicle Program.

(B) Regulation for a National Low Emission Program, codified at 9 VAC 5-200 of the Virginia Code, effective on April 14, 1999, to add: 9 VAC 5-200-10, Paragraphs A, B, and C; and 9 VAC 5-200-20; and 9 VAC 5-200-30.

(ii) Additional Material.—Remainder of May 27, 1999 submittal pertaining to the National Low Emissions Vehicle Program.

(136) Revisions to the Virginia Regulations, to relegate the oxygenated gasoline program to a carbon monoxide contingency measure, submitted on April 30, 1997 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.
Quality transmitting the oxygenated gasoline regulation amendments as a SIP revision.

(B) Revisions to 2 VAC 5 Chapter 480, Section 20, Applicability. These revisions became effective November 1, 1996.

(ii) Additional Material.—Remainder of April 30, 1997 submittal

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.2465, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

Subpart WW—Washington

§52.2470 Identification of plan.

(a) Title of plan: “A Plan for the Implementation, Maintenance and Enforcement of National Ambient Air Quality Standards in the State of Washington.”

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

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


(2) Request for a two year extension, delegation of legal authority and amendments to the implementation plan submitted on May 5, 1972, by the Governor.

(3) Notices of public hearings and certifications that hearings were held regarding implementation plan matters submitted on July 18, 1972, by the Department of Ecology.

(4) Clarifying submission (Non-regulatory) to the implementation plan submitted on September 11, 1972, by the Governor.

(5) Compliance schedules submitted on December 12, 1972, by the Washington Department of Ecology.

(6) Compliance schedules, revisions to WAC 18–04, 18–12 and 18–40, and a new regulation WAC 18–06 submitted on February 15, 1973, by the Governor.

(7) Transportation control plan submitted on April 13, 1973, by the Governor.

(8) Revisions to the transportation control plan submitted on May 31, 1973, by the Governor.


(10) Indirect source plan submitted on October 11, 1973, by the Department of Ecology.

(11) Indirect source regulation (WAC 18–24) submitted on June 14, 1974, by the Governor.


(13) Revisions to the State and local agency open burning regulations submitted on September 10, 1973, by the Department of Ecology.

(14) Information regarding the approval of the revised open burning regulations submitted on May 23, 1975, by the Department of Ecology.

(15) Revision to section 9.05(c) of Regulation I of the Olympic Air Pollution Control Authority submitted November 6, 1975 by the Governor.

(16) On April 4, 1979 the State of Washington Department of Ecology submitted a request to extend for eighteen months the date for plan submission for all secondary total suspended particulate nonattainment areas.

(17) On June 26, 1975 the Governor submitted amendments to WAC 18–24 “State jurisdiction over Motor Vehicles” which repealed the program for preconstruction review and approval of indirect sources, leaving only Sections 020—Definitions and 030—Assumption of Jurisdiction. On April 27, 1979 the Governor submitted revisions required by Part D of the Clean Air Act as amended in 1977, specifically: plans for the Seattle primary total suspended particulate (TSP) nonattainment area, the Tacoma primary TSP nonattainment area, the Seattle-Tacoma carbon monoxide (CO) and ozone nonattainment areas (along with a request for an extension of the attainment dates to beyond December 31, 1982), the Spokane primary TSP nonattainment area, the Clarkston primary TSP nonattainment area.
area, the Vancouver primary TSP nonattainment area, and the Yakima CO nonattainment area; revisions to State and local regulations for nonattainment areas (WAC 173-400-010, 173-400-020, 173-400-030, 173-400-040 (except (13)), 173-400-050, 173-400-060, 173-400-070, 173-400-090, 173-400-100, 173-400-110, and 173-400-120; WAC 173-420; WAC 173-425, WAC 173-490 (except 173-150); Puget Sound Air Pollution Control Agency Regulation I, Articles 1, 3, 6, 9 (Sections 9.02, 9.02A, 9.03, 9.04, 9.05, 9.06, 9.07(d), 9.07(e), 9.08); Northwest Air Pollution Control Authority Regulation Section 455.11; and Spokane County Air Pollution Control Authority Regulation I, Articles 1, 3, 6, 9 (Sections 9.02, 9.02A, 9.03, 9.04, 9.05, 9.06, 9.07(d), 9.07(e), and 9.08); Northwest Air Pollution Control Authority Regulation Section 455.11; and Spokane County Air Pollution Control Authority Regulation I, Article V, Section 4.01); and the rescission of State and local agency regulations which duplicated applicable Federal or State regulations for nonattainment areas (WAC 18-04-010, 18-04-020, 18-04-030, 18-04-040, 18-04-050, 18-04-060, 18-04-070, 18-04-090, 18-04-100, 18-04-110, and 18-04-120; WAC 18-06; WAC 18-12; WAC 18-20; WAC 18-24; WAC 18-28; WAC 18-32; WAC 18-40; WAC 18-44; WAC 18-46; WAC 18-48; WAC 18-56; WAC 18-60; Puget Sound Air Pollution Control Agency Regulation I, Articles 5, 9 (Sections 9.07(a), 9.07(b), 9.11, 9.12, 9.13, 9.15, and 9.16), and 11; Spokane County Air Pollution Control Authority Regulations I and II (except Article IV, Section 4.01); Northwest Air Pollution Authority Regulations 1 and 2 and Section 501 Southwest Air Pollution Control Agency Regulations I and 2; Olympic Air Pollution Control Agency Regulation I; Yakima County Clean Air Authority Regulation 1; Grant County Clean Air Authority Regulation; Benton-Franklin-Walla Walla Air Pollution Control Agency Regulation; and Douglas County Air Pollution Control Commission Article V, Section 5.01). On May 18, 1979 the State of Washington Department of Ecology submitted corrections to the Puget Sound area emission inventory in the April 27, 1979 submittal. On June 20, 1979 the Governor submitted the plan for the Vancouver ozone nonattainment area including a request for an extension of the attainment date to beyond December 31, 1982. On December 21, 1979 the State of Washington Department of Ecology submitted statutory authority for an automobile inspection and maintenance program and a detailed schedule for its implementation. On May 1, 1980 the State of Washington Department of Ecology submitted revised statutory language pertaining to State legal authority.

(18) On April 1, 1980 the State of Washington Department of Ecology submitted revisions to the regulations for Kraft Pulping Mills (WAC 173-405-011; 173-405-021; 173-405-031(1), (4), (5) and (6); 173-405-036(1), (2) and (4); 173-405-061; 173-405-071(2), (3), (4)(d), (4)(e) and (5); 173-405-077; 173-405-078; 173-405-086; and 173-405-101). Sulfite Pulping Mills (WAC 173-410-011; 173-410-021; 173-410-031; 173-410-036(1), (2) and (4); 173-410-041; 173-410-061 (1) through (8); 173-410-067; 173-410-071; 173-410-086; and 173-410-091), and Primary Aluminum Plants (WAC 18-52-010; 18-52-016; 18-52-021; 18-52-031 (2) and (4); 18-52-036(1); 18-52-056; 18-52-061; 18-52-071(1)(c), (1)(f), and (2); 18-52-077; and 18-52-086) and rescission of old regulations (WAC 18-36-010, 18-36-030, 18-36-040, 18-36-050, 18-36-060, 18-36-070, 18-36-080, 18-36-090 and 18-36-100; WAC 18-38-010, 18-38-020, 18-38-030, 18-38-040, 18-38-050, 18-38-060, 18-38-070, 18-38-080 and 18-38-090; and WAC 18-52-015, 18-52-020, 18-52-030 (except (3)); 18-52-040, 18-52-060, 18-52-070 and 18-52-080) to satisfy the requirements of Part D of the Clean Air Act.


(20) On March 5, 1980 the State of Washington Department of Ecology submitted a plan revision to meet the requirements of 40 CFR part 58, subpart C, §58.20 Air Quality Monitoring.

(21) On April 27, 1979 the Governor submitted a provision for maintenance of pay (WAC 173-400-160).

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(24) On November 17, 1981 the State of Washington Department of Ecology submitted a revision to the plan for the Spokane carbon monoxide nonattainment area, including a schedule for the implementation of an expanded transit service to satisfy the condition of approval published on December 24, 1980.


(27) On July 16, 1982 the State of Washington Department of Ecology submitted attainment plans for the Seattle-Tacoma ozone nonattainment area and the Seattle carbon monoxide (CO) nonattainment area, including regulations for motor vehicle emission inspection (WAC 173–422) and the Puget
Sound Air Pollution Control Agency regulation for sources of volatile organic compounds (Regulation II). On December 1, 1982 the State of Washington Department of Ecology submitted procedures by which conformity of Federal projects with the Seattle-Tacoma ozone and Seattle CO plans will be determined.


(31) On June 16, 1983, the State of Washington Department of Ecology submitted to EPA, the Tacoma carbon monoxide attainment plan as an official SIP revision. This plan builds upon the July 16, 1982, Ozone SIP for the Puget Sound area.

(32) On September 27, 1984 the State of Washington Department of Ecology submitted a revision to the approved lead SIP which revised the demonstration of attainment for the secondary lead smelter in Seattle.

(33) On January 16, 1984 the Washington Department of Ecology submitted revisions to the approved SIP which added the PSAPCA emission offset and banking program to the approved SIP regulations. The revisions consisted of new section 1.07(s), 1.07(rr), 1.07(xx), 6.07(b)(7) and 6.08 of PSAPCA Regulation I.

(34) A revision to the Washington State Implementation Plan was submitted by the Director of the Washington Department of Ecology on September 27, 1984. The revision adds a mandatory Vehicle Inspection and Maintenance program to the Spokane Carbon Monoxide Plan.

(a) Amendments to Chapter 173-422 Washington Administrative Code, Motor Vehicle Emission Inspection, which was published on April 18, 1984.

(i) Incorporation by reference.


(B) Resolution 568—Revisions to Regulation II and “Monitoring and Reporting Procedures for VOC Sources” as adopted by the Puget Sound Air Pollution Control Agency on December 13, 1984.

(35) On February 21, 1985 the State of Washington Department of Ecology submitted revisions to Regulation II, specifically, §§1.02, 2.13, 3.11 and 4.02, and “Monitoring and Reporting Procedures for VOC Sources” as adopted in Puget Sound Air Pollution Control Agency Resolution 568.

(i Incorporation by reference.

(A) Letter dated February 21, 1985 from the Washington Department of Ecology to EPA.

(B) Resolution 568—Revisions to Regulation II and “Monitoring and Reporting Procedures for VOC Sources” as adopted by the Puget Sound Air Pollution Control Agency on December 13, 1984.


(i) Incorporation by reference.

(A) Letter dated April 1, 1985, from the Director of the State of Washington Department of Ecology to EPA. Provisions of WAC 173-403-090 (Definitions) introductory text, (2), (9), (11), (24), (25), (31), (42), (46), (51), and (52), adopted by the State of Washington.
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(B) Letter dated September 6, 1983, from the Director of the State of Washington Department of Ecology to EPA.


(C) Letter dated January 5, 1984, from the Director of the State of Washington Department of Ecology to EPA.

Washington Department of Ecology to EPA Region 10 submitting amendments to the Washington state implementation plan. EPA has approved the following as revisions to the Washington state implementation plan: WAC 173-400 (except for –040(1) (c) and (d); –040(2); –040(4); the second paragraph of –040(6); the exception provision in –050(3); –070(7); –075; –115; –120; –131; –136; –141; and –180) as in effect on March 22, 1991; the repeal of WAC 173-403 as in effect on March 22, 1991; WAC 173-405 (except for –033; –035; –040(1)(b); –040(1)(c); –040(3)(b); –040(3)(c); –040(4); –040(7); –040(8); –040(9); and –072(2)) as in effect on March 22, 1991; WAC 173-410 (except for –035; the exception provision in –040(3); and –040(5)) as in effect on March 22, 1991; WAC 173-415 (except for –020(1); –020(2); –050(1); –050(3)(b); –040; and –060(1)(a), (b), and (d)) as in effect on March 22, 1991; WAC 173-425 as in effect on October 18, 1990; WAC 173-430 as in effect on October 18, 1990; WAC 173-433 as in effect on October 18, 1990; WAC 173-434 (except for –110; –120, and –130(2)) as in effect on October 18, 1990; WAC 173-435 (except for –070(1)); as in effect on January 3, 1989; WAC 173-440 as in effect on October 18, 1990; WAC 173-470 (except for –110 and –150) as in effect on January 3, 1989.

(i) Incorporation by reference.

(A) January 23, 1989, letter from the Director of the Department of Ecology to EPA Region 10 submitting amendments to the Washington state implementation plan.

(B) May 14, 1991, letter from the Director of the Department of Ecology to EPA Region 10 submitting amendments to the Washington state implementation plan.

(C) Washington Administrative Code, Chapter 173-400 (General Regulations for Air Pollution Sources) (except for –040(1) (c) and (d); –040(2); –040(4), the second paragraph of –040(6), the exception provision in –050(3), –070(7), –075, –115, –120, –131, –136, –141, and –180) as in effect 3/22/91; Washington Administrative Code, Chapter 173-415 (Kraft Pulp Mills) (except for –033; –035; –040(1)(b), (1)(c), (3)(b), (3)(c), and (4); –040 (7), (8), (9); and –072(2)) as in effect 3/22/91; Washington Administrative Code Chapter 173-410 (Sulfite Pulping Mills) (except for 033; the exception provision in –040(3); and –040(5)) as in effect 3/22/91; Washington Administrative Code Chapter 173-415 (Primary Aluminum Plants) (except for –020 (1) and (2); –030(1); –030(3)(b); –040; and –060(1)(a), (b), and (d)) as in effect 3/22/91; Washington Administrative Code Chapter 173-425 (Open Burning) as in effect 10/18/90;

(i) Incorporation by reference.

(A) May 14, 1991, letter from Washington Department of Ecology to EPA Region 10 submitting the VOC nonattainment area state implementation plan for Washington.


On November 15, 1991, the State of Washington Department of Ecology submitted PM_{10} nonattainment area state implementation plan revisions for Thurston County, Washington.

(i) Incorporation by reference.

(A) November 5, 1990, letter from Washington Department of Ecology to EPA Region 10 submitting the PM_{10} nonattainment area state implementation plan for Kent, Washington.


(C) December 27, 1990, letter from Washington Department of Ecology to EPA Region 10 submitting an addendum to the PM_{10} nonattainment area state implementation plan for Kent, Washington.

(D) PM_{10} SIP addendum, dated June 5, 1990, to the PM_{10} Kent, Washington state implementation plan.

(E) November 15, 1991, letter from Washington Department of Ecology to EPA Region 10 submitting a supplement to the PM_{10} nonattainment area state implementation plan for Kent, Washington.

(F) PM_{10} SIP supplement, dated November 1991, to the PM_{10} Kent, Washington state implementation plan.


(i) Incorporation by reference.

(A) February 17, 1989, letter from Washington Department of Ecology to EPA Region 10 submitting the PM_{10} nonattainment area state implementation plan for Thurston County, Washington.

(B) The PM_{10} nonattainment area state implementation plan for Thurston County, Washington, as adopted by the Washington Department of Ecology on February 8, 1989.

(C) November 15, 1991, letter from Washington Department of Ecology to EPA Region 10 submitting revisions to the PM_{10} nonattainment area state implementation plan for Thurston County, Washington.

(D) Revision to the PM_{10} nonattainment area state implementation plan for Thurston County, Washington, as adopted by the Washington Department of Ecology on November 14, 1991.

(42) On January 22, 1993, the State of Washington Department of Ecology submitted revisions to the State Implementation Plan for the State of Washington addressing the attainment and maintenance of the National Ambient Air Quality Standards for carbon monoxide in the King, Pierce, Snohomish, Clark and Spokane Counties.

(i) Incorporation by reference.

(A) January 22, 1993, letters from the State of Washington Department of Ecology to EPA Region 10 submitting amendments to the Washington State
Implementation Plan for Carbon Monoxide in the King, Pierce, Snohomish, Clark, and Spokane Counties.


(i) Incorporation by reference.

(A) September 11, 1992 letter from the Director of WDOE to EPA Region 10 submitting revisions to PSAPCA’s rules for the control of air pollution in Pierce, King, Snohomish, and Kitsap Counties, Washington as revisions to the Washington SIP. These revisions superseded and replaced previously submitted rules by PSAPCA.

(B) Regulations I, II, and III as adopted by the Board of Directors, PSAPCA, and submitted through the WDOE to EPA Region 10, as a revision to the SIP, with a WDOE adopted date of September 16, 1992.

(C) October 8, 1993 letter from the Director of WDOE to EPA Region 10 submitting revisions to PSAPCA’s rules for the control of air pollution in King, Pierce, Snohomish, and Kitsap Counties, Washington, for inclusion into the Washington SIP.

(D) Regulations I, II, and III as adopted by the Board of Directors, PSAPCA, and submitted through WDOE to EPA Region 10, as a revision to the SIP, with a WDOE adopted date of October 18, 1993.

(44) On September 22, 1993, the state of Washington through the Washington State Department of Ecology submitted a request to redesignate Tacoma to attainment for sulfur dioxide (SO$_2$).

(i) Incorporation by reference.

(A) September 22, 1993 letter from Washington State Department of Ecology to EPA Region 10 submitting a redesignation request for the Tacoma SO$_2$ Air Quality Maintenance Area (AQMA).


(i) Incorporation by reference.


(46) On January 22, 1993 the State of Washington submitted a SIP revision for the purpose of implementing an emission statement program for stationary sources within the Vancouver Air Quality Maintenance Area and the Central Puget Sound Ozone Nonattainment Area. The implementation plan was submitted by the State to satisfy the Federal requirements for an emission statement program as part of the SIP for Washington State.

(i) Incorporation by reference.

(A) Letters dated January 22, 1993 from the Director of the Washington Department of Ecology to EPA Region 10 amending the Washington SIP for both the Vancouver and Central Puget Sound areas.


(47) On November 5, 1990, December 27, 1990, November 15, 1991 and May 11, 1994 the Director of WDOE submitted to EPA SIP revisions for the purpose of bringing about attainment of the National ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). The implementation plan was submitted by the State to satisfy certain Federal Clean Air Act requirements for an approvable moderate nonattainment area PM–10 SIP for Seattle, Washington.

(i) Incorporation by reference.


(B) Revisions to the Washington SIP for the purpose of bringing about attainment of the National ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10):


(2) Resolution No. 639 (amendments to the PM–10 attainment and maintenance strategy), adopted December 8, 1988;

(3) State Implementation Plan for Particulate Matter in the Seattle Duwamish Valley, Supplement, dated November 1991, adopted November 14, 1991; and


(48) On November 15, 1991, the Director of WDOE submitted to EPA a PM–10 nonattainment area SIP revision for the purpose of bringing about attainment of the National ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). The implementation plan was submitted by the State to satisfy certain Federal Clean Air Act requirements for an approvable moderate nonattainment area PM–10 SIP for Tacoma, Washington.

(i) Incorporation by reference.

(A) Letters dated November 13, 1991 and June 30, 1994 from WDOE to EPA submitting revisions to the State of Washington SIP.


(i) Incorporation by reference.


(B) Supplement to a Plan for Attaining and Maintaining National Ambient Air Quality Standards for Carbon Monoxide in the Vancouver Air Quality Maintenance Area, Replacement Pages, as adopted by the Washington State Department of Ecology on November 15, 1993.

(50) By a letter dated December 29, 1993, the Director of WDOE submitted to the Regional Administrator of EPA a revision to the Washington SIP updating the regulations from the Northwest Air Pollution Authority.

(i) Incorporation by reference.

(A) The December 29, 1993 letter from the Director of the Washington State Department of Ecology submitting the Northwest Air Pollution Authority Regulations as a revision to the Washington SIP.

(B) Regulations of the Northwest Air Pollution Authority—sections 100, 101, 102, 103, 104.1, 105, 106, 110, 111, 112, 113, 114, 120, 121, 122, 123, 124, 130, 131, 132,
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(51) On April 11, 1994 the Washington Department of Ecology (WDOE) submitted the Southwest Air Pollution Control Authority (SWAPCA) 400 General Regulations for Air Pollution Sources as a revision to the Washington State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) April 11, 1994 letter from the Director of WDOE to EPA Region 10 submitting the Southwest Air Pollution Control Authority SWAPCA 400 Regulation, General Regulations for Air Pollution Sources.

(B) Regulations of the Southwest Air Pollution Control Authority—Sections 010; 020; 030 except the second sentences of (14) and (45); 040 except (1)(c) and (1)(d) (2) (4) and the exception provision of (6)(a); 050 except the exception provision of (3); 062; 060; 070 except (7); 081; 090; 100 except the first sentence of (3)(a)(iv) and (5); 101; 105; 107; 110; 112; 113; 114; 151; 161; 171; 190; 200; 205; 210; 220; 230; 240; 250; and 260, effective on November 8, 1993.

(52) On December 6, 1994, the Director of WDOE submitted to EPA a contingency measure SIP revision for the Puget Sound Carbon Monoxide Nonattainment Area to satisfy certain applicable requirements of the Act.

(i) Incorporation by reference.


(53) Various minor revisions consisting of amended regulations affecting a local air agency, the Puget Sound Air Pollution Control Agency, and a recodified Table of Contents for the SIP were submitted to EPA from WDOE for inclusion into the Washington SIP.

(i) Incorporation by reference.


(B) Letter dated January 26, 1995 from the Director of the Washington State Department of Ecology to the EPA Regional Administrator submitting the Recodified SIP Table of Contents, dated January 1995, and adopted on February 1, 1995.

(54) On March 8, 1994, the Director of WDOE submitted to the Regional Administrator of EPA numerous revisions to the State of Washington Implementation Plan which included updated new source review regulations and provisions for voluntary limits on a source’s potential to emit. The revisions were submitted in accordance with the requirements of section 110 and Part D of the Clean Air Act (hereinafter the Act).

(i) Incorporation by reference.

(A) March 8, 1994 and May 8, 1995 letters from WDOE to EPA submitting requests for revisions to the Washington SIP consisting of an amended state regulation: Chapter 173–400 Washington Administrative Code General Regulations for Air Pollution Sources, adopted on August 20, 1993, in its entirety with the exception of the following sections: −040(1)(c) and (d); −040(2); −040(4); the second paragraph of −040(6); the exception provision in −050(3); −070(7); −075; −112(8); −113(5); −114; −115; −120; −131; −136; −141; and −180.

(55) On January 22, 1993 the Director of the Washington State Department of Ecology (WDOE) submitted the amendment to the Washington SIP for Carbon Monoxide (CO) in the King, Pierce,
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and Snohomish Counties’ Urbanized Areas.

(i) Incorporation by reference.


(ii) Additional material.

(A) VMT supplements to include the VMT Tracking Report data required for the Puget Sound CO Nonattainment Areas, dated October 13, 1994 and September 19, 1994.

(56) On February 14, 1995, the Director for the Washington State Department of Ecology (WDOE) submitted amended regulations for the Northwest Air Pollution Authority (NWAPA) as a revision to the Washington State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) The February 7, 1995 letter from the Director of WDOE submitting the amended NWAPA regulations to the Environmental Protection Agency (EPA); the Northwest Air Pollution Authority Regulations (approving sections 104.1, 132, 133, 200, 300, 301, 302, 322, 324 (except for 324.121), 340, 451, 462, 580) adopted on February 10, 1995.

(57) On May 2, 1995, WDOE submitted to EPA revisions to the Washington SIP addressing the conditional approval of the State Implementation Plan (SIP) for particulate matter (PM10) in the Tacoma Tideflats PM10 Nonattainment Area.

(i) Incorporation by reference.


(i) Incorporation by reference.

(A) February 21, 1995 letter from the Washington Department of Ecology to EPA Region 10 submitting PSAPCA Section 13.07—Contingency Plan, adopted December 8, 1994, as a revision to the Seattle PM-10 attainment plan and the Washington SIP.

(B) May 11, 1994 letter from WDOE to EPA Region 10 submitting clarifying documentation to the contingency measure for Kent Valley PM-10 attainment plan.

(59) Various minor revisions consisting of amended regulations affecting a local air agency, PSAPCA, were submitted to EPA from the WDOE for inclusion into the Washington SIP.

(i) Incorporation by reference.

(A) Letters dated May 17, and September 7, 1995 from the Director of the WDOE to the EPA Regional Administrator submitting minor revisions to PSAPCA’s regulations for inclusion into the SIP: PSAPCA, Regulation I adopted on May 22, 1995; PSAPCA, Regulation III adopted on September 11, 1995.

(60) On November 29, 1995 the Director of WDOE submitted to the Regional Administrator of EPA the Energy Facility Site Evaluation Council Regulations (EFSEC) as a revision to the Washington State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) The November 29, 1995 letter from WDOE to EPA submitting requests for revisions to the Washington SIP to include the Energy Facility Site Evaluation Council Regulations; EFSEC Regulation Chapter 463-39 Washington Administrative Code General and Operating Permit Regulations for Air Pollution Sources, (excluding the following sections: 005 (2) through (4); 070; 090; 105; 115; 140; those portions of –005(1), –020, –030, –055, –100, and –120 containing any reference to regulations or provisions of regulations in Chapters 173–400, 173–401, 173–406, 173–460, or 463–58a) adopted on November 16, 1995.

(61) SIP revisions received from WDOE on August 21, 1995, requiring vehicle owners to comply with its I/M program in the two Washington ozone nonattainment areas classified as “marginal” and in the three carbon
monoxide nonattainment areas classified as “moderate”. This revision applies to the Washington counties of Clark, King, Pierce, Snohomish, and Spokane.

(i) Incorporation by reference.
(A) July 26, 1995 letter from Director of WDOE to the Regional Administrator of EPA submitting revisions to WDOE’s SIP consisting of the July 1995 Washington State Implementation Plan for the Motor Vehicle Inspection and Maintenance Program (including Appendices A through F), adopted August 1, 1995, and a supplement letter and “Tools and Resources” table dated May 10, 1996.

(62) On September 30, 1994, the Director of WDOE submitted to the Regional Administrator of EPA a revision to the Carbon Monoxide State Implementation Plan for, among other things, the CO attainment demonstration for the Central Puget Sound carbon monoxide nonattainment area. This was submitted to satisfy federal requirements under section 187(a)(7) of the Clean Air Act, as amended in 1990, as a revision to the carbon monoxide State Implementation Plan.

(i) Incorporation by reference.

(64) Minor revisions consisting of amended regulations affecting WDOE and a local air agency, PSAPCA, were submitted to EPA from WDOE for inclusion into the Washington SIP.

(i) Incorporation by reference.
(A) Letters dated January 26, 1995 and December 27, 1995 from the Director of the WDOE to the EPA Regional Administrator which included deletion of two regulations from the Washington SIP (Chapter 173-402 WAC Civil Sanctions under Washington Clean Air Act, and Chapter 173-440 WAC Sensitive Areas), adopted on February 1, 1995, and the following revisions to PSAPCA’s regulations for inclusion
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into the SIP: Regulation I, Section 3.11 Civil Penalties, Section 5.07 Registration Fees, and Section 5.11 Registration of Oxygenated Gasoline Blenders; and Regulation III, Section 1.01 Policy, all adopted on September 14, 1995.

(65) Several minor revisions consisting of amended regulations affecting a local air agency, the Puget Sound Air Pollution Control Agency, were submitted to EPA from the Washington State Department of Ecology for inclusion into the Washington State Implementation Plan.

(i) Incorporation by reference.

(A) Letter dated May 24, 1996 from the Director of the Washington State Department of Ecology to the EPA Regional Administrator submitting revisions to the Puget Sound Air Pollution Control Agency regulations for inclusion into the State Implementation Plan: Puget Sound Air Pollution Control Agency, Regulation I, Article 8, Outdoor Fires, sections 8.02, Outdoor Fires-Prohibited Types, and 8.05, Agricultural Burning, effective 3/14/96; Puget Sound Air Pollution Control Agency, Regulation III, Article 3, Source-Specific Emission Standards, section 3.03, Perchloroethylene Dry Cleaners, effective 12/14/95.

(66) On March 4, 1996 the Director of WDOE submitted to the Regional Administrator of EPA a revision to the Ozone State Implementation Plan for the Puget Sound area containing a maintenance plan that demonstrates continued attainment of the NAAQS for ozone through the year 2010 and also containing an oxygenated fuels program as a contingency measure to be implemented if the area violates the CO NAAQS.

(i) Incorporation by reference.

(A) The February 29, 1996 letter from WDOE to EPA requesting the redesignation of the Puget Sound carbon monoxide nonattainment area to attainment and submitting the maintenance plan; the Central Puget Sound Region Redesignation Request and Maintenance Plan for the National Ambient Carbon Monoxide Standard dated January 1996.

(ii) Additional material.


(ii) Additional material.

§ 52.2470 Attainment in Puget Sound; and Appendix G, Transportation Conformity Process.

(68) On March 19, 1996, the Director of Washington State Department of Ecology (Washington) submitted to the Regional Administrator of EPA a revision to the Carbon Monoxide State Implementation Plan for the Vancouver area containing a maintenance plan that demonstrated continued attainment of the NAAQS for carbon monoxide through the year 2006 and also containing 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 March 19, 1996 from Washington to EPA requesting the redesignation of the Vancouver carbon monoxide nonattainment area to attainment and submitting the maintenance plan; the “Supplement to the State Implementation Plan for Carbon Monoxide (CO) in Vancouver, WA—Re-designation Request for Vancouver, WA as Attainment for CO,” dated December 19, 1995, and adopted on February 29, 1996.


(ii) Additional material.


(69) EPA received from the Washington Department of Ecology PM10 nonattainment area plans for Wallula and Spokane, Washington, as revisions to the Washington state implementation plan.

(i) Incorporation by reference.

(A) November 13, 1991 letter from Washington Department of Ecology (WDOE) to EPA Region 10 submitting the State Implementation Plan for Particulate Matter in the Wallula Study Area, A Plan for Attaining and Maintaining the National Ambient Air Quality Standard for PM10 (including Appendices “D” (Exceptional Events Analysis), “E” (Reasonably Available Control Measure Analysis), “F” (Reasonably Available Control Technical Analysis of Boise Cascade, Wallula), and “H” (Discussion of Modified Attainment Demonstration)), adopted November 14, 1991; May 18, 1993 letter from WDOE forwarding a report titled, “Addendum to the State Implementation Plan for the Wallula PM–10 Nonattainment Area, Reasonably Available Control Measure Analysis”, further describing the control measures being implemented in the area; June 23, 1994 letter from WDOE providing additional information describing the status of the control measures and forwarding an analysis of windblown dust in the area; April 28 and May 18, 1995, letters from WDOE to EPA Region 10, providing additional information on the allowable and fugitive emissions for point sources and air quality dispersion modeling; June 1, 1995, letter from WDOE providing information on allowable emissions; and a September 6, 1995, letter from WDOE forwarding a revised emission inventory for point sources within the Wallula nonattainment area.

(B) December 9, 1994, letter from WDOE submitting the Spokane PM10 Attainment Plan (including Appendices “C” (Analysis of PM10 Data/Exceedances of the 24-Hour Standard), “E” (Detailed Analysis of Dust Storms/Analysis of the Impact of Biogenic PM10 Sources), “F” (Analysis of PM10 Data/Exceedances of the 24-Hour...
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(C) Spokane County Air Pollution Control Authority (SCAPCA) Order No. 91–01 providing for an alternate opacity limit for the Kaiser Aluminum and Chemical Corporation, Trentwood aluminum facility; SCAPCA Orders 96–03, 96–04, 96–05 and 96–06 (all dated April 24, 1996) lowering the potential to emit for the Kaiser Aluminum—Trentwood facility; and


(ii) Additional material.

(A) SCAPCA’s zoning ordinance provisions requiring the paving of new parking lots (4.17.059 and 4.802.080 of the Zoning Code of Spokane County, dated 5/24/90).

(70) On January 24, 1996 the Director of WDOE submitted to the Regional Administrator of EPA revisions to the SWAPCA for the control of air pollution in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties, Washington (SWAPCA 400—General Regulation for Air Pollution Sources).

(i) Incorporation by reference.

(A) The January 24, 1996, letter from WDOE to EPA submitting requests for revisions to the Washington SIP to include regulations of the SWAPCA for the control of air pollution in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties, Washington, as revisions to the Washington SIP, State-effective September 21, 1995. EPA is approving the following sections of SWAPCA 400—General Regulation for Air Pollution Sources: 010; 020; 030 except the second sentence of (14), (45) and (80); 040 except (1)(c), (1)(d), (2), (4) and (6)(a); 050 except the exception provision of (3); 052; 060; 070 except (5); 074; 081; 091; 100 except the first sentence of (3)(a)(iv) and (4); 101; 105; 107; 109 except for (3)(b), (3)(c), (3)(g), (3)(h), and (3)(i), 110; 112; 113; 114; 151; 161; 171; 190; 200; 205; 210; 220; 230; 240; 250; 260; 270; and 280.

(71) On March 6, 1996, the Director of the Washington State Department of Ecology (Ecology) submitted to the Regional Administrator of EPA a revision to the Puget Sound Air Pollution Control Agency Regulations, Regulations I, II, and III.

(i) Incorporation by reference.

(A) Letter dated August 6, 1996 from the Department of Ecology to EPA revising the Puget Sound Air Pollution Control Agency Regulations; Regulation II Section 3.11 (Coatings and Ink Manufacturing), effective on May 16, 1996; and Regulation III Section 3.01 (Hard and Decorative Chromium Electrotinning and Chromium Anodizing), effective on July 18, 1996.

(72) On November 26, December 3, and December 11, 1996, the Director of the Washington State Department of Ecology (Washington) submitted to the Regional Administrator of EPA revisions to the State Implementation Plan consisting of amendments to Washington regulations which remove the requirement for oxygenated gasoline in the Vancouver and Central Puget Sound areas.

(i) Incorporation by reference.

(A) Chapter 173–492, Washington Administrative Code (WAC), Motor Fuel Specifications for Oxygenated Gasoline, adopted December 5, 1996; Southwest Air Pollution Control Authority (SWAPCA) 492, Oxygenated Fuels, effective November 21, 1996; and Puget Sound Air Pollution Control Agency, Regulation II, Section 2.09, Oxygenated Gasoline Contingency Measure and Fee Schedule, revised July 11, 1996.

(73) The Washington Department of Ecology (WDOE) and the Oregon Department of Environmental Quality (ODEQ) submitted Maintenance Plans that demonstrate continued attainment of the NAAQS for O3 and requested redesignation of the Pdx/Van interstate nonattainment area from nonattainment to attainment for O3. 777
§ 52.2470  40 CFR Ch. I (7–1–02 Edition)

The SIP revision requests were submitted by the WDOE on June 13, 1996, and by ODEQ on August 30, 1996. A number of other O₃ supporting revisions are included in this submittal they are: the 1990 O₃ 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.


(C) NSR: SWAPCA 400-030 (except for the second sentence of subsections (14) and (49), and subsection (84)), 101, 109 (except subsections (3)(b), (3)(c), (3)(g), (3)(h), and (3)(i)), 110, 111, 112, 113, 114, 116, and 190, effective November 21, 1996.

(D) Supporting Rules.


Editorial Note: At 61 FR 42217, Aug. 6, 1997, the following paragraph (c)(73) was added to §52.2470: however, paragraph (c)(73) already exists in the 1997 edition.

(73) On November 26, 1996 and April 7, 1997, the Director of the Washington State Department of Ecology (Washington) submitted to the Regional Administration of EPA revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulations I and III.

(i) Incorporation by reference.

(A) PSAPC Regulations approved—

Regulation I, Sections 3.11, 3.23, 5.02, 5.05, 5.07, 6.03, 7.09—state-adopted 9/12/96. Regulation III, Section 4.03—state-adopted 9/12/96. Regulation I, Sections 5.03 and 6.01—state-adopted 12/12/96. Regulation III, Sections 1.11, 2.01, and 2.05—state-adopted 12/12/96.

(74) On November 26, 1996 and April 7, 1997, the Director of the Washington State Department of Ecology (Washington) submitted to the Regional Administration of EPA revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulations I and III.

(i) Incorporation by reference.

(A) PSAPC Regulations approved—

Regulation I, Sections 3.11, 3.23, 5.02, 5.05, 5.07, 6.03, 7.09—state-adopted 9/12/96. Regulation III, Section 4.03—state-adopted 9/12/96. Regulation I, Sections 5.03 and 6.01—state-adopted 12/12/96. Regulation III, Sections 1.11, 2.01, and 2.05—state-adopted 12/12/96.

(75) On November 26, 1996 and April 7, 1997, the Director of the Washington State Department of Ecology submitted to the Regional Administration of EPA four revisions to the SIP consisting of amendments to the Spokane CO SIP.

(i) Incorporation by reference.


(B) Letter dated September 14, 1993, from Washington to EPA providing supplementary information that submitted on January 22, 1993; “Spokane County Carbon Monoxide Non-attainment Area 1990 Base Year Emissions Inventory,” dated November 1992. (C) Two letters dated April 30, 1996, from Washington to EPA submitting two revisions to the SIP; “Supplement to A Plan for Attaining and Maintaining National Ambient Air Quality Standards for the Spokane Carbon Monoxide Nonattainment Area,” dated March 1995; and “Supplement to the
State Implementation Plan for Washington State, Spokane County Carbon Monoxide Nonattainment Area, Supplement 1 of 2,\(^\d\) replacement pages for Sections 2.5 and 6.2 of Section 4.5.2.CO.1 of the State Implementation Plan, dated January 1996; Supplement to the State Implementation Plan for Washington State, Spokane County Carbon Monoxide Nonattainment Area, Supplement 2 of 2,\(^\d\) new Section 10.0, Contingency Measures, of Section 4.5.2.CO.1 of the State Implementation Plan, dated January 1996; and Spokane County Air Pollution Control Authority Motor Fuel Specifications for Oxygenated Gasoline, Regulation I, Article VI, Section 6.16, adopted July 6, 1995.

(ii) Additional material.

(76) On March 24, 1989, the Washington Department of Ecology submitted a plan for attaining and maintaining the NAAQS for PM10 in the Yakima PM10 moderate nonattainment area requesting EPA's review and approval. The plan was amended with additional submittals between 1992 and 1995.

(i) Incorporation by reference.
(A) The attainment plan is contained in the following documents: a submittal of March 24, 1989, adopted that same date, from Washington State Department of Ecology, titled, State Implementation Plan for Particulate Matter—Yakima Area A Plan for Attaining and Maintaining the National Ambient Air Quality Standard for PM10; a supplement to the plan adopted August 19, 1992, titled, Supplement State Implementation Plan for Particulate Matter (PM10) in Yakima, WA and an addendum adopted February 3, 1994 on contingency measures.

(B) Portions of Restated Regulation I of the Yakima County Clean Air Authority, effective December 15, 1995, including Article I; Article II except Section 2.01; Article III; Article IV; Article V except Section 5.09; Article VIII; Article IX; Article XI; Article XII except Section 12.02; and, Article XIII except Sections 13.04 and 13.05.

(ii) Additional material:
(A) August 19, 1992: A modeling and inventory supplement to the original plan.
(B) March 10, 1995: A supplemental information package primarily on emissions and modeling.
(C) June 27, 1995: A supplemental letter on monitoring, public notice and emissions.
(D) August 17, 1995: A supplemental emissions analysis.

(77) On December 30, 1997, the Director of the Washington State Department of Ecology submitted to the Regional Administration of EPA revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulation I.

(i) Incorporation by reference.
(A) PSAPCA Regulations approved—Regulation I, Sections 3.11, 5.05, 5.07, 6.04, 6.10—State-adopted 9/11/97.

(78) EPA approves a minor revision to the SIP dated January 8, 1998 to include a variance to a permit issued to the U.S. Army for the operation of three heat recovery incinerators located at Fort Lewis by local air pollution control agency, the Puget Sound Air Pollution Control Agency.

(i) Incorporation by reference.
(A) Puget Sound Air Pollution Control Agency, Notice of Construction No. 7216, Date: Nov 25, 1997.

(79) February 22, 1999, letter from WDOE submitting a revision and replacement pages to the State Implementation Plan for the Spokane PM–10 Attainment Plan that will preserve the applicability of Section 6.14 Standards for Control of Particulate Matter on Paved Surfaces, and Section 6.15 Standards for Control of Particulate Matter on Unpaved Roads, should the area be redesignated as attainment or the pre-existing PM–10 standard is revoked for Spokane.

(i) Incorporation by reference.
(A) Spokane County Air Pollution Control Authority’s Regulation I, Article VI; Section 6.14 Standards for Control of Particulate Matter on Paved
§ 52.2471 Surfaces and; Section 6.15 Standards for Control of Particulate Matter on Unpaved Roads, effective February 13, 1999.


(81) On August 23, 1999, the Washington State Department of Ecology requested the redesignation of Kent, Seattle, and Tacoma PM–10 nonattainment areas to attainment of the National Ambient Air Quality Standard for particulate matter. EPA approves the State’s PM–10 maintenance plan for Kent, Seattle, and Tacoma and request for redesignation to attainment.

(i) Incorporation by reference.
(A) Revised Code of Washington (RCW) 70.94.477(2), dated 1995.
(B) RCW 70.94.457, dated 1995.

(ii) Additional Material.

§ 52.2472 Extensions.

The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for one year (until December 31, 1995) the attainment date for the Spokane, Washington, PM–10 nonattainment area and the Wallula, Washington, PM–10 nonattainment area.

(60 FR 47280, Sept. 12, 1995)

§ 52.2473 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Washington’s plan for the attainment and maintenance of National Standards under section 110 of the Clean Air Act. The regulations included in the SIP (See Table 52.2479) are applicable statewide unless otherwise noted in the regulation itself. Furthermore, the Administrator finds that the plan as identified in §52.2470 satisfies requirements of Part D, Title I, of the Clean Air Act as amended in 1977, except as noted in the following sections. 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. New source review permits pursuant to section 173 of CAA 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.

§ 52.2474 General requirements.

(a) 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.

§ 52.2476 Discretionary authority.

(a) This section applies to any variance, exception, exemption, alternative emission limitation, bubble, alternative sampling or testing method, compliance schedule revision, alternative compliance schedule, or any other substantial change to a provision of the state implementation plan, granted by the Department of Ecology, the Department of Natural Resources, the Energy Facility Site Evaluation Council, or a local air pollution control agency in accordance with any discretionary authority granted under its statutes or regulations, regardless of whether such statutes or regulations are part of the state implementation plan.

(b) Any change to a provision of the state implementation plan described in paragraph (a) of this section must be submitted by the state for approval by EPA in accordance with the requirements of 40 CFR 51.104.

(c) Any change to a provision of the state implementation plan described in paragraph (a) of this section does not modify the requirements of the federally-approved state implementation plan or a federally-promulgated implementation plan until approved by EPA as a revision to the state implementation plan in accordance with section 110 of the Clean Air Act.

§§ 52.2477–52.2478 [Reserved]

§ 52.2479 Contents of the federally approved, State submitted implementation plan.

The following sections of the state and local regulations and documents
for the Washington State Implementation Plan for Air Quality, for compliance with requirements of the Federal Clean Air Act, have been approved by the U.S. Environmental Protection Agency (EPA), and are part of the current federally-approved, implementation plan.

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§§ 52.2480–52.2494 [Reserved]

§ 52.2495 Voluntary limits on potential to emit

Terms and conditions of regulatory orders issued pursuant to WAC 173–400–091 “Voluntary limits on emissions” and in accordance with the provisions of WAC 173–400–091, WAC 173–400–105 “Records, monitoring, and reporting,” and WAC 173–400–171 “Public involvement,” shall be applicable requirements of the federally-approved Washington SIP and Section 112(l) program for the purposes of section 113 of the Clean Air Act and shall be enforceable.

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by EPA and by any person in the same manner as other requirements of the SIP and Section 112(l) program. Regulatory orders issued pursuant to WAC 173–400–091 are part of the Washington SIP and shall be submitted to EPA Region 10 in accordance with the requirements of §§51.104(e) and 51.326.  

(60 FR 28728, June 2, 1995)

§ 52.2496 [Reserved]

§ 52.2497 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 Washington.

(c) In accordance with section 164 of the Clean Air Act and the provisions of 40 CFR 52.21(g), the Spokane Indian Reservation is designated as a Class I area for the purposes of preventing significant deterioration of air quality.  


§ 52.2498 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) Regulations for visibility new source review. The provisions of §52.28 are hereby incorporated and made a part of the applicable plan for the State of Washington.  

[51 FR 23228, June 26, 1986]

Subpart XX—West Virginia

§ 52.2520 Identification of plan.

(a) Title of plan: “State of West Virginia Implementation Plan to Achieve and Maintain Air Quality Standards for Particulates, Sulfur Oxides, Nitrogen Oxides, Carbon Monoxide, Hydrocarbons, and Oxidants.”

(b) The plan was officially submitted on January 27, 1972.

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

(1) Addition to the plan regarding legal authority to enforce State laws in the City of Wheeling submitted on March 30, 1972, by the West Virginia Air Pollution Control Commission.

(2) Addition to the plan clarifying Resources section of SIP submitted April 20, 1972, by the West Virginia Air Pollution Control Commission.

(3) Revision to plan regarding “Permit to Construct” rule, Regulation XIII of the West Virginia Air Pollution Control Regulations, submitted May 5, 1972, by the West Virginia Air Pollution Control Commission.

(4) Revision to the plan allowing John E. Amos power plant variance to sulfur-in-fuel regulations submitted November 14, 1973, by the West Virginia Air Pollution Control Commission.

(5) AQMA designations were submitted on June 13, 1974, by the Governor of West Virginia.

(6) Indirect Source Review plan submitted on June 17, 1974, by the West Virginia Air Pollution Control Commission.

(7) Particulate matter regulation for Primary aluminum plants submitted on November 8, 1974, by the West Virginia Air Pollution Control Commission.

(8) Deletion of secondary annual and 24 hour sulfur dioxide standards from Regulation VIII submitted on March 16, 1976, by the Governor of West Virginia.

(9) Amendments to regulation X (to prevent and control air pollution from the emission of sulfur oxides) (section 2.07 added), section 2.08 (former section 2.07), section 2.09 (former section 2.08), section 2.10 (former section 2.09), section 2.11 (former section 2.10), section 2.12 (former section 2.11), section 2.13 (former section 2.12), section 2.14 (former section 2.13), section 2.15 (former section 2.14), section 2.16 (former section 2.15), section 3.01 is superseded by new section 3.01 except section 3.01(1) Kammer Power Station which retains the old section 3.01(a), section 3.02 is replaced by new section
3.02, section 3.03 is superseded by new section 3.03 except for section 3.03(2) Rivesville Power Station, which retains the old section 3.03(a) and section 3.03(b), section 3.03(1) (Harrison Power Plant) is approved as an interim emission limitation only, sections 3.05, 3.06, and 3.07 (added), section 3.08 (former section 3.05), section 6.01 is superseded by new section 6.01, new section 10 is added, section 11 (replaces former section 10) of the West Virginia Administrative Regulations submitted on January 25, 1978 (as amended September 13, 1978), by the Governor.

(10) Revised plans for attaining primary air quality standards for TSP and S02 submitted to EPA by the Governor of West Virginia on June 18, 1979. These plans are contained in a document entitled, “Revisions to the State Implementation Plan to Achieve and Maintain Air Quality Standards for Particulates, Sulfur Oxides, and Ozone.”

(11) Revised plan for attaining the ozone standard submitted to EPA by the Governor of West Virginia on November 21, 1979.

(12) Revised Regulations III and VIII, and new Regulations XXI, XXIII, and XXIV, submitted to EPA by the Governor of West Virginia on December 19, 1979.

(13) Amended Sections 3.01(2) and 3.03(1) of Regulation X (to prevent and control air pollution from the emission of sulfur oxides), submitted on January 25, 1978 and amended September 13, 1978 by the Governor.


(15) An Implementation Plan for lead submitted by the Governor of West Virginia on June 13, 1980, and supplementary information subsequently submitted to show that lead sources would be subject to new source review.

(16) Test Procedure for Quantifying Emissions From Bulk Gasoline Loading Terminals, submitted by the Governor of West Virginia on November 6, 1980.

(17) West Virginia’s plans for attaining the secondary National Ambient Air Quality Standard for total suspended particulate submitted by the Governor of West Virginia on November 14, 1980.

(18) The consent order allowing alternative emission limitations for the Mountaineer Carbon Company, Moundsville, West Virginia, submitted on July 2, 1982 by the West Virginia Air Pollution Control Commission.

(19) Consent Order dated July 6, 1982 between National Steel Corporation, Weirton Steel Division and the West Virginia Air Pollution Control Commission submitted on July 6, 1982 by Mr. Donald R. Richardson providing for an alternate emission control plan (bubble) for the Weirton, West Virginia steel mill.

(20) Amended Regulation VII of the West Virginia Air Pollution Control Regulations submitted by the West Virginia Air Pollution Control Commission on April 29, 1983.

(21) A revision submitted by the State of West Virginia on November 4, 1983 which establishes an Ambient Air Quality Monitoring Network.

(22) Amended Regulation XIX of the West Virginia Air Pollution Control Regulations submitted by the West Virginia Air Pollution Control Commission on April 29, 1983.

(23) Regulation XIV (Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration) and a commitment letter submitted on June 13, 1984, and December 16, 1985, respectively, by the Chairman of the West Virginia Air Pollution Control Commission.

(i) Incorporation by reference.

(A) Regulation XIV (Permits for the Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration) adopted by the State of West Virginia on June 14, 1984.

(B) Letter of December 16, 1985, in which the West Virginia Air Pollutant Control Commission committed to comply with the July 8, 1985 rulemaking notice concerning stack heights in its PSD permitting.

(24) Revisions to the State Implementation Plan submitted by the West Virginia Air Pollution Control Commission.

(i) Incorporation by reference.
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(A) Letter from the West Virginia Air Pollution Control Commission dated September 14, 1990, submitting a revision to the West Virginia State Implementation Plan.

(B) A Consent Order, dated and effective September 12, 1990, issued by the West Virginia Air Pollution Control Commission to the Columbia Gas Transmission Corporation limiting the emissions and operation of a compressor engine at its Lost River Compressor Station in Mathias, Hardy County, West Virginia.

(ii) Additional materials—remainder of the State submittal.

(25) As of July 7, 1993 the rules in this paragraph (c)(25) are superseded by the rules contained in paragraph (c)(33) of this section. Revisions to the State Implementation Plan submitted by the West Virginia Air Pollution Control Commission, which define and impose RACT to control volatile organic compound emissions from bulk gasoline terminals, petroleum refineries, and storage of petroleum liquids in fixed roof tank facilities.

(i) Incorporation by reference.

(A) A letter from the West Virginia Air Pollution Control Commission dated June 4, 1991, submitting a revision to the West Virginia State Implementation Plan.


(ii) Additional materials.

(A) The nonregulatory portions of the state submittal.

(26) Bilateral consent orders between the West Virginia Air Pollution Control Commission and six companies to limit emissions of particulate matter. The effective date of the consent order with Koppers is November 15, 1991; the effective date of the five other orders cited in paragraph (i)(B), below, is November 14, 1991.

(i) Incorporation by reference.

(A) Letter dated November 12, 1991 from the West Virginia Department of Commerce, Labor, and Environmental Resources transmitting six consent orders.


(27) Revision to the State Implementation plan consisting of a good engineering practice (GEP) for stack heights regulation as submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990:

(i) Incorporation by reference.

(A) Letter from the Secretary, Department of Commerce, Labor, and Environmental Resources dated April 2, 1990, submitting a revision to the West Virginia State Implementation Plan.

(B) Regulation 20 (45CSR20)—“Good Engineering Practice as Applies to Stack Heights” adopted by the State of West Virginia on April 8, 1989. The regulation became effective on July 14, 1989.

(ii) Additional materials.

(A) Remainder of the State implementation plan revision submitted by the West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990.


(i) Incorporation by reference.

(A) Letter from the Secretary, Department of Commerce, Labor, and Environmental Resources dated August 15, 1990 submitting a revision to the West Virginia State Implementation Plan.

(B) Amendments to the West Virginia Code Chapter 16, Article 20—Regulation VIII—“Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter”; Regulation XI—“Prevention of Air Pollution Emergency Episodes”; and Regulation XIV—“Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant...
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Deterioration”. All three rules were adopted on March 19, 1990 and became effective April 25, 1990.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the West Virginia Department of Commerce, Labor, and Environmental Resources on August 15, 1990.

(29) Revisions to the State Implementation Plan submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990.

(i) Incorporation by reference.

(A) Letter from the Secretary, Department of Commerce, Labor, and Environmental Resources dated April 2, 1990 submitting a revision to the West Virginia State Implementation Plan.

(B) WVAPCC Rule TP—”Compliance Test Procedures for Regulation II—’To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers’” adopted by the State of West Virginia on April 8, 1989.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990.

(30) The ten year ozone maintenance plan including emission projections and contingency measures for Huntington, West Virginia (Cabell and Wayne counties) as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections and contingency measures for the Charleston, West Virginia (Kanawha and Putnam Counties) revised and effective August 10, 1994.

(32) The ten year ozone maintenance plan including emission projections and contingency measures for Charleston, West Virginia (Kanawha and Putnam Counties), as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection; Office of Air Quality:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections and contingency measures for the Charleston, West Virginia (Kanawha and Putnam Counties) revised and effective August 10, 1994.

(33) Revisions to the West Virginia State Implementation Plan submitted on August 12, 1993 by the West Virginia Department of Commerce, Labor & Environmental Resources.

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor & Environmental Resources transmitting Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds.

(B) Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 36, 39, 41, 42, 43, 44, 45, 46, 47, and 48, and Appendix A, which were adopted May 26, 1993 and effective July 7, 1993.

(ii) Additional material.

(A) Remainder of August 10, 1993 State submittal pertaining to the rules referenced in paragraph (c)(33)(i) of this section.

(iii) Additional information.

(A) The rules in this paragraph (c)(33) supersede the rules contained in paragraph (c)(25) of this section.

(34) Revisions to the West Virginia State Implementation Plan submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources, Office of Air Quality, on August 10, 1993.
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(i) Incorporation by reference.

(A) Letter dated August 10, 1993 from the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources, Office of Air Quality submitting 45 Code of State Regulations (CSR) Series 29 ‘‘Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions’’ as a revision to the West Virginia State Implementation Plan. The effective date of this rule, 45CSR29 is July 7, 1993.


(ii) Additional material.

(A) Remainder of October 10, 1993 State submittal pertaining to 45 CSR Series 29, ‘‘Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions.’’

(B) [Reserved]

(35) Revisions to the West Virginia implementation plan for sulfur dioxide (SO2) in New Manchester Grant-Magisterial District, Hancock County submitted on February 17, 1995, as amended on May 3, 1996 by West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of February 17, 1995 from Mr. David C. Callaghan, Director, West Virginia Division of Environmental Protection transmitting a SIP revision for the New Manchester-Grant Magisterial District, Hancock County SO2 nonattainment area.

(B) Letter of May 3, 1996 from Mr. Laidley Eli McCoy, Ph.D., Director, West Virginia Division of Environmental Protection transmitting an amendment to the February 17, 1995 SIP revision submittal for the New Manchester-Grant Magisterial District, Hancock County SO2 nonattainment area.

(C) Implementation plan document (as amended, May 3, 1996), entitled ‘‘Revision to the West Virginia State Implementation Plan to Achieve and Maintain the National Ambient Air Quality Standards for Sulfur Dioxide in the New Manchester-Grant Magisterial District’’.

(D) Consent order entered into by and between the State of West Virginia and the Quaker State Corporation on January 9, 1995. The consent order was effective on January 9, 1995.

(E) Consent order entered into by and between the State of West Virginia and the Weirton Steel Corporation on January 9, 1995. The consent order was effective on January 9, 1995.

(ii) Additional material.

(A) Remainder of West Virginia’s February 17, 1995 submittal, as amended on May 3, 1996.

(36) The ten year ozone maintenance plan including emission projections and contingency measures for Greenbrier County, West Virginia effective on September 1, 1994 and submitted by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 9, 1994 from the West Virginia Division of Environmental Quality transmitting the ozone maintenance plan for Greenbrier County.

(B) The ten year ozone maintenance plan including emission projections and contingency measures for Greenbrier County, West Virginia effective on September 1, 1994.

(ii) Additional Material.

(A) Remainder of September 9, 1994 State submittal pertaining to the maintenance plan referenced in paragraph (c)(36)(i) of this section.

(B) [Reserved]

(37) Revisions to the West Virginia State Implementation Plan submitted on May 16, 1995 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 16, 1995 from West Virginia Division of Environmental Protection, transmitting the General Conformity Rule.

(B) Title 45, Legislative Rule, Series 35 (45CSR35), Requirements for Determining Conformity of General Federal Actions to Applicable Air Quality Implementation Plans (General Conformity), effective May 1, 1995.

(ii) Additional material.
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(A) Remainder of May 16, 1995 State submittal pertaining to 45CSR35 referenced in paragraph (c)(37) of this section.

(38) [Reserved]

(39) Revisions to the West Virginia Regulations 45 CSR 14 submitted on August 10, 1993 by the West Virginia Department of Commerce, Labor & Environmental Resources:

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor & Environmental Resources transmitting revisions to 45 CSR 14 “Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration”.

(B) Revisions to 45 CSR 14, effective July 7, 1993, including revisions to definitions and the addition of NOx increment provisions. Not included in this incorporation by reference are 45 CSR 14 paragraphs 1.1, 1.2, 2.1, 2.4, 2.9, 2.11, 2.13, 2.15, 2.22, 2.26, 2.27, 2.32, 2.33 to 2.38, 3.2, 4.1 to 4.3, 5.1, 7.1 to 7.4, 8.1, 10.1, 10.4, 10.7, and 11.1.

(40) Revisions to the West Virginia Regulations 45 CSR 14 submitted on May 20, 1996 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 20, 1996 from the West Virginia Division of Environmental Protection transmitting revisions to 45 CSR 14 “Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration”.

(B) Revisions to 45 CSR 14, effective May 1, 1995, including the addition of PM10 increment provisions, revisions to definitions, and preconstruction review requirements for electric steam generating units. Not included in this incorporation by reference are 45 CSR 14 paragraphs 4.1 to 4.3, 7.3, 8.1, 10.1, 10.2, 10.4, and 11.1.

(41) [Reserved]

(42) Revisions to the West Virginia Regulations for coal preparation and handling facilities 45CSR5 submitted on August 10, 1993 by the West Virginia Department of Commerce, Labor and Environmental Resources:

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor, and Environmental Resources transmitting revisions to West Virginia’s regulation 45CSR5 “To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations”.

(B) Revisions to West Virginia regulation 45CSR5 regarding coal preparation and handling plants specifically: Revisions to 45CSR5 which require specific emission limits on particulate matter emissions at coal preparation and handling facilities in the Follansbee PM10 nonattainment area, monitoring of thermal driers and control equipment statewide, revised permitting, testing and reporting requirements.

(ii) Additional Material—Remainder of the August 10, 1993 submittal on 45CSR5.

(43) Revisions to West Virginia Regulation 45 CSR 13 submitted on August 26, 1994 by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of August 26, 1994 from the West Virginia Department of Environmental Protection transmitting 45 CSR 13 “Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation”.

(B) Revised version of 45 CSR 13 “Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation”, sections: 1 except for the reference in subsection 1.1 to major stationary sources which have not been issued a permit pursuant to 45 CSR 30, 2–8, 10, 11 except for subsection 11.2, and Tables 45–13A and 45–13B, effective April 27, 1994.

(ii) Additional Material.

(A) Remainder of August 26, 1994 State submittal pertaining to 45 CSR 13, “Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation”.

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(B) Letter of September 5, 1996 from the West Virginia Office of Air Quality requesting EPA approval of 45 CSR 13 under 112(l) of the Clean Air Act, and clarifying that the definition of "major stationary source" in 45 CSR 13 will be interpreted consistently with the 45 CSR 14 and 45 CSR 19 programs as to the types of source categories which need to include fugitive emissions.

(44) Revisions to the West Virginia Regulations to attain and maintain the sulfur dioxide national ambient air quality standards in Marshall County submitted on February 17, 2000, by the Director, West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of February 17, 2000, from the Division of Environmental Protection transmitting a revision to the State Implementation Plan (SIP) for Attainment and Maintenance of Sulfur Dioxide National Ambient Air Quality Standards.

(B) Consent Orders entered between the West Virginia Office of Air Quality and:


(ii) Additional Material.—Remainder of February 17, 2000 SIP revision submittal.

(45) Revisions to the West Virginia Regulations amending the ten-year maintenance plan for Huntington, West Virginia (Cabell and Wayne Counties) submitted on November 29, 2001 and December 18, 2001 submittals pertaining to the revisions to the West Virginia Regulations amending the ten-year maintenance plan for Huntington, West Virginia (Cabell and Wayne Counties) revisions.

[37 FR 10901, May 31, 1972]

EDITORIAL NOTE: For Federal Register citations affecting §52.2520, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 67 FR 31736, May 10, 2002, §52.2520 was amended by adding paragraph (c)(46), effective July 9, 2002. For the convenience of the user, the added text is set forth as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

(46) Revisions to the West Virginia Rules 45CSR26 and 45CSR1 submitted on May 1, 2002 by the West Virginia Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 1, 2002 from the Secretary of the West Virginia Department of Environmental Protection transmitting rules 45CSR26 and 45CSR1 to implement West Virginia’s NOx Budget Trading Program and requirements for reductions in NOx emissions from cement manufacturing kilns.

(B) West Virginia Rule Title 45 Series 26, "Nitrogen Oxides Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides from Electric Generating Units," consisting of sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, 30, 31, 40, 41, 42, 43, 50, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 70, 71, 72, 73, 74, 75, and 76 effective May 1, 2002.

(C) West Virginia Rule Title 45 Series 1, "Nitrogen Oxides Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides," consisting of sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, 30,
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§ 52.2522 Approval status.

With the exceptions set forth below in this subpart, the Administrator approves West Virginia’s plan for the attainment and maintenance of the national standards.

(a) The Administrator approves the deletion of the provisions found in section 3.03(b) of regulation X except as it applies to the Riverstone plant, Monongahela Power Co.

(b) The Administrator hereby extends the interim limitation of 5.12 lbs. SO2 per million BTU for the Harrison power plant until a permanent emission limitation is approved.

(c) The Administrator approves the amended Sections 3.01(2) and 3.03(1) of West Virginia Air Pollution Control Commission Regulation X submitted January 25, 1978 and amended September 13, 1978, as a plan for attainment of the primary SO2 NAAQS. The Administrator does not approve the State’s control strategy for attainment and maintenance of the secondary SO2 NAAQS submitted on those dates, so far as it applies to the Mitchell and Harrison power stations.

(d) The Administrator approves West Virginia’s November 15, 1991 SIP submittal for fulfilling all PM-10-specific requirements of part D of the Clean Air Act applicable to the Follansbee, West Virginia PM-10 nonattainment area, except for the section 189(a)(1)(B) requirement for a demonstration that the plan is sufficient to attain the PM-10 NAAQS, which the Administrator is disapproving, and the section 172(c)(9) requirement for contingency measures, which the Administrator has yet to act upon.

(e)-(f) [Reserved]

(g) The Administrator approves West Virginia’s November 22, 1995 SIP submittal for the Follansbee, West Virginia PM-10 nonattainment area as fulfilling the section 189(a)(1)(B) requirement for a demonstration that the plan is sufficient to attain the PM-10 NAAQS.

(h) EPA disapproves the portion of 45 CSR 13 subsection 1 referencing major stationary sources which have not been issued a permit pursuant to 45 CSR 30 and section 11.2, submitted by the West Virginia Department of Environmental Protection on August 26, 1994, as revisions to the West Virginia SIP. These provisions do not meet the requirements of 40 CFR 51.160 for scope. EPA also disapproves 45 CSR 13 section 9, submitted by the West Virginia Department of Environmental Protection on August 26, 1994, as a revision to the West Virginia SIP. These provisions do
§ 52.2523

Attainment dates for national standards.

The New Manchester and Grant Magisterial Districts in Hancock County are expected to attain and maintain the secondary sulfur dioxide (SO\textsubscript{2}) standards as soon as the Sammis Power Plant meets the SO\textsubscript{2} limitations in the Ohio State Implementation Plan.

[61 FR 16063, Apr. 11, 1996]

§ 52.2524 Compliance schedules.

(a) 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.

(b) 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 emission limitation requirements of West Virginia Administrative Regulations, Chapter 16–20, Series X (hereinafter regulation X), section 3.01(a) or section 3.03(a), shall notify the Administrator, no later than October 1, 1973, of his intent to meet the requirements of said regulation by utilizing low-sulfur fuel, stack gas desulfurization, or a combination of stack gas desulfurization and low-sulfur fuel.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section who elects to utilize stack gas desulfurization, either alone or in combination with low-sulfur fuel, and any owner or operator of a stationary source subject to the emission limitation requirements of regulation X, section 3.01(a) or section 3.03(a), shall be subject to the following compliance schedule:

(i) October 15, 1973—Let necessary contracts for construction.

(ii) February 28, 1974—Initiate onsite construction.

(iii) February 28, 1975—Complete on-site construction.

(iv) June 30, 1975—Final compliance with the requirements of regulation X, section 3.01(a), section 3.03(a), or section 3.05.

(4) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the emission limitation requirements of regulation X, section 3.01(b) or section 3.03(b) shall notify the Administrator, no later than July 31, 1975, of his intent to meet the requirements of said regulation by utilizing low-sulfur fuel, stack gas desulfurization, or a combination of stack gas desulfurization and low-sulfur fuel.

(5) Any owner or operator of a stationary source subject to paragraph (b)(4) of this section who elects to utilize low-sulfur fuel, either alone or in combination with stack gas desulfurization, shall be subject to the following compliance schedule:
(i) August 31, 1975—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with the applicable regulation on June 30, 1978, and for at least one year thereafter, as well as a statement as to whether boiler modifications will be required. Submit final plans for modifications if they will be required.

(ii) October 31, 1975—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) December 31, 1975—Let contracts for necessary boiler modifications, if applicable.

(iv) April 30, 1976—Initiate onsite modifications, if applicable.

(v) April 30, 1977—Complete onsite modifications, if applicable.

(vi) June 30, 1978—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(6) Any owner or operator of a stationary source subject to paragraph (b)(4) of this section who elects to utilize stack gas desulfurization, either alone or in combination with low-sulfur fuel, shall be subject to the following compliance schedule:

(i) October 30, 1975—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) February 28, 1976—Let necessary contracts for construction.

(iii) August 31, 1976—Initiate onsite construction.

(iv) December 31, 1977—Complete onsite construction.

(v) June 30, 1978—Final compliance with the requirements of regulation X, section 3.01(b) or section 3.03(b).

(7) Any owner or operator subject to the compliance schedule in paragraph (b)(4) of this section shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(8) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable regulation. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(9) (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.

(iv) The requirements of this paragraph shall not apply to the following sources for which a request for a postponement of the applicability of regulation X had been submitted pursuant to section 110(f) of the Act prior to the date of publication of this regulation:

<table>
<thead>
<tr>
<th>Source Location</th>
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<tbody>
<tr>
<td>Kammer Station, Ohio Power Company</td>
</tr>
<tr>
<td>Mitchell Station, Ohio Power Company</td>
</tr>
<tr>
<td>Harrison Station, Monongahela Power Company</td>
</tr>
<tr>
<td>Fort Martin Station, Monongahela Power Company</td>
</tr>
</tbody>
</table>

(10) 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 (b)(4) of this section fails to satisfy the requirements of §§51.261 and 51.262(a) of this chapter.

§ 52.2525  Control strategy: Sulfur dioxide.

(a) The provisions of §51.112(a) are not met because the State did not adequately demonstrate that the deletion of section 3.03(b) of West Virginia regulation X as it applies to the Rivesville plant would not interfere with attainment and maintenance of the national ambient air quality standard.

[42 FR 52240, Nov. 9, 1978, as amended at 51 FR 40676, Nov. 7, 1986]

§ 52.2526–52.2527 [Reserved]

§ 52.2528 Significant deterioration of air quality.

(a) The requirements of Sections 160 through 165 of the Clean Air Act are met since the plan includes approvable procedures for the Prevention of Significant Air Quality Deterioration.

(b) Regulations for Preventing Significant Deterioration of Air Quality, the provisions of §§ 52.21(p) (4), (5), (6), and (7) are hereby incorporated and made a part of the applicable state plan for the state of West Virginia.

[51 FR 12518, Apr. 11, 1986]

§§ 52.2529–52.2530 [Reserved]

§ 52.2531 1990 base year emission inventory.

EPA approves as a revision to the West Virginia State Implementation Plan the 1990 base year emission inventories for the Greenbrier county ozone nonattainment area submitted by the Secretary, West Virginia Department of Commerce, Labor & Environmental Resources on December 22, 1992. These submittals consist of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in Greenbrier County for the following pollutants: Volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NOX).

[60 FR 39862, Aug. 4, 1995]

§ 52.2532 [Reserved]

§ 52.2533 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 part of the applicable plan for the State of West Virginia.

(c) Long-term strategy. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of West Virginia.

[50 FR 28533, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.2534 Stack height review.

The State of West Virginia has declared to the satisfaction of EPA that no State Implementation Plan emission limits, other than those for the Kammer power plant, 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 September 16, 1988.

[55 FR 21752, May 29, 1990]

§ 52.2560 Small business technical and environmental compliance assistance program.

On January 13, 1993, the Secretary of the West Virginia Department of Commerce, Labor and Environmental Resources submitted a plan for the establishment and implementation of a Small Business Technical and Environmental Compliance Assistance Program as a state implementation plan revision (SIP), as required by title V of the Clean Air Act. EPA approved the Small Business Technical and Environmental Compliance Assistance Program on September 15, 1993, and made it part of the West Virginia SIP. As with all components of the SIP, West Virginia must implement the program as submitted and approved by EPA.

[58 FR 48312, Sept. 15, 1993]
Subpart YY—Wisconsin

§ 52.2569 Identification of plan—conditional approval.

(a) Revisions to the plan identified in § 52.2570 were submitted on the date specified.

(1) On November 15, 1993, and July 28, 1994, the Wisconsin Department of Natural Resources (WDNR) submitted enhanced inspection and maintenance (I/M) rules and a Request for Proposal (RFP) as a revision to the State’s ozone State Implementation Plan (SIP). The EPA conditionally approved these rules and RFP based on the State’s commitment to amend its rules and sign its final I/M contract to address deficiencies noted in its final conditional approval. These final, adopted rule amendments and final, signed contract must be submitted to the EPA within one year of the EPA’s conditional approval.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Chapter NR 485, effective July 1, 1993.

(ii) Additional materials.


(B) RFP, submitted along with the SIP narrative on November 15, 1993.

(C) Supplemental materials, submitted on July 28, 1994, in a letter to the EPA.

§ 52.2570 Identification of plan.

(a) Title of plan: “A Statewide Implementation Plan to Achieve Air Quality Standards for Particulates, Sulfur Oxides, Nitrogen Oxides, Hydrocarbons, Oxidants, and Carbon Monoxide in the State of Wisconsin.”

(b) The plan was officially submitted on January 14, 1972.

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

(1) An abatement order for the Alma Power Plant in the Southeast LaCrosse AQCR was issued on February 15, 1972, by the State Department of Natural Resources. (Non-regulatory)

(2) On March 3, 1972, the control strategy (IPP) for the Southeast Wisconsin Interstate was submitted by the State Department of Natural Resources. (Non-regulatory)

(3) The air quality monitoring network was submitted by the State Department of Natural Resources on March 16, 1972. (Non-regulatory)

(4) Revisions to the air quality monitoring network were submitted on April 7, 1972, by the State Department of Natural Resources. (Non-regulatory)

(5) A revised order, hearing documents and other information concerning the meeting of standards by the Alma Power Plant was submitted on January 19, 1973, by the Governor. Also submitted were revisions to emergency episode levels regulation NR 154.01(41)(c)-3 and NR 154.01(41)(c)-4.

(6) Compliance schedules were submitted on June 26, 1973, by the State.

(7) Compliance schedules were submitted on October 11, 1973, by the State.

(8) Compliance schedules were submitted on October 19, 1973, by the State.

(9) Compliance schedules were submitted on November 10, 1973, by the State.

(10) Compliance schedules were submitted on December 12, 1973, by the State.


(12) A request for an extension of the statutory timetable for the submittal of the portion of the Wisconsin SIP which provides for the attainment of the Secondary NAAQS for TSP was submitted by the Wisconsin DNR on February 22, 1979, and was supplemented with additional information on April 16, 1979 and May 13, 1980.

(13) On June 4, 1979, the State submitted revisions to regulation NR 154.13 and to regulation NR 154.01 as it applies to regulation NR 154.13 and a commitment by the Wisconsin Natural Resources Board to adopt any additional rules representing reasonably available control technology which are necessary for the attainment of the ozone standard. NR 154.01 and NR 154.13 were published in the Wisconsin Administrative Register in July 1979 and were amended in the August 1979 Register.
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(14) On November 27, 1979 the Wisconsin Department of Natural Resources submitted revised rules NR 154.01 (126m), 154.02, 154.03 and 154.06. Support materials for these regulations were previously submitted on July 12, 1979 and September 4, 1979.

(15) On May 1, 1980, the Wisconsin Department of Natural Resources submitted the sulfur dioxide regulations NR 154.12 (4) and (5) for the Village of Brokaw, Marathon County and the City of Madison, Dane County.

(16) On July 12, 1979, Wisconsin submitted its ozone and carbon monoxide plan. This included the plan for the Green Bay, Madison, and Milwaukee urban areas which include the ozone nonattainment counties of Brown, Dane, Kenosha, Milwaukee, Ozaukee, Racine and Waukesha. Supplemental materials and commitments were submitted on September 4, 1979, February 28, 1980, August 12, 1980, September 25, 1980, November 4, 1980 and April 9, 1981.

(17) On July 12, 1979 Wisconsin submitted its vehicle inspection and maintenance program. Supplemental information and commitments were submitted on August 1, 1979, October 16, 1979, May 7, 1980, May 8, 1980, and April 9, 1981.

(18) On July 12, 1979 Wisconsin submitted its new source review regulations. Additional information was submitted on September 4, 1979, November 27, 1979, May 1, 1980, and February 16, 1981. EPA is only approving these submittals as they relate to the new source review plan for nonattainment areas.

(19) On April 18, 1980, the State of Wisconsin 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 Wisconsin on September 15, 1980.

(20) On September 9, 1980, the State of Wisconsin submitted a variance to regulation NR 154.13(3)(c) for Avis Rent-A-Car.

(21) On October 29, 1980 the State submitted a variance to regulation NR 154.13(3)(a) for Union Oil Company bulk gasoline terminal in Superior.

(22) On July 12, 1979, the State submitted revisions to Regulation NR 154.09, Wisconsin Administrative Code.

(23) Revision to plan allowing General Motors Assembly Division Janesville plant variance from Regulation NR 154.13(4)(g) 4.a., Wisconsin Administrative Code submitted January 15, 1981 by the State Department of Natural Resources.

(24) On August 31, 1981, Wisconsin submitted a variance from the provisions of Section NR 154.12(5)(a)2.b.2, and NR 154.12(5)(b) Wisconsin Administrative Code, for the Oscar Mayer and Company plant located in Madison, Wisconsin as a revision to the Wisconsin sulfur dioxide SIP.

(25) Revision to plan allowing W. H. Brady Company in Milwaukee variance from regulation NR 154.13(4) (e) and (f), Wisconsin Administrative Code, submitted January 22, 1982, by the State Department of Natural Resources.

(26) Revision to plan allowing Albany Carbide Corporation in Albany variance from regulation NR 154.13(5)(a), Wisconsin Administrative Code, submitted on December 22, 1981, by the State Department of Natural Resources.

(27) On January 15, 1981, the Wisconsin Department of Natural Resources submitted revisions to regulations NR 154.01 and NR 154.13 representing reasonably available control technology which are necessary to attain and maintain the ozone standard. A supplemental commitment was submitted March 31, 1982.

(28) On November 27, 1979, the State of Wisconsin submitted implementation plan revision to satisfy the Part D, Title I of the Clean Air Act for attainment and maintenance of the national ambient air quality standards for particulate matter. The revision consists of NR 154.11, Wisconsin Administrative Code, Control of Particulate Matter. Amendments to the plan were submitted by the State on November 6, 1980, and June 10, 1981. Supplemental information and commitments were submitted on May 1, 1980, May 13, 1982, and December 7, 1982. No attainment plan was submitted for Columbia, Brown, Dane, Douglas, Kenosha, Manitowoc, Marathon, Racine, Winnebago, and Wood Counties.

(29) On July 15, 1982, the State of Wisconsin submitted a variance to the compliance regulation requirements
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(30) On December 7, 1982, Wisconsin submitted revisions to regulations NR 154.01 and NR 154.11(2) for fugitive dust control in or near nonattainment areas for TSP.

(31) On March 8, 1983, the Wisconsin Department of Natural Resources submitted the 1982 revision to the Ozone/Carbon Monoxide SIP for Southeastern Wisconsin. This revision pertains to Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties. EPA is deferring action on the vehicle inspection and maintenance (I-M) portion of this revision.

(32) On February 17, 1983, the Wisconsin Department of Natural Resources submitted the newly created section NR 154.13(13)(e) of Wisconsin’s Administrative Code which partially exempts methylene chloride (dichloromethane) and methyl chloroform (1,1,1-trichloroethane) from the VOC control requirements contained in the Wisconsin SIP. The U.S. Environmental Protection Agency is not rulemaking at this time on the sulfur dioxide control requirements for the City of Brokaw in Marathon County which were also contained in the February 17, 1983, submittal.

(33) On January 23, 1984, the State of Wisconsin submitted a State Implementation Plan revision revoking the Hydrocarbon Standard contained in NR 155.03(5).


(35) On September 20, 1983, the Wisconsin Department of Natural Resources submitted its Lead SIP for the entire State of Wisconsin. Additional information was submitted on February 14, 1984, and March 14, 1984.

(36) On December 8, 1983, the Wisconsin Department of Transportation submitted Chapter TRANS 131, Motor Vehicle Inspection and Maintenance Program (MVIP). On June 11, 1984, the Wisconsin Department of Natural Resources requested that USEPA approve the remaining element of the 1982 Ozone/Carbon Monoxide SIP, the vehicle inspection and maintenance portion (I-M). All other elements of the Ozone/Carbon Monoxide SIP has been approved previously. (See Section 52.2570(c)(31)).

(37) On May 25, 1984, the Wisconsin Department of Natural Resources submitted a permit fee rule, Chapter NR 410, which establishes air permit application fees and air permit implementation and enforcement fees, as a revision to the SIP.

(38) On January 23, 1984, the Wisconsin Department of Natural Resources submitted SO2 emission limits for large electric utility sources located in the City of Milwaukee, Milwaukee County, Wisconsin. WDNR recodified the rule and on October 23, 1987, submitted it as recodified.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Natural Resources (NR) 418.04 as found at (Wisconsin) Register, September 1986, No. 369, effective October 1, 1986.

(39) On January 23, 1984, the Wisconsin Department of Natural Resources (WDNR) submitted SO2 emission limits for large electric utility sources contained in the SIP.

(38) On November 17, 1983, Wisconsin submitted revisions to Sections NR 154.01, Definitions, and NR 154.13, Control of Organic Compound Emissions, of the Wisconsin Administrative Code. These revisions incorporate volatile organic compound emission limits for large existing petroleum dry cleaners located in a six-county area of southeastern Wisconsin into the Wisconsin Ozone SIP [NR 154.13(6)(c)].

(40) On November 17, 1983, Wisconsin submitted revisions to Sections NR 154.01, Definitions, and NR 154.13, Control of Organic Compound Emissions, of the Wisconsin Administrative Code. These revisions clarify the volatile organic compound RACT rules and establish an extended RACT compliance date for certain can coating operations. On July 11, 1984, Wisconsin submitted additional information revising the original submittal.

(i) Incorporation by reference.

(A) Board Order A–36–82, incorporating revisions to NR 154.01 and NR
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154.13 of the Wisconsin Administrative Code, became effective in the State of Wisconsin on August 1, 1983.

(41) On January 24, 1983, the Wisconsin Department of Natural Resources submitted test methods for petroleum dry cleaning sources as a revision to the Wisconsin SIP. These test methods are part of the State’s “Air Management Operations Handbook”.

(i) Incorporation by reference.

(A) Test methods for petroleum dry cleaning sources contained in the Wisconsin Department of Natural Resources’ “Air Management Operations Handbook”.

(42) On June 12, 1979, the State of Wisconsin submitted its new source review (NSR) regulations. Additional information was submitted on September 4, 1979, November 27, 1979, May 1, 1980, and February 18, 1981. USEPA has previously approved these submittals as they relate to the NSR plan for non-attainment areas. See (c) (18). USEPA is now approving these submittals as they relate to the general NSR requirements for attainment and unclassified areas. USEPA is not approving these submittals with regard to the Prevention of Significant Deterioration (PSD) requirements, and USEPA’s approval of Wisconsin’s NSR rules should not be interpreted to apply to PSD. USEPA is approving §§ 144.394(2) and 144.394(5) of the State Statutes provided that all variants (144.394(2)) and emission reduction options (144.394(5)) are submitted to USEPA as SIP revisions. On November 6, 1985, the State submitted a letter committing to: (1) Revise its regulations to conform with USEPA’s July 8, 1985, rulemaking concerning stack height credits for air quality modeling; and (2) implement all air quality modeling analyses to conform with the July 8, 1985, rulemaking until the revised State regulations are enacted.

(i) Incorporation by reference. (A) The following Sections of Chapter 144 of the Wisconsin Statutes, entitled “Water, Sewage, Refuse, Mining, and Air Pollution”, are incorporated by reference. These sections are located in Subchapter I, “Definitions”; Subchapter III, “Air Pollution”; and Subchapter VII, “General Provisions, Enforcement and Penalties”, of Chapter 144.

Section 144.01 (1), (2), (3), (9m), and (12)—Definitions
Section 144.30—Air Pollution; Definitions
Section 144.31—Air Pollution Control; Powers and Duties
Section 144.34—Inspections
Section 144.35—Air Pollution Control; Standards and Determinations
Section 144.36—Classification and Reporting
Section 144.391—Air Pollution Control Permits
Section 144.392—Permit Application and Review
Section 144.393—Criteria for Permit Approval
Section 144.394—Permit Conditions
Section 144.395—Alteration, Suspension and Revocation of Permits
Section 144.396—Permit Duration
Section 144.397—Operation Permit Review
Section 144.398—Failure to Adopt Rules or Issue Permit or Exemption
Section 144.399—Fees
Section 144.402—Petition for Alteration
Section 144.403—Hearings on Certain Air Pollution Actions
Section 144.404—Violations; Enforcement
Section 144.426—Penalties for Violations Relating to Air Pollution
Section 144.50—Enforcement; Duty of Department of Justice

(B) The following Sections of Chapter NR 154 of the Wisconsin Administrative Code, entitled “Air Pollution Control”, are incorporated by reference.

Section 154.01—Definitions
Section 154.04—Permit Requirements and Exemptions
Section 154.05—Action on Applications
Section 154.05—Relocation of Portable Sources
Section 154.06—Operation and Inspection of Sources (Source Reporting, Recordkeeping, Testing, Inspection and Operation)
Section 154.06—Enforcement and Penalties
Section 154.21—Limitations on County, Regional, or Local Regulations
Section 154.24—Procedures for Non-contested Case Public Hearings
Section 154.25—Procedures for Alteration of Permits by Petition

(C) Letter from the State of Wisconsin dated November 6, 1985, committing to implement USEPA’s stack height regulations.

(43) On October 13, 1983, the State of Wisconsin submitted revisions to Chapter NR 154 of the Wisconsin Administrative Code that exempt certain sources from the need to obtain construction, modification, and operation.
permits, and from other permit program requirements. USEPA is approving these permit exemptions for attainment, nonattainment, and unclassified areas, except for those exemptions upon which USEPA is deferring action (Sections NR 154.01(118), NR 154.04(3)(a), NR 154.04(5), and NR 154.04(6)(b)).

(i) Incorporation by reference.
(A) Sections NR 154.01, NR 154.04, NR 154.08, NR 154.24, and NR 154.25 of Natural Resources Board Order Number A–39–81, which were published in the Wisconsin Administrative Register in April 1983, and which took effect on May 1, 1983, with the exception of sections NR 154.01(118), NR 154.04(3)(a), NR 154.04(5), and NR 154.04(6)(b).

(ii) Additional material.
(A) Letter from the State dated May 24, 1984, clarifying that major sources, or major modifications of major sources, could not be exempted from the requirement to obtain a permit under sections NR 154.04(2)(a) or NR 154.04(3)(b).
(B) Letter from the State dated July 13, 1984, stating that decisions made pursuant to NR 154.25 would be subject to the permitting criteria in §144.393 of the Wisconsin Statutes.

(44) On August 20, 1985, Wisconsin submitted a revision to its volatile organic compound plan for the Continental Can Company. The revision allows the use of internal offsets, in conjunction with daily weighted emission limits, at Continental Can’s Milwaukee and Racine can manufacturing facilities.

(i) Incorporation by reference.
(A) NR 422.05, as published in the (Wisconsin) Register, September, 1986, number 369, effective October 1, 1986.

(45) Wisconsin submitted a revision to its volatile organic compound plan for the Village of Brokaw, Marathon County, Wisconsin.

(i) Incorporation by reference.
(A) Letters dated November 7, 1984, September 19, 1984, and June 6, 1986, from Donald F. Theiler, Director, Bureau of Air Management, Wisconsin Department of Natural Resources.

(ii) Additional information.
(A) Letter dated January 24, 1986, from PPG Industries, Inc., stating that they do not produce as an intermediate or final product any of the chemicals listed in 40 CFR part 60, subpart VV, §60.489(a).

(47) On April 7, 1986, the WDNR submitted a site-specific revision to its ozone SIP for VOC emissions from burned in boilers to 1.0 percent by weight, where a stack of 160 feet or more is used; limiting process emissions from the Copeland recovery system, pulp papermill cooking acid plant, and pulp digester blow stack to a combined total of 228 pounds of SO2 per hour, when vented to a common stack of 160 feet or more. If a stack height of less than 160 feet is used, or if the process emissions are not vented to a common stack of 160 feet or more, then the emission limits approved by USEPA on April 9, 1981, must be met. See (c)(15). The emission limits were effective January 1, 1983.

(48) The State of Wisconsin submitted negative declarations for several volatile organic compound source categories, as follows:

November 7, 1984—Synthetic organic chemical manufacturing industry sources (SOCMI) leaks and oxidation;
September 19, 1984—High-density polyethylene, polypropylene, and polystyrene resin manufacturers;
June 6, 1986—Natural gas/gasoline processing plants leaks.

(i) Incorporation by reference.
(A) Letters dated November 7, 1984, September 19, 1984, and June 6, 1985, from Donald F. Theiler, Director, Bureau of Air Management, Wisconsin Department of Natural Resources.

(ii) Additional information.
(A) Letter dated January 24, 1986, from PPG Industries, Inc., stating that they do not produce as an intermediate or final product any of the chemicals listed in 40 CFR part 60, subpart VV, §60.489(a).
(49) Submittal from the State of Wisconsin, dated December 19, 1985, revising the specified levels for air pollution episodes, air pollution episode reporting requirements, and the requirements for implementing air pollution control plans.

(i) Incorporation by reference.
(A) Department of Natural Resources, Chapter NR 493, Air Pollution Episode Levels and Episode Emissions Control Action Programs, NR 493.01, 493.02 and 493.03, effective on August 1, 1985.

(48) On April 7, 1986, the WDNR submitted a site-specific revision to its ozone SIP for VOC emissions from...
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Union Camp's four flexographic printing presses at the Tomah facility, located in Monroe County, Wisconsin. It consists of a compliance date extension from December 31, 1985, to December 31, 1987, for meeting the VOC emission limits contained in Wisconsin SHIP regulation, NR 154.13(4)(1).

(i) Incorporation by reference.


(49) Submittal from the State of Wisconsin, dated June 14, 1985, revising the Wisconsin Administrative Code to include section NR 154.015, Department Review Times.

(i) Incorporation by reference.

(A) Letter from the Wisconsin Department of Natural Resources, dated June 14, 1985, and section NR 154.015 of the Wisconsin Administrative Code as a revision to the Wisconsin SIP, effective on May 1, 1985. Section NR 154.015 is entitled "Department Review Times", and it establishes time limits for review and action by the Wisconsin Department of Natural Resources on three types of air permit applications.

(50) On November 20, 1986, the State of Wisconsin submitted a revision to the Vehicle Inspection and Maintenance program (I/M) portion of its ozone/CO SIP. This was a revised rule Table 1 for NR 485.04, Wisconsin Administrative Code, plus State SIP Revision Certification.

(i) Incorporation by reference.

(A) Wisconsin revised rule NR 485.04, Wisconsin Administrative Code, effective November 1, 1986.

(51) [Reserved]

(52) On December 1, 1987, the Wisconsin Department of Natural Resources (WDNR) submitted NR 418.06. NR 418.06 is an SO_2 rule which is only applicable to the Badger Paper Mills facility, located in the City of Peshtigo, Marinette County, Wisconsin.

(i) Incorporation by reference. (A) Natural Resources (NR) 418.06, Peshtigo RACT sulfur limitations, as published in the (Wisconsin) Register, October 1987, No. 382 at page 74, effective November 1, 1987.

(53)–(54) [Reserved]

(55) On January 28, 1985, Wisconsin submitted its Rothschild (Marathon County) SO_2 plan, which contains emission limits for sources in the City of Rothschild and the Town of Weston, specifically for the Weyerhaeuser Paper Company and the Reed-Lignin Company, respectively. USEPA is approving NR 418.08 because this revision meets the requirements of part D of the Clean Air Act, 42 U.S.C. 7501-7508. The Wisconsin SIP, however, contains additional existing requirements for SO_2. Today's action on NR 418.08 has been integrated within Wisconsin's existing SIP regulations, and does not eliminate a source's obligation to comply with all existing SO_2 SIP requirements. Specifically, today's action in no way affects the terms and conditions of a Federal Consent Decree entered into by USEPA and the Weyerhaeuser Company located in Rothschild, Wisconsin No. 89-C-973-C (W.D. Wis., filed November 1, 1989). This Consent Decree resolves USEPA's enforcement action against Weyerhaeuser Company for violations of SIP rule NR 154.12(1) (now recodified as 418.08). In that Decree, Weyerhaeuser committed to comply with NR 154.12(1) by installing a desulfurization scrubber. August 15, 1989, the WDNR issued a construction permit to Weyerhaeuser which limit the combined emissions of Weyerhaeuser's acid plant and desulfurization scrubber to 28 pounds of SO_2 per hour. The conditions and terms of this construction permit and the Consent Decree remain federally enforceable. On May 9, 1987, 18 months past the effective date of USEPA's designation of Marathon County as a primary SO_2 non-attainment area (October 9, 1985, (50 FR 41139)), a construction moratorium was imposed in Marathon County under section 110(a)(2)(I) of the Clean Air Act because the county did not have a USEPA approved plan which assured the attainment and maintenance of the SO_2 NAAQS. However, USEPA final approval of Rothschild's SO_2 SIP will lift the section 110(a)(2)(I) construction ban in Marathon County.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Natural Resources 418.08, Rothschild RACT sulfur limitations, as published.
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in the (Wisconsin) Register, September, 1986, number 369, effective October 1, 1986.

(ii) Additional information.

(A) Weyerhaeuser Company, Federal Consent Decree No. 89–C–0973–C (W.D. Wis., filed November 1, 1989).

(57) On January 13, 1987, WDNR submitted a temporary variance from NR 154.13(4)(g) and interim emission limits for VOC emissions from General Motors Corporation’s topcoat and final repair lines at Janesville, Wisconsin, which expire on December 31, 1992.

(i) Incorporation by reference. (A) January 12, 1987, letter to Mike Cubbin, Plant Manager, General Motors Corporation from L.F. Wible, P.E., Administrator, Division of Environmental Standards.

(58) [Reserved]

(59) On November 6, 1986, WDNR submitted a variance from NR 422.15(2)(b), subject to certain conditions, for the VOC emissions from Gehl Company’s dip tank coating operation in West Bend, Wisconsin. On May 22, 1990, WDNR added four additional conditions to the revised plan, and on September 5, 1990, it submitted clarifications to the plan.

(i) Incorporation by reference. (A) A November 6, 1986, letter from Lyman Wible, P.E., Administrator, Division of Environmental Standards, WDNR to Mr. Michael J. Mulcahy, Vice-President, Secretary and General Counsel, Gehl Company.

(B) A May 10, 1990, letter from Lyman Wible, P.E., Administrator, Division of Environmental Standards, WDNR to Mr. Michael J. Mulcahy, Vice-President, Secretary and General Counsel, Gehl Company.

(ii) Additional information. (A) A September 5, 1990, letter from Thomas F. Steidl, Attorney, WDNR to Louise C. Gross, Associated Regional Counsel, USEPA.

(60) On January 23, 1984, and May 21, 1987, the WDNR submitted a proposed revision and additional information to the SO₂ SIP for sources located in the cities of Green Bay and DePere, Wisconsin (Brown County).

(i) Incorporation by reference. (A) Natural Resources 418.05, Green Bay and DePere RACT sulfur limitations, as published in the (Wisconsin) Register, September, 1990, No. 417 at page 96, effective October 1, 1986.

(ii) Additional information. (A) A July 16, 1990, letter from Don Theller, Director Bureau of Air Management, WDNR additional information responding to USEPA’s comments on the variable emission limits for Proctor & Gamble–Fox River, James River Corporation, and Green Bay Packaging.

(B) An August 27, 1986, letter from Vicki Rudell, Air Management Engineer, WDNR to Mr. Bill Zabor, Proctor & Gamble. Fox River Mill, regarding averaging time to be used when determining SO₂ emission limit exceedances and the concept of bubbling SO₂ emission limit from the digester blow stack scrubber and brown stock washer stack.

(C) A July 13, 1990, letter from W.F. Zabor, Environmental Control Manager, Proctor & Gamble to WDNR regarding the shut down of the bark combustor.

(D) A June 12, 1990, letter from Scott E. Valitchka, Environmental Control Engineer, James River Corporation, regarding how it intends to determine compliance with its boiler SO₂ emissions.

(E) A July 9, 1990, letter from Brian F. Duffy, Corporate Environmental Director Mills Operations to WDNR regarding SO₂ emission limits and compliance demonstration.

(F) A January 21, 1987, memorandum from Sudhir V. Desai, Environmental Engineer Central District Office, USEPA to Rashidan Khan, Engineering Section, USEPA, entitled “Overview Inspection Green Bay Packaging Inc., Mill Division Green Bay, Wisconsin 54307, State PID #405032100 (A21655).”

(61) [Reserved]

(62) On December 11, 1991, the United States Environmental Protection Agency received a revision to Wisconsin’s State Implementation Plan for Carbon Monoxide. This revision took the form of Administrative Order AM–91–71, dated November 22, 1991, which incorporates a stipulation between the Wisconsin Department of Natural Resources and the Brunswick Corporation d.b.a. Mercury Marine. The Administrative Order addresses the emissions of carbon monoxide into the ambient...
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Air from Mercury Marine Engine Testing Facility in Oshkosh, Wisconsin.

(i) Incorporation by reference.
Administrative Order AM–91–71, dated November 22, 1991, which incorporates a stipulation between the Wisconsin Department of Natural Resources and the Brunswick Corporation d.b.a. Mercury Marine.

(ii) Additional materials.

Attainment modeling demonstration of control strategy to limit carbon monoxide emissions from Mercury Marine Engine Testing Facility, dated December 20, 1989.

(63) Revisions to the sulfur dioxide attainment plan were submitted by the State of Wisconsin between June 5, 1985, and January 27, 1992. The revised plan consists of: Natural Resources 417.07, Natural Resources 417.04, several operating permits, numerous administrative rules, numerous negative declarations, and some compliance plans.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Natural Resources (NR) 417.07, Statewide Sulfur Dioxide Emission Limitations: Subsections 1 (Applicability); 2a, 2b, 2c, 2d, 2g (Emission Limits for Existing Sources); 3 (Emission Limits for New Sources); 4 (More Restrictive Emission Limits); 5 (Alternate Emission Limits); 6 (Compliance Schedules); 7 (Compliance Determinations); 8 (Variance from Emission Limits); as published in the (Wisconsin) Register, September, 1990, Number 417 at page 86, effective October 1, 1986.

(B) Wisconsin Administrative Code, NR 417.04, Southeastern Wisconsin Intrastate AQCR, as published in the (Wisconsin) Register, September, 1990, Number 417 at page 86, effective October 1, 1986.

(C) An Air Pollution Control Permit (MIA–10–DFS–82–36–101), dated and effective December 22, 1982, issued by the Wisconsin Department of Natural Resources to The Manitowoc Company, Inc., limiting the emissions and operation of Boiler #23 at the facility in Manitowoc, Manitowoc County, Wisconsin.

(D) An Air Pollution Control Permit (EOP–10–DFS–82–36–102), dated and effective January 12, 1983, and amended on August 7, 1987, issued by the Wisconsin Department of Natural Resources to the Manitowoc Company, Inc., limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Manitowoc, Manitowoc County, Wisconsin.

(E) An Administrative Order (86–496041870–J01), dated and effective November 25, 1986, issued by the Wisconsin Department of Natural Resources to the Manitowoc Company, Inc., South Works Facility, limiting the emissions and operation of Boilers #20 and 21 at the facility in Manitowoc, Manitowoc County, Wisconsin.

(F) An Administrative Order (86–445038550–J01), dated and effective October 27, 1986, issued by the Wisconsin Department of Natural Resources to Appleton Papers, Inc., limiting the emissions and operation of Boiler #22 at the facility in Appleton, Outagamie County, Wisconsin.

(G) A letter from Andrew Stewart to Dennis Hultgren, dated and effective on October 9, 1986, that details the conditions of the compliance plan for Appleton Papers at the facility in Appleton, Outagamie County, Wisconsin.

(H) An Administrative Order (86–445039100–J01), dated and effective December 23, 1986, issued by the Wisconsin Department of Natural Resources to the Fox River Paper Company, limiting the emissions and operation of Boiler #21 at the facility in Appleton, Outagamie County, Wisconsin.

(I) An Administrative Order (87–445009950–N01), dated and effective May 7, 1987, issued by the Wisconsin Department of Natural Resources to the Sanger B. Powers Correctional Center, limiting the emissions and operation of Boilers #1 and 2 at the facility in Oneida, Outagamie County, Wisconsin.

(J) An Administrative Order (87–445009950–N01), dated and effective July 28, 1987, issued by the Wisconsin Department of Natural Resources to the Thilmany Pulp and Paper Company, limiting the emissions and operation of Boilers #07, 08, 09, 10, and 11 at the facility in Kaukauna, Outagamie County, Wisconsin.

(K) An Administrative Order (87–469034390–J01), dated and effective January 22, 1987, issued by the Wisconsin Department of Natural Resources to the FWD Corporation, limiting the
emissions and operation of Boilers #21, 22, and 23 at the facility in Clintonville, Waupaca County, Wisconsin.

(L) An Administrative Order (86–471030560–J01), dated and effective October 29, 1986, issued by the Wisconsin Department of Natural Resources to the Gilbert Paper Company, limiting the emissions and operation of Boilers #22, 23, 24, and 25 at the facility in Menasha, Winnebago County, Wisconsin.

(M) An Administrative Order (86–471031000–J01), dated and effective November 25, 1986, issued by the Wisconsin Department of Natural Resources to Kimberly Clark-Neenah Paper and Badger Globe Division, limiting the emissions and operation of Boilers #21 and 22 at the facility in Neenah, Winnebago County, Wisconsin.

(N) An Administrative Order (86–471031220–J01), dated and effective October 27, 1986, issued by the Wisconsin Department of Natural Resources to the U.S. Paper Mills Corporation-Menasha Mill Division, limiting the emissions and operation of Boiler #21 at the facility in Menasha, Winnebago County, Wisconsin.

(O) A Mandatory Operating Permit (750009010–J01), dated and effective June 16, 1987, issued by the Wisconsin Department of Natural Resources to Owens-Illinois Tomahawk and Timber STS, Inc., limiting the emissions and operation of Boilers #24, 25, 27, 28, and 29 at the facility in Tomahawk, Lincoln County, Wisconsin.

(P) An Administrative Order (86–750013550–J01), dated and effective September 16, 1986, issued by the Wisconsin Department of Natural Resources to the Del Monte Corporation, limiting the emissions and operation of Boilers #01 and 02 at the facility in Plover, Portage County, Wisconsin.

(Q) An Air Pollution Control Permit (85–RV–013), dated and effective July 17, 1985, issued by the Wisconsin Department of Natural Resources to the Neenah Paper Company, limiting the emissions and operation of Boiler #01 at the facility in Stevens Point, Portage County, Wisconsin.

(R) An Elective Operating Permit (87–NEB–701), dated and effective December 23, 1987, issued by the Wisconsin Department of Natural Resources to Nekoosa Papers, Incorporated-Port Edwards Mill, Inc., limiting the emissions and operation of Boilers #20, 21, 24, and 25; as well as the sulfite recovery furnace at the facility in Port Edwards, Wood County, Wisconsin.

(S) An Air Pollution Control Permit (603007790–N01), dated and effective June 12, 1987, issued by the Wisconsin Department of Natural Resources to the Seneca Foods Corporation, limiting the emissions and operation of Boilers #10 and 11 at the facility in Cumberland, Barron County, Wisconsin.

(T) An Air Pollution Control Permit (MIA–10–KJC–83–16–044), dated and effective July 7, 1983, issued by the Wisconsin Department of Natural Resources to the Koppers Company, limiting the emissions and operation of Boiler #1 at the facility in Superior, Douglas County, Wisconsin.

(U) An Administrative Order (86–649028490–N01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Wisconsin Dairies Cooperative, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Clayton, Polk County, Wisconsin.

(V) An Administrative Order (86–851009940–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to Lionite Hardboard, limiting the emissions and operation of Boiler #20 at the facility in Phillips, Price County, Wisconsin.

(W) An Administrative Order (86–230008370–N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin-Parkside Heating Plant, limiting the emissions and operation of Boilers #20, 21, 22, and 23 at the facility in Kenosha, Kenosha County, Wisconsin.

(X) An Administrative Order (86–241012970–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the A.O. Smith/Automotive Products Company, limiting the emissions and operation of the fuel burning equipment at the facility in Milwaukee, Milwaukee County, Wisconsin.
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(Y) An Administrative Order (86–241014730–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the American Can Company, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Milwaukee, Milwaukee County, Wisconsin.

(Z) An Administrative Order (87–241007360–J01), dated and effective October 28, 1987, issued by the Wisconsin Department of Natural Resources to the American Motors Corporation, Milwaukee Manufacturing Plant, limiting the emissions and operation of Boilers #20, 21, 22, 23, and 24 at the facility in Milwaukee, Milwaukee County, Wisconsin.

(AA) An Administrative Order (86–241016710–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Eaton Corporation/Specific Industry Control Division, limiting the emissions and operation of Boilers #20, 21, 22, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(BB) An Administrative Order (86–241027050–J01), dated and effective September 18, 1986, issued by the Wisconsin Department of Natural Resources to the Milwaukee County Department of Health and Human Services, limiting the emissions and operation of Boilers #20, 21, 22, and 23, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(CC) An Administrative Order (86–241084690–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to OMC Evinrude, limiting the emissions and operation of Boilers #20, 21, and 22, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(DD) A letter from Bill Haas to Steve Otto, dated and effective on September 24, 1986, that details the conditions of the compliance plan for OMC-Evinrude at the facility in Milwaukee, Milwaukee County, Wisconsin.

(EE) An Administrative Order (86–241009670–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to Patrick Cudahy, Incorporated, limiting the emissions and operation of Boilers #20, 22, and 24, at the facility in Cudahy, Milwaukee County, Wisconsin.

(FF) An Elective Operating Permit (86–MJT–037), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to the Peter Cooper Corporation, limiting the emissions and operation of Boilers #20, 21, 22, 23, and 24 at the facility in Oak Creek, Milwaukee County, Wisconsin.

(GG) An Administrative Order (86–241099910–J01), dated and effective October 5, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin at Milwaukee, Central Heating Plant, limiting the emissions and operation of Boilers #20A, 20B, 20C, and 21 at the facility in Milwaukee, Milwaukee County, Wisconsin.

(HH) A letter from Donald F. Theiler to William H. Rowe, dated and effective on October 2, 1986, that details the conditions of the compliance plan for the University of Wisconsin at Milwaukee at the facility in Milwaukee, Milwaukee County, Wisconsin.

(II) An Administrative Order (86–241025840–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Vilter Manufacturing Corporation, limiting the emissions and operation of Boilers #20, and 21, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(JJ) An Air Pollution Control Permit (EOP–10–DLJ–82–52–073), dated and effective January 18, 1983, issued by the Wisconsin Department of Natural Resources to J.I. Case, limiting the emissions and operation of Boilers #21 and 22 at the facility in Racine, Racine County, Wisconsin.

(KK) An Administrative Order (86–252006870–J01), dated and effective October 13, 1986, issued by the Wisconsin Department of Natural Resources to S.C. Johnson and Son, Inc., limiting the emissions and operation of Boilers #20, 21, 22, and 23 at the facility in Sturtevant, Racine County, Wisconsin.

(LL) A letter from Donald F. Theiler to Thomas T. Stocksdale, dated and effective on October 13, 1986, that details the conditions of the compliance plan for S.C. Johnson and Son at the facility in Sturtevant, Racine County, Wisconsin.

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(MM) An Administrative Order (86-252012530–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Southern Wisconsin Center, limiting the emissions and operation of Boilers #20, 21, 22 and 23 at the facility in Union Grove, Racine County, Wisconsin.

(NN) A letter from Donald F. Theiler to George Wade, dated and effective on September 24, 1986, that details the conditions of the compliance plan for Southern Wisconsin Center at the facility in Union Grove, Racine County, Wisconsin.

(OO) An Administrative Order (86-252000650–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to Western Publishing Company, limiting the emissions and operation of Boilers #20A, 20B, and 21 at the facility in Racine, Racine County, Wisconsin.

(PP) An Air Pollution Control Permit (MIA–12–DAA–83–60–208), dated and effective November 2, 1983, issued by the Wisconsin Department of Natural Resources to Borden Chemical, limiting the emissions and operation of Boiler #20 at the facility in Sheboygan, Sheboygan County, Wisconsin.

(QQ) An Elective Operative Permit (86–SJK–71A), dated and effective May 25, 1988, issued by the Wisconsin Department of Natural Resources to the Wisconsin Power and Light Company, limiting the emissions and operation of Boilers #23, and 24 at the facility in Sheboygan, Sheboygan County, Wisconsin.

(RR) An Air Pollution Control Permit (86–LMW–406), dated and effective September 18, 1986 issued by the Wisconsin Department of Natural Resources to the Wisconsin Power and Light Company, limiting the emissions and operation of Unit 2 at the facility in Portage, Columbia County, Wisconsin.

(SS) An Administrative Order, dated and effective August 1, 1986, issued by the Wisconsin Department of Natural Resources to Oscar Mayer Foods Corporation, limiting the emissions from all sources at the facility in Madison, Dane County, Wisconsin.

(TT) An Administrative Order, dated and effective August 6, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin, Charter Street Heating Plant, limiting the emissions from all sources at the facility in Madison, Dane County, Wisconsin.

(UU) An Administrative Order (86-114004779–N01), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to the Universal Foods Corporation, limiting the emissions and operation of Boilers #21 and 22 at the facility in Juneau, Dodge County, Wisconsin.

(VV) An Administrative Order (86-114003340–N01), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to John Deere Horicon Works, limiting the emissions and operation of fuel burning equipment at the facility in Horicon, Dodge County, Wisconsin.

(WW) An Administrative Order (86-420044680–N01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Taycheedah Correctional Institute, limiting the emissions and operation of Boiler #20 at the facility in Taycheedah, Fond du Lac County, Wisconsin.

(XX) An Administrative Order (86-122003640–J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Dairyland Power Cooperative, limiting the emissions and operation of Boilers #20 and 21 at the facility in Cassville, Grant County, Wisconsin.

(YY) An Administrative Order (86-123002440–N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Iroquois Foundry Company, limiting the emissions and operation of fuel burning equipment at the facility in Browntown, Green County, Wisconsin.

(ZZ) An Administrative Order (86-424017550–J02), dated and effective March 2, 1987, issued by the Wisconsin Department of Natural Resources to the Berlin Foundry Company, limiting the emissions and operation of fuel burning equipment at the facility in Berlin, Green Lake County, Wisconsin.

(AAA) An Administrative Order (86-424021180–N01), dated and effective er 30,
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1986, issued by the Wisconsin Department of Natural Resources to the Berlin Tanning and Manufacturing Company, limiting the emissions and operation of fuel burning equipment at the facility in Berlin, Green Lake County, Wisconsin.

(BBB) An Administrative Order (86-128003700–N01), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to the Carnation Company-Pet Food and Cereal Division, limiting the emissions and operation of Boilers #21 and 22 at the facility in Jefferson, Jefferson County, Wisconsin.

(CCC) An Administrative Order (86-154008030–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Frank Brothers, Incorporated, limiting the emissions and operation of fuel burning equipment at the facility in Milton, Rock County, Wisconsin.

(DDD) An Administrative Order (86-154002860–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the General Motors Corporation, limiting the emissions and operation of Boilers #20, 21, 22, 23, 24, and 25 at the facility in Janesville, Rock County, Wisconsin.

(EEE) An Administrative Order (86-154004290–N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to George Hormel and Company, limiting the emissions and operation of Boilers #20, 21 and 22 at the facility in Beloit, Rock County, Wisconsin.

(FFF) An Administrative Order (86-999019320–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Rock Road of Wisconsin, limiting the emissions and operation of fuel burning equipment at the facility in Janesville, Rock County, Wisconsin.

(GGG) An Administrative Order (86-609037440–N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Jacob Leinenkugel Brewing Company, limiting the emissions and operation of Boiler #20 at the facility in Chippewa Falls, Chippewa County, Wisconsin.

(EEE) An Administrative Order (86-609037660–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Northern Wisconsin Center for the Developmentally Disabled, limiting the emissions and operation of Boilers #20, 21, 22, and 23 at the facility in Chippewa Falls, Chippewa County, Wisconsin.

(III) An Air Pollution Control Permit (MIN-04-80-10-028), dated and effective June 19, 1981, issued by the Wisconsin Department of Natural Resources to Lynn Protein, limiting the operation of Boiler #21 at the facility in Clark County, Wisconsin.

(JJJ) A letter from Thomas Woletz to Dale Sleiter, dated and effective on September 9, 1986, that details the conditions of the compliance plan for the Lynn Protein facility in Clark County, Wisconsin.

(KKK) An Administrative Order (86-618022350–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Uniroyal Tire Company, Incorporated, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Eau Claire, Chippewa County, Wisconsin.

(LLL) An Administrative Order (86-618027080–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin Eau Claire Heating Plant, limiting the emissions and operation of Boilers #20 and 21 at the facility in Eau Claire, Chippewa County, Wisconsin.

(MMM) An Administrative Order (86-618026530–N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Waste Research and Reclamation Company, limiting the emissions and operation of Boilers #20 and 21 at the facility in Eau Claire, Chippewa County, Wisconsin.

(NNN) An Administrative Order (86-632028430–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the G. Heileman Brewing Company, limiting the emissions and operation of Boilers #20, 21, 24, and 25 at the facility in LaCrosse, LaCrosse County, Wisconsin.
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(OOO) An Administrative Order (86-632028210–J01), dated and effective November 26, 1986, issued by the Wisconsin Department of Natural Resources to the Trane Company-Main Complex, limiting the emissions and operation of Boilers #20, 21, 22, 23, and 24 at the facility in LaCrosse, LaCrosse County, Wisconsin.

(PPP) An Administrative Order (86-632028590–J01), dated and effective November 26, 1986, issued by the Wisconsin Department of Natural Resources to the Trane Company-Plant 6, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in LaCrosse, LaCrosse County, Wisconsin.

(QQQ) An Administrative Order (86-632028100–J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin-LaCrosse, limiting the emissions and operation of fuel burning equipment at the facility in LaCrosse, LaCrosse County, Wisconsin.

(RRR) An Administrative Order (86-642028860–N01), dated and effective December 23, 1986, issued by the Wisconsin Department of Natural Resources to the Golden Guernsey Dairy, limiting the emissions and operation of fuel burning equipment at the facility in Sparta, Monroe County, Wisconsin.

(SSS) An Elective Operating Permit (87–JBG–079), dated and effective March 9, 1988, issued by the Wisconsin Department of Natural Resources to the Dairyland Power Cooperative, limiting the emissions and operation of Boiler #20 at the facility in Genoa, Vernon County, Wisconsin.

(ii) Additional information. (A) On June 9, 1992, Wisconsin DNR submitted its SO2 maintenance plan for the City of Madison, Dane County.

(B) On June 12, 1992, Wisconsin DNR submitted its SO2 maintenance plan for the City of Milwaukee, Milwaukee County.

(64) On November 17, 1987, the Wisconsin Department of Natural Resources submitted Wisconsin’s Rule Natural Resources (NR) 439.03—Reporting; NR 439.09—Inspections; and NR 484.04—Code of Federal Regulation Provisions.

(i) Incorporation by reference.

(A) Wisconsin revised rules NR 439.03, NR 439.09 and NR 484.04, Wisconsin’s Administrative Code, effective October 1, 1987.

(65) On March 13, 1989, and May 10, 1990, Wisconsin Department of Natural Resources (WDNR) submitted rule packages AM–2–88 and AM–22–88, respectively, as revisions to its state implementation plan for particulate matter. AM–2–88 was published in December, 1988, and became effective on January 1, 1989. AM–2–88 modifies Chapter NR, Sections 400.02, 404.02, 405.02, 406.04, and 484.03 of the Wisconsin Administrative Code (WAC). AM–22–88 was published in September, 1989, and became effective on October 1, 1989. AM–22–88 modifies Chapter NR, Sections 404.04 and 484.03 of the WAC.

(i) Incorporation by reference.

(A) The rule packages revise NR 400.02, 404.02, 404.04, 405.02, 406.04, and 484.03 of the Wisconsin Administrative Code.

(ii) Additional information.

(A) A January 22, 1993, letter from D. Theiler, Director, Bureau of Air Management, WDNR, provides additional information responding to USEPA’s proposed disapproval of the SIP revision, and contains WDNR’s commitment to using only test methods approved by USEPA.

(66)–(68) [Reserved]

(69) On November 18, 1992, the State submitted rules regulating volatile organic compound emissions from gasoline dispensing facilities’ motor vehicle fuel operations.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Chapter NR 420 Control of Organic Compound Emissions from Petroleum and Gasoline Sources; Section 420.02 Definitions, Sections NR 420.02(8m), (24m), (32m), (38m), (39m)); Section NR 420.045 Motor Vehicle Refueling; published in Wis. Admin. Code in January 1993, and took effect on February 1, 1993.

(B) Wisconsin Administrative Code, Chapter NR 425 Compliance Schedules, Exceptions, Registration and Deferrals for Organic Compound Emissions Sources in Chapters 419 to 424; Section 425.035 Throughput Reporting and Compliance Schedules for Motor Vehicle Refueling; published in Wis. Admin.
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(C) Wisconsin Administrative Code, Chapter NR 439 Reporting, Recordkeeping, Testing, Inspection and Determination of Compliance Requirements; Section NR 439.06(3)(c); Section NR 439.06(3)(i); published in the Wisc. Admin. Code in January 1993, and took effect on February 1, 1993.

(D) Wisconsin Administrative Code, Chapter NR 484 Incorporation by Reference; Section 484.05(1) Test Method 21 in appendix A of 40 CFR part 60 is incorporated by reference; Section NR 484.06(2) Other Materials (introduction); Section NR 484.06(2) (u) and (v) were created to incorporate San Diego Air Pollution Control District Test Procedures TP–91–1 and TP–91–2; incorporated by reference in Wisc. Admin. Code in January 1993, and took effect on February 1, 1993.

(E) Wisconsin Administrative Code, Chapter NR 494 Enforcement and Penalties for Violation of Air Pollution Control Provisions; renumbered Sections NR 494.025 and 494.03 to NR 494.03 and 494.05; Section NR 494.04 Tagging Gasoline Dispensing Equipment; published in the Wisc. Admin. Code in January 1993, and took effect on February 1, 1993.

(ii) Additional materials.

(A) Stage II Vapor Recovery SIP Program Description dated November 15, 1992.

(B) Letter from WDNR dated March 29, 1993, citing State authority under Sections NR 144.98, 144.99, 144.223, and 144.426, Wisc. Admin. Code, to enforce the Stage II program.

(C) Packet of public education materials on Stage II distributed by WDNR.

(70) On July 2, 1993, the State of Wisconsin submitted a requested revision to the Wisconsin State Implementation Plan (SIP) intended to satisfy the requirements of section 182 (a)(3)(B) of the Clean Air Act as amended in 1990. Included were State rules establishing procedures for stationary sources throughout the state to report annual emissions of volatile organic compounds (VOC) and oxides of nitrogen (NOx) as well as other pollutants.


(71) [Reserved]

(72) On November 18, 1992 and January 21, 1993, the State of Wisconsin submitted a Small Business Stationary Source Technical and Environmental Assistance Program for incorporation in the Wisconsin State Implementation Plan as required by Section 507 of the Clean Air Act. Included in the State’s submittal were portions of 1991 Wisconsin Act 269 and 1991 Wisconsin Act 302.

(i) Incorporation by reference.

(A) Section 15.157(10)—small business environmental council—91–92 Wis. Stats., Effective date: May 14, 1992.

(B) Section 144.36—small business stationary source technical and environmental compliance assistance program—91–92 Wis. Stats., Effective date: May 14, 1992.

(C) Section 144.399(2)(c)—fees—91–92 Wis. Stats., Effective date: May 14, 1992.

(D) Section 560.03(9)—business and industrial development—91–92 Wis. Stats., Effective date: May 14, 1992.


(ii) Other material.

(A) Program description.

(73) Revisions to the ozone State Implementation Plan (SIP) were submitted by the Wisconsin Department of Natural Resources on September 22, 1993, and January 14, 1994. These rules replace the 154 series stationary source VOC regulations previously contained in Wisconsin’s ozone SIP with 400 series regulations which are consistent with the current Wisconsin Administrative Code. These rules are only being approved as they apply to the ozone SIP.

(i) Incorporation by reference. The following chapters of the Wisconsin Administrative Code are incorporated by reference.
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(A) Chapter NR 400: AIR POLLUTION CONTROL DEFINITIONS. NR 400.01 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 400.02 as published in the (Wisconsin) Register, June, 1993, No. 450, effective July 1, 1993.

(B) Chapter NR 419: CONTROL OF ORGANIC COMPOUND EMISSIONS, except for NR 419.07. NR 419.01, 419.02, 419.03, 419.04 and 419.06 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 419.05 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994.


(D) Chapter NR 421: CONTROL OF ORGANIC COMPOUND EMISSIONS FROM CHEMICAL, COATINGS AND RUBBER PRODUCTS MANUFACTURING. NR 421.01 as published in the (Wisconsin) Register, February, 1990, No. 410, Effective March 1, 1990. NR 421.02, 421.03, 421.05 and 421.06 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 421.04 as published in the (Wisconsin) Register, May, 1992, No. 437, effective June 1, 1992.

(E) Chapter NR 422: CONTROL OF ORGANIC COMPOUND EMISSIONS FROM SURFACE COATING, PRINTING AND ASPHALT SURFACING OPERATIONS. NR 422.01, 422.05, 422.06, 422.07, 422.08, 422.09, 422.10, 422.11, 422.12, 422.13, 422.15 and 422.16 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 422.02, 422.03, 422.04, 422.06 and 422.15 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994.


(J) Chapter NR 484: INCORPORATION BY REFERENCE. NR 484.01 as published in the (Wisconsin) Register, May, 1992, No. 437, effective June 1, 1992. NR 484.02 as published in the (Wisconsin) Register, September, 1986, No. 369, effective October 1, 1986. NR 484.03
as published in the (Wisconsin) Register, May, 1993, No. 449, effective June 1, 1993. NR 484.04, 484.05 and 484.06 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 484.08 and 484.09 as published in the (Wisconsin) Register, October, 1992, No. 442, effective November 1, 1992.

(74) On November 24, 1992, the State of Wisconsin requested a revision to the Wisconsin State Implementation Plan (SIP) to maintain the National Ambient Air Quality Standards for SO$_2$ in Douglas County Wisconsin. Included were State orders and permits limiting emissions from CLM Corporation lime kilns and requiring Continuous Emission Monitoring Systems on these kilns.

(i) Incorporation by reference.

(75) On November 15, 1992, January 15, 1993, July 28, 1993, and January 14, 1994 the State of Wisconsin submitted emergency and permanent rules for issuance of New Source Review permits for new and modified air pollution sources in nonattainment areas, as required by section 182(a)(2)(c) of the Clean Air Act. The emergency rules have now been superseded by the permanent rules to clarify and specify the NSR requirements that sources must meet under the Clean Air Act. Also submitted were portions of 1991 Wisconsin Act 302.

(i) Incorporation by reference.

(76) On January 14, 1994, the State of Wisconsin submitted its rules for an Operating Permits program intended to satisfy federal requirements for issuing federally enforceable operating permits.

(i) Incorporation by reference.

(77) On November 15, 1993, the State of Wisconsin submitted a revision to the State Implementation Plan (SIP) for the implementation of an employee commute options (ECO) program in the Milwaukee-Racine, severe-17, ozone nonattainment area. This revision included Chapter NR 486 of the Wisconsin Administrative Code, effective October 1, 1993, and Wisconsin Statutes sections 144.3712, enacted on April 30, 1992 by Wisconsin Act 302.

(i) Incorporation by reference.
   (A) Chapter NR 486 of the Wisconsin Administrative Code, Effective date January 1, 1994.

(78) On November 15, 1993, the State of Wisconsin submitted a revision to the State Implementation Plan (SIP)
for the implementation of a motor vehicle inspection and maintenance (I/M) program in the Milwaukee-Racine and Sheboygan ozone nonattainment areas. This revision included 1993 Wisconsin Act 288, enacted on April 13, 1994, Wisconsin Statutes Sections 110.20, 144.42, and Chapter 341, Wisconsin Administrative Code Chapter NR 485, SIP narrative, and the State’s Request for Proposal (RFP) for implementation of the program.

(i) Incorporation by reference.

(A) 1993 Wisconsin Act 288, enacted on April 13, 1994.

(B) Wisconsin Statutes, Sections 110.20, 144.42, and Chapter 341, effective November 1, 1992.

(79) On October 21, 1994, the Wisconsin Department of Natural Resources (WDNR) submitted a plan modifying the \( \text{SO}_2 \) emission limits applicable to Rhinelander Paper Company facility, located in the City of Rhinelander, Oneida County, Wisconsin.

(i) Incorporation by reference.

(A) A Consent Order (AM–94–38), effective August 22, 1994 issued by the Wisconsin Department of Natural Resources (WDNR) and signed by Donald F. Theiler for the WDNR and Melvin L. Davidson for the Rhinelander Paper Company. Rhinelander Paper Company is located in Rhinelander (Oneida County), Wisconsin. This Order limits the overall \( \text{SO}_2 \) emissions from the Rhinelander Paper Company, and imposes more stringent \( \text{SO}_2 \) limits for the source’s stoker and cyclone boilers and vapor compression evaporator. Sampling and testing of fuel, as well as monitoring criteria are documented within the Order.

(B) A letter dated August 29, 1994 from the WDNR to Jerry Neis of Rhinelander Paper Company, requesting clarification for sampling methodologies for all fuel and the source of the sludge used as a fuel source.

(C) A response letter dated October 19, 1994 from Jerome T. Neis of Rhinelander Paper Company to the WDNR, detailing sampling methodologies for all fuel and clarifying the source of the sludge used as a fuel source.

(80) [Reserved]

(81) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on June 30, 1994, and supplemented on July 15, 1994. This revision consists of volatile organic compound regulations which establish reasonably available control technology for yeast manufacturing, molded wood parts or products coating, and wood door finishing.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(7), (34) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994. NR 422.02(12e), (18m), (24s), (27m), (33d), (46m), and (51) as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(B) NR 422.03(intro.) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994. NR 422.03 (8) and (9) as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(C) NR 422.04(1)(a) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(D) NR 422.132 as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(E) NR 422.135 as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(F) NR 424.02(3), (4), (5), (6), and (7) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(G) NR 424.05 as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.


(I) NR 439.075(2)(a)4, as amended and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.
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(J) NR 439.09(7m) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994. NR 439.09(9)(b) as amended and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(K) NR 439.095 (1)(e) and (5)(e) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(L) NR 484.05(9) as renumbered from NR 484.05(2), amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(ii) Additional material.

(A) On April 17, 1990, and June 30, 1994, Wisconsin submitted negative declarations for the following source categories: Leaks from petroleum refinery equipment; Manufacture of synthesized pharmaceutical products; Manufacture of pneumatic rubber tires; Automobile and light duty truck manufacturing; Fire truck and emergency response vehicle manufacturing; Manufacture of high-density polyethylene, polypropylene, and polystyrene resins, a.k.a. polymer manufacturing; Leaks from synthetic organic chemical and polymer manufacturing equipment; Air oxidation processes at synthetic organic chemical manufacturing industries; and Equipment leaks from natural gas/gasoline processing plants. These negative declarations are approved into the Wisconsin ozone SIP.

(B) On June 30, 1994, Wisconsin 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). The list included facilities covered by the source categories cleanup solvents, offset lithography, plastic parts coating, and wood furniture coating. This list is approved into the Wisconsin ozone SIP.

(B) On June 14, 1995, Wisconsin submitted a list of facilities subject to the post-enactment source categories listed in Appendix E to the General Preamble. The list included facilities covered by the source categories cleanup solvents, offset lithography, plastic parts coating, and wood furniture coating. This list is approved into the Wisconsin ozone SIP.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(11m), (21a), (41p), (41s), (41v) and (42m) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(B) NR 422.02(32) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(C) NR 422.095 as created and published in the (Wisconsin) Register, August, 1995 and effective September 1, 1995.

(D) NR 439.04(4)(intro.), (5)(a)1. and (5)(a)2. as amended and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.
(C) NR 422.02(1s) as renumbered from 422.02(1) and published in the (Wisconsin) Register, August, 1995 and effective September 1, 1995.

(84) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on February 17, 1995, and supplemented on June 14, 1995. This revision consists of a volatile organic compound regulation that requires controls for gasoline storage tank vent pipes.

(i) Incorporation by reference. The following section of the Wisconsin Administrative Code is incorporated by reference.

(A) NR 420.035 as created and published in the (Wisconsin) Register, July, 1994, No. 463, effective August 1, 1994.

(85) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on April 12, 1995, and supplemented on June 14, 1995, and January 19, 1996. This revision consists of a volatile organic compound regulation that requires the control of emissions from traffic markings.

(i) Incorporation by reference. The following section of the Wisconsin Administrative Code is incorporated by reference.

(A) NR 420.035 as created and published in the (Wisconsin) Register, July, 1994, No. 463, effective August 1, 1994.

(86) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on April 12, 1995, and supplemented on June 14, 1995, and January 19, 1996. This revision consists of a volatile organic compound regulation that requires additional controls on solvent metal cleaning operations. This rule is more stringent than the RACT rule it is replacing.

(i) Incorporation by reference. The following section of the Wisconsin Administrative Code is incorporated by reference.

(A) NR 422.02(10) as renumbered from NR 423.02(9), amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994. NR 423.02(11) as renumbered from NR 423.02(10) and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(B) NR 423.03 as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(C) NR 425.03(12)(a)(7) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(87) The state of Wisconsin requested a revision to the Wisconsin State Implementation Plan (SIP). This revision is for the purpose of establishing and implementing a Clean-Fuel Fleet Program to satisfy the federal requirements for a Clean Fuel Fleet Program to be part of the SIP for Wisconsin.

(i) Incorporation by reference.

(A) Chapter 487 of the Wisconsin Administrative Code, effective June 1, 1995.

(B) Wisconsin Statutes, section 144.3714, enacted on April 30, 1992, by Wisconsin Act 302.

(88) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on June 30, 1994, and supplemented on July 15, 1994. This revision consists of volatile organic compound regulations which establish reasonably available control technology for iron and steel foundries.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 419.02(1s), (1t), (1u), (3m) and (6m) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(B) NR 422.17 as created and published in the (Wisconsin) Register, June, 1994, No. 463, effective August 1, 1994.

(89) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on May 12, 1995, and supplemented on June 14, 1995 and November 14, 1995. This revision consists
of volatile organic compound regulations which establish reasonably available control technology for lithographic printing facilities.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(6), (18s), (21e), (24p), (24q), (28g), (37v), (41y) and (50v) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(B) NR 422.04(4) as amended and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(C) NR 422.142 as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(D) NR 439.04(5)(d)1.(intro.) as renumbered from 439.04(5)(d)(intro.), amended, and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(E) NR 439.04(5)(d)1. a. and b. as renumbered from 439.04(5)(d)1. and 2., and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(F) NR 439.04(5)4(d)2 as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(G) NR 439.04(5)(e)(intro.) as amended and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(H) NR 439.06(3)(j) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(I) NR 484.04(13m), (15e) and (15m) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(J) NR 484.10(39m) as created and published in the (Wisconsin) Register, June, 1995, No. 474, effective July 1, 1995.

(90) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on May 12, 1995 and later supplemented on June 14, 1995. This revision consists of volatile organic compound regulations which establish reasonably available control technology for facilities that perform wood furniture coating operations.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(3e), (7m), (16g), (16i), (16k), (41w), (42o), (42u), (50e), (50m) and (52) as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(B) NR 422.02(47) as amended and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(C) NR 422.125 as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(D) NR 422.15(1)(intro.) as amended and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(91) The State of Wisconsin requested a revision to the Wisconsin State Implementation Plan (SIP). 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 (Act) which will aid in ensuring the attainment of the national ambient air quality standard (NAAQS) for ozone.

(i) Incorporation by reference.

(A) Wisconsin Statutes, sections 144.31(1)(e) and (f), enacted on April 30, 1992, by Wisconsin Act 302.

(92) On October 18, 1995, the Wisconsin Department of Natural Resources submitted a revision to the State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Wisconsin 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) NR 489, as created and published in the (Wisconsin) Register, September, 1995, number 474, effective October 1, 1995.
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(93) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on December 11, 1995 and later supplemented on January 12, 1996. This revision consists of a volatile organic compound regulation that establishes reasonably available control technology for facilities that use industrial adhesives.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(1e), (1m) and (28j) as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(B) NR 422.127 as created and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(C) NR 422.132(1)(c) as repealed, recreated and published in the (Wisconsin) Register, August, 1995, No. 476, effective September 1, 1995.

(94) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on November 17, 1995. This revision consists of a site-specific revision for the GenCorp Inc.-Green Bay facility. This revision is required under Wisconsin’s federally approved rule, NR 419.05. The storage requirements contained in NR 419.05 specifically require floating roofs, vapor condensation systems, and vapor holding tanks, or an equally effective alternative control method approved by the Wisconsin Department of Natural Resources and U.S. EPA. The GenCorp Inc.-Green Bay facility has chosen to utilize a pressure vessel storage tank with a vapor balance system, as specified in Permit 95-CHB-407 which was issued on August 29, 1995. This pressure vessel will be used for the storage of acrylonitrile that will be used to manufacture styrene-butadiene-acrylonitrile latex.

(i) Incorporation by reference. The following sections of the Wisconsin air pollution construction permit 95-CHB-407 are incorporated by reference.

(A) The permit condition requiring a pressure vessel storage tank with a vapor balance system for the styrene-butadiene-acrylonitrile manufacturing process, as created and published Wisconsin Permit 95–CHB–407, August 29, 1995 and effective August 29, 1995.

(95) On March 15, 1996, Wisconsin submitted a site-specific SIP revision in the form of a consent order for incorporation into the federally enforceable ozone SIP. This consent order establishes an alternate volatile organic compound control system for a cold cleaning operation at the General Electric Medical Systems facility located at 4855 West Electric Avenue in Milwaukee.

(i) Incorporation by reference. The following items are incorporated by reference.


(B) September 15, 1995 letter from Michael S. Davis, Manager—Air and Chemical Management Programs, General Electric Medical Systems to Denese Helgeland, Wisconsin Department of Natural Resources, along with the enclosed system diagram. (This letter is referenced in Consent Order AM–96–200.)

(96)–(97) [Reserved]

(98) On November 6, 1996, the State of Wisconsin submitted rules pertaining to requirements under the Prevention of Significant Deterioration program. Wisconsin also submitted rule packages as revisions to the state implementation plans for particulate matter and revisions to the state implementation plans for clarification changes.

(i) Incorporated by reference. The following sections of the Wisconsin Administrative Code (WAC) are incorporated by reference. Both rule packages, AM–27–94 and AM–9–95, were published in the (Wisconsin) Register in April 1995, No. 472, and became effective May 1, 1995. AM–27–94 modifies Chapter NR, Sections 400.02(39m), 404.05, 405.02, 405.07, 405.08, 405.10, 405.14, and 484.04 of the WAC. AM–9–95 modifies Chapter NR, Sections 30.03, 30.04, 400 Note, 400.02, 400.03, 401.04, 404.06, 405.01, 405.02, 405.04, 405.05, 405.07, 405.08, 405.10, 406, 407, 408, 409, 411, 415, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 429, 436, 438, 439, 445m, 447, 448, 449, 484, 485, 488, 493, and 499 of the WAC.
§ 52.2570 40 CFR Ch. I (7–1–02 Edition)

(99) On February 26, 1999, the State of Wisconsin submitted a site-specific revision to the sulfur dioxide (SO₂) SIP for Murphy Oil USA located in Superior (Douglas County), Wisconsin. This SIP revision was submitted in response to a January 1, 1985, request for an alternate SO₂ emission limitation by Murphy Oil, in accordance with the procedures of Wisconsin State Rule NR 417.07(5) for obtaining alternate emission limits, as was approved by EPA in paragraph (c)(63) of this section.

(i) Incorporation by reference.
(A) Air Pollution Control Operation Permit No. 95–SDD–120–OP, issued by the Wisconsin Department of Natural Resources (WDNR) to Murphy Oil USA on February 17, 1999.

(ii) Additional material.
(A) Analysis and Preliminary Determination for the Proposed Operation Permit for the Operation of Process Heaters and Processes Emitting Sulfur Dioxide for Murphy Oil, performed by the WDNR on September 18, 1998. This document contains a source description, analysis of the alternate emission limitation request, and an air quality review, which includes the results of an air quality modeling analysis demonstrating modeled attainment of the SO₂ NAAQS using the alternate emission limit for Murphy Oil.


(i) Incorporation by reference.
(A) Consent Order Number AM–99–900, issued by the Wisconsin Department of Natural Resources to Uniroyal Engineered Products on February 17, 2000.


(i) Incorporation by reference.
(A) Wisconsin Statutes, Section 110.20, effective January 1, 1996, Section 285.30, effective January 1, 1997.
(B) Wisconsin Administrative Code, Chapter NR 485, effective February 1, 2001.
(C) Wisconsin Administrative Code, Chapter TRANS 131, effective June 1, 2001.

(102) On February 9, 2001 the Wisconsin Department of Natural Resources submitted a site specific SIP revision in the form of a February 5, 2001 Environmental Cooperative Agreement for incorporation into the federally enforceable State Implementation Plan. The Cooperative Agreement establishes an exemption for pre-construction permitting activities for certain physical changes or changes in the method of operation at the Wisconsin Electric Power Company, Pleasant Prairie Power Plant located at 8000 95th Street, Pleasant Prairie, Wisconsin. This Environmental Cooperative Agreement expires on February 4, 2006.

(i) Incorporation by reference.
The following provisions of the Environmental Cooperative Agreement between the Wisconsin Electric Power Company and the Wisconsin Department of Natural Resources signed on February 5, 2001: The provisions in Section XII.C., Permit Streamlining concerning Construction Permit Exemption for Minor Physical or Operational Changes. These provisions establish a construction permit exemption for minor physical or operational changes at the Wisconsin Electric Power Company Pleasant Prairie Power Plant.
This Environmental Cooperative Agreement expires on February 4, 2006.


(i) Incorporation by reference. The following sections of the Wisconsin Administrative code are incorporated by reference.

(A) NR 400.02 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(B) NR 422.02 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(C) NR 422.04 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(D) NR 422.083 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(E) NR 422.135 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(F) NR 423.02 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(G) NR 423.035 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(H) NR 428.01 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(I) NR 428.02 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.


(K) NR 428.05 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(L) NR 428.07 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(M) NR 428.08 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.


(O) NR 428.10 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(P) NR 428.11 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(Q) NR 439.04(5)(a) as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.


(S) NR 484.04 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(T) A Consent Order, No. AM–00–01, signed and effective September 7, 2000. The Order, issued by the Wisconsin Department of Natural Resources, establishes Reasonably Available Control Requirements for ink manufacturing operations at Flint Ink, located in Milwaukee.

(ii) Additional material.

(A) A letter from Lloyd Eagan to Cheryl Newton dated May 28, 2001, providing clarifications and a commitment relative to the state’s one-hour ozone SIP revision submittal.

(B) A letter and attachments from Lloyd Eagan to David Ullrich, dated June 6, 2001 providing supplemental information for the state’s reasonably available control measures analysis.

(104) A revision to the Wisconsin State Implementation Plan for ozone was submitted on February 1, 2001. It contained revisions to the state’s regulations that control volatile organic compound emissions from automobile refinishing operations. A portion of these regulations were renumbered and submitted on July 21, 2001.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative code are incorporated by reference.

(A) NR 406.04 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(B) NR 407.03 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

(C) NR 419.02 as published in the (Wisconsin) Register January 15, 2001, No. 541 and effective February 1, 2001.

(D) NR 422.095 as published in the (Wisconsin) Register, August 2001, No. 548 and effective September 1, 2001.

(E) NR 484.10 as published in the (Wisconsin) Register, January 15, 2001, No. 541 and effective February 1, 2001.

FEDERAL REGISTER

[37 FR 10902, May 31, 1972]

EDITORIAL NOTE: For Federal Register citations affecting § 52.2570, see the List of CFR

823
§ 52.2571 Identification of plan.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
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<tbody>
<tr>
<td></td>
<td>Duluth (Minnesota)-Superior (Wisconsin) Interstate</td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>III</td>
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<td>North Central Wisconsin Intrastate</td>
<td>II</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td></td>
<td>Lake Michigan Intrastate</td>
<td>II</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td></td>
<td>Southeast Minnesota-La Crosse (Wisconsin) Interstate</td>
<td>II</td>
<td>IA</td>
<td>III</td>
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<td>III</td>
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<tr>
<td></td>
<td>Southern Wisconsin Intrastate</td>
<td>II</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td></td>
<td>Southeastern Wisconsin Intrastate</td>
<td>II</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td></td>
<td>Rockford (Illinois)-Jamesville-Beloit (Wisconsin) Interstate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td></td>
<td>Metropolitan Dubuque Intrastate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
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</tbody>
</table>


§ 52.2572 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Wisconsin's plans 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 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 State Implementation Plan depends on the adoption and submittal of RACT requirements on: (1) Group III Control Techniques Guideline sources within 1 year after January 1st following the issuance of each Group III control technique guideline; and (2)
§ 52.2573 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–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.

§ 52.2574 Legal authority.

(a) The requirements of §51.230(f) of this chapter are not met since section 144.33 of the Wisconsin Air Law will preclude the release of emission data in certain situations.

§ 52.2575 Control strategy: Sulfur dioxide.

(a) Part D—Approval—With the exceptions set forth in this subpart, the Administrator approved the Wisconsin sulfur dioxide control plan.

(1) Part D—No action—USEPA takes no action on the Wisconsin sulfur dioxide rules NR 154.12 (1), (2) and (3).

(b) Sulfur dioxide maintenance plan.

(1) An SO\textsubscript{2} maintenance plan was submitted by the State of Wisconsin on June 9, 1992, for the City of Madison, Dane County.

(2) An SO\textsubscript{2} maintenance plan was submitted by the State of Wisconsin on June 12, 1992, for the City of Milwaukee, Milwaukee County.

(3) An SO\textsubscript{2} maintenance plan was submitted by the State of Wisconsin on November 5, 1999, for the City of Rhinelander, Oneida County.

§ 52.2575 Control strategy: Sulfur dioxide.

§ 52.2575 Control strategy: Sulfur dioxide.

(b) * * *

(4) An SO\textsubscript{2} maintenance plan was submitted by the State of Wisconsin on November 17, 2000, for the villages of Rothschild and Weston and the Township of Rib Mountain, all located in central Marathon County.

§ 52.2576 [Reserved]

§ 52.2577 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 Wisconsin’s plan, except where noted.

<table>
<thead>
<tr>
<th>Air Quality Control Region</th>
<th>Pollutant</th>
<th>TSP</th>
<th>SO\textsubscript{2}</th>
<th>NO\textsubscript{2}</th>
<th>CO</th>
<th>O\textsubscript{3}</th>
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</thead>
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<tr>
<td></td>
<td>Primary</td>
<td>Secondary</td>
<td>Primary</td>
<td>Secondary</td>
<td></td>
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<td>Duluth (Minnesota)-Superior (Wisconsin) Interstate (AQCR 129):</td>
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<tr>
<td>a. Primary/Secondary non-attainment areas.</td>
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<tr>
<td>b. Remainder of AQCR</td>
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<tr>
<td>North Central Wisconsin Intrastate (AQCR 238):</td>
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<tr>
<td>a. Primary/Secondary non-attainment areas.</td>
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<tr>
<td>b. Remainder of AQCR</td>
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<tr>
<td>Lake Michigan Intrastate (AQCR 237):</td>
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<tr>
<td>a. Primary/Secondary non-attainment areas.</td>
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<tr>
<td>b. Remainder of AQCR</td>
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<tr>
<td>Southeast Minnesota-LaCrosse (Wisconsin) Intrastate (AQCR 128):</td>
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<tr>
<td>a. Primary/Secondary non-attainment areas.</td>
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<tr>
<td>a. Primary/Secondary non-attainment areas.</td>
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<tr>
<td>b. Remainder of AQCR</td>
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<tr>
<td>Southeastern Wisconsin Intrastate (AQCR 239):</td>
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<tr>
<td>a. Primary/Secondary non-attainment areas.</td>
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<tr>
<td>b. Remainder of AQCR</td>
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<tr>
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<tr>
<td>a. Primary/Secondary non-attainment areas.</td>
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<td>b. Remainder of AQCR</td>
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<tr>
<td>Metropolitan Dubuque Interstate (AQCR 68):</td>
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<td>a. Primary/Secondary non-attainment areas.</td>
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<tr>
<td>b. Remainder of AQCR</td>
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</tbody>
</table>

b. Air quality levels presently below primary standard or are unclassifiable.
c. Air quality levels presently below secondary standard or are unclassifiable.
f. 18-Month extension granted for plan submission and identification of attainment date.
g. No attainment plan was submitted.

NOTE: Sources subject to the plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2577(1978).

For actual nonattainment designations refer to 40 CFR part 81.

Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

[40 FR 9862, Mar. 9, 1983]
§ 52.2578 Compliance schedules.

(a) [Reserved]

(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) Federal compliance schedules. (1) Except as provided in paragraph (c)(3) of this section, the owner or operator of any stationary source in the Southeast Wisconsin AQCR subject to the following emission limiting regulation in the Wisconsin implementation plan shall comply with the applicable compliance schedule in paragraph (c)(2) of this section: Wisconsin Air Pollution Control Regulation NR 154.13.

(2) (i) Compliance schedules. The owner or operator of any stationary source in the Southeast Wisconsin AQCR subject to NR 154.13 shall notify the Administrator no later than October 1, 1973, of his intent either to install necessary control systems per Wisconsin Air Pollution Control Regulation NR 154.13(2) or to switch to an exempt solvent per Wisconsin Air Pollution Control Regulation NR 154.13(3) to comply with the requirements of Wisconsin Air Pollution Control Regulation NR 154.13.

(ii) Any owner or operator of a stationary source subject to paragraph (c)(2)(i) of this section, who elects to comply with the requirements of Wisconsin Air Pollution Control Regulation NR 154.13 by switching to an exempt solvent, shall take the following actions with respect to the source no later than the dates specified.

(a) April 1, 1974—Begin testing exempt solvents.

(b) June 1, 1974—Issue purchase orders for exempt solvents.

(c) December 1, 1974—Convert to complete use of exempt solvent.

(d) January 1, 1975—Achieve full compliance with Wisconsin Air Pollution Control Regulation NR 154.13.

(iv) 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) 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 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.
§§ 52.2579–52.2580 40 CFR Ch. I (7–1–02 Edition)

(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 (c)(2) of this section fails to satisfy the requirements of §§51.261 and 51.262(a) of this chapter.

(d) [Reserved]

(e) The compliance schedule 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.

<table>
<thead>
<tr>
<th>Source Location</th>
<th>Regulation involved</th>
<th>Date schedule adopted</th>
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<tbody>
<tr>
<td>DOUGLAS COUNTY</td>
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<tr>
<td>MARATHION COUNTY</td>
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<tr>
<td>Mosinee Paper Co</td>
<td>Mosinee ................</td>
<td>NR154.11(4), (5) ... May 19, 1973.</td>
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</tbody>
</table>


§§ 52.2579–52.2580 [Reserved]

§ 52.2581 Significant deterioration of air quality.

(a)–(c) [Reserved]

(d) The requirements of sections 160 through 165 of the Clean Air Act are met, except for sources seeking permits to locate in Indian country within the State of Wisconsin; and sources with permits issued by EPA prior to the effective date of the state’s rules.

(e) Regulations for the prevention of the 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 Wisconsin for sources wishing to locate in Indian country; and sources constructed under permits issued by EPA.


§§ 52.2582–52.2583 [Reserved]

§ 52.2584 Control strategy; Particulate matter.

(a) Part D—Disapproval—USEPA disapproves Regulation NR 154.11(7)(b) of Wisconsin Administrative Code (RACT Requirements for Coking Operations), which is part of the control strategy to attain and maintain the standards for particulate matter, because it does not contain an enforceable RACT-level numerical visible emission limitation for charging operations.

(b) Approval—On April 30, 1988 and March 30, 1990, the State of Wisconsin submitted committal SIPs for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers ($PM_{10}$) for the Group II areas within the Cities of DePere, Madison, Milwaukee, Superior, and Waukesha. This committal SIP meets all of the requirements identified in the July 1, 1987, promulgation of the SIP requirements for $PM_{10}$.

[48 FR 33120, Aug. 14, 1990]

§ 52.2585 Control strategy: Ozone.

(a) Disapproval—On November 6, 1986, the Wisconsin Department of Natural Resources submitted as a proposed revision to the State’s ozone State Implementation Plan a site-specific reasonably available control technology determination for a miscellaneous metal parts and products dip coating line. This line is located at the Gehl facility in Washington County, Wisconsin. In a May 31, 1988 (53 FR 19806), notice of proposed rulemaking, United States Environmental Protection Agency proposed to disapprove this site-specific revision to the Wisconsin State Implementation Plan for ozone.
§ 52.2585

(b) Disapproval—On August 22, 1986, the Wisconsin Department of Natural Resources submitted a proposed revision to its ozone State Implementation Plan consisting of a site-specific reasonably available control technology determination for two miscellaneous metal parts and products spray coatings lines. These operations are located at the General Electric Company, Medical Systems facility in Milwaukee, Wisconsin, an area which has been designated as nonattainment for ozone, pursuant to section 107 of the Clean Air Act and 40 Code of Federal Regulations, part 81, §81.350.

(c) [Reserved]

(d) Approval—On November 15, 1992, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to the development of a process for assessing conformity of any federally-funded transportation and other federally funded projects in the nonattainment area.

(e) Approval—On January 15, 1993, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan for the 1990 base year inventory. The inventory was submitted by the State of Wisconsin 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 State Implementation Plan (SIP) for all areas in Wisconsin designated nonattainment, classified marginal to extreme. These areas include counties of Walworth, Door, Kewaunee, Manitowoc, Sheboygan, and the six county Milwaukee area (counties of Washington, Ozaukee, Waukesha, Milwaukee, Racine, and Kenosha).

(f) Approval—The Administrator approves the incorporation of the photochemical assessment ambient monitoring system submitted by Wisconsin on November 15, 1993, into the Wisconsin State Implementation Plan. This submittal satisfies 40 CFR 58.20(f) which requires the State to provide for the establishment and maintenance of photochemical assessment monitoring stations (PAMS).

(g) Approval—On November 15, 1993, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to a plan for forecasting VMT in the severe ozone nonattainment area of southeastern Wisconsin and demonstrated that Transportation Control Measures would not be necessary to offset growth in emissions.

(h) Approval—On November 15, 1993, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to a plan for forecasting VMT in the severe ozone nonattainment area of southeastern Wisconsin and demonstrated that Transportation Control Measures would not be necessary to meet the 15 percent Rate-of-Progress milestone.

(i) Approval—EPA is approving the section 182(f) oxides of nitrogen (NOX) reasonably available control technology (RACT), new source review (NSR), vehicle inspection/maintenance (I/M), and general conformity exemptions for the moderate and above ozone nonattainment areas within Wisconsin as requested by the States of Illinois, Indiana, Michigan, and Wisconsin in a July 13, 1994 submittal. This approval also covers the exemption of transportation and general conformity requirements of section 176(c) for the Door and Walworth marginal ozone nonattainment areas. Approval of these exemptions is contingent on the results of the final ozone attainment demonstration expected to be submitted in mid-1997. The approval will be modified if the final attainment demonstration demonstrates that NOX emission controls are needed in any of the nonattainment areas to attain the ozone standard in the Lake Michigan Ozone Study modeling domain.

(j) Approval—On June 14, 1995, the Wisconsin 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.

(k) Approval—On December 15, 1995, and May 15, 1996, the Wisconsin Department of Natural Resources submitted requests to redesignate Walworth County and Sheboygan and Kewaunee Counties, respectively, from nonattainment to attainment for ozone. The State also submitted maintenance plans as required by section 175A of the Clean Air Act, 42 U.S.C. 7505a. Elements of the section 175A maintenance plans include attainment emission inventories for NOX and VOC, demonstrations of maintenance of the ozone NAAQS with projected emission inventories to the year 2007 for NOX and VOC, plans to verify continued attainment, and contingency plans. If a violation of the ozone NAAQS, determined to be caused by local sources is monitored, Wisconsin 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 and review the data for quality assurance. A plan to analyze the violation, including an analysis of meteorological conditions, will be submitted within 60 days to EPA-Region 5 for approval. Within 14 months of the violation, Wisconsin will complete and public notice the analysis and submit it to EPA-Region 5 for review. If the analysis shows that local sources caused the violation, Wisconsin will implement the contingency measures within 24 months after the violation. The contingency measures to be implemented in Walworth County are Stage II vapor recovery and non-Control Technology Guideline (non-CTG) Reasonably available control technology (RACT) limits. Contingency measures to be implemented in either Kewaunee or Sheboygan County are lower major source applicability thresholds for industrial sources and new gasoline standards which will lower VOC emissions. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) and 175A of the Act, respectively.

(l) Wisconsin’s November 15, 1994 request for a temporary delay of the ozone attainment date for Manitowoc County from 1996 to 2007 and suspension of the automatic reclassification of Manitowoc County to serious nonattainment for ozone is approved, based on Wisconsin’s demonstration through photochemical grid modeling that transport from upwind areas makes it “practically impossible” for the County to attain the ozone National Ambient Air Quality Standard by its original attainment date.

(m) Approval—On July 10, 1996, the Wisconsin Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to a request to waive the Oxide of Nitrogen requirements for transportation conformity in the Milwaukee and Manitowoc ozone nonattainment areas.

(n) Approval—On September 8, 2000, Wisconsin submitted a revision to the ozone maintenance plan for the Walworth County area. The revision consists of allocating a portion of the Walworth County area’s Volatile Organic Compounds (VOC) safety margin to the transportation conformity Motor Vehicle Emission Budget (MVEB). The MVEB for transportation conformity purposes for the Walworth County area are now: 5.39 tons per day of VOC emissions and 7.20 tons per day of oxides of nitrogen emissions for the year 2007. This approval only changes the VOC transportation conformity MVEB for Walworth County.


(p) Approval—On December 27, 2000, Wisconsin submitted a one-hour ozone attainment demonstration plan as a revision to the Wisconsin State Implementation Plan (SIP). Supplements to
the December 27, 2001 plan were submitted on May 28, 2001, June 6, 2001, and August 29, 2001. This plan includes a modeled demonstration of attainment, rules for the reduction of ozone precursor emissions, a plan to reduce ozone precursor emissions by three percent per year from 2001 to 2007, an analysis of reasonably achievable control measures, an analysis of transportation conformity budgets, a revision of the waiver for emission of oxides of nitrogen, and commitments to conduct a mid-course review of the area’s attainment status and to use the new MOBILE6 emissions model.

§52.2586 Small business stationary source technical and environmental compliance assistance program.

The Wisconsin small business stationary source technical and environmental compliance assistance program submitted on November 18, 1992 and January 21, 1993, satisfies the requirements of Section 507 of the Clean Air Act.

§52.2620 Identification of plan.

(a) Title of plan: "Implementation Plan for Air Quality Control, State of Wyoming.”

(b) The plan was officially submitted on January 26, 1972.

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

1. Compliance schedule information in the plants submitted March 28, 1972, by the Department of Health and Social Services (DHSS). (Non-regulatory.)

2. Procedural clarification to emergency episodes plan submitted May 3, 1972, by DHSS.

3. Particulate compliance schedules submitted February 9, 1973, by DHSS.


5. Compliance schedules submitted on March 1, 1973, by DHSS.

6. Revision of Wyoming’s Standards and Regulations (Chapter I, Section 1-20) submitted April 18, 1973, by DHSS.

7. Revision of particulate control strategy to require compliance with particulate standards not later than January 31, 1974, except where approved by EPA and compliance schedule portions of the plan submitted May 29, 1973, by DHSS.

8. Compliance schedule revisions, legal authority additions, update of Wyoming’s Air Quality Standards and Regulations, non-regulatory source surveillance and new source review procedures submitted on August 7, 1974, by the Governor.

9. Legal authority additions and compliance schedule revisions submitted on February 19, 1976, by the Governor.

10. Requirements for continuous opacity monitoring by all fossil fuel fired steam generators with heat inputs in excess of 250 million Btu per hour and other miscellaneous revisions to the State regulations as submitted by the Air Quality Division (AQD) on May 9, 1978.

11. Provisions to meet the requirements of Parts C and D and sections 110, 126, and 127 of the Clean Air Act, as amended in 1977 were submitted on January 26, 1979.

12. A revision to Section 14 of the Wyoming Air Quality Standards and Regulations was submitted on July 18, 1980, and October 27, 1980.


14. Revisions to the new source permit requirements in Sections 21 and 24 of the Wyoming regulations were submitted on April 30, 1981, and February 8, 1982.

15. On August 30, 1984, the State of Wyoming submitted a plan revision for lead.
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(16) Revisions to the new source permit requirements in sections 21 and 24 of the Wyoming regulation for visibility protection were submitted on April 12, 1985.

(i) Incorporation by reference.

(A) Letter from Randolph Wood, Administrator, Wyoming Air Quality Division, dated April 12, 1985, submitting the Wyoming Visibility SIP and Regulations.

(B) Wyoming Air Quality Standards and Regulations (WAQSR), Section 21.n. (1) and (2) adopted on January 22, 1985.

(2) WAQSR, Section 24.b.(1)(f) adopted on January 22, 1985.

(17) A revision to the SIP was submitted by the Administrator of the Wyoming Air Quality Division on September 6, 1988, for visibility general plan requirements, monitoring, and long-term strategies.

(i) Incorporation by reference.

(A) Letter dated September 6, 1988, Charles A. Collins, Administrator of the Wyoming Air Quality Division, submitting a SIP revision for visibility protection.


(18) On September 6, 1988, the Administrator of the Air Quality Division, as the Governor’s designee, submitted a plan revising the stack height regulations, Wyoming Air Quality Standards and Regulations (WAQSR) section 21(d).

(i) Incorporation by reference.

(A) Revisions to the Wyoming Air Quality Standards and Regulation section 21(d), stack heights, were adopted and effective on May 10, 1988.

(19) In a letter dated August 5, 1986, the Administrator of the Air Quality Division of Wyoming, submitted the stack height demonstration analysis. EPA is approving the demonstration analysis for all of the stacks.

(i) Incorporation by reference. (A) Stack height demonstration analysis submitted by the State in a letter dated August 5, 1986.

(20) A revision to the SIP was submitted by the Administrator of the Wyoming Air Quality Division on March 14, 1989, to address the Group III PM-10 SIP requirements and Group II PM-10 SIP requirements for Lander, Wyoming.

(i) Incorporation by reference.

(A) Amendments to the Wyoming Air Quality Standards and Regulations: section 2 (Definitions) (a)(xxx), section 3 (Ambient Standards for Particulate Matter) (a), section 20 (Air Pollution Emergency Episodes) (b)(ii), section 21 (Permit Requirements for Construction, Modification, and Operation) (c)(ii) and section 24 (Prevention of Significant Deterioration) (a)(xx)(A), (b)(v)(E)(VI)(1.)(c.)(f.)(h.) & (1.), (b)(iv), (b)(viii), and (b)(xii)(D)(E)(F) & (G), effective February 13, 1989.

(B) March 14, 1989 letter from Charles A. Collins, Administrator of the Wyoming Air Quality Division to James J. Scherer, EPA Region VIII Regional Administrator, identifying the effective date of the above regulation amendments.

(21) On November 20, 1990, the Governor of Wyoming 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, revisions to the new source review requirements and PSD regulations to make them federally enforceable, and revisions to the PSD regulations to allow establishment of multiple baseline areas which may have different baseline dates and different baseline concentrations.

(i) Incorporation by reference. (A) Revisions to the Wyoming Air Quality Standards and Regulations, Section 2, Definitions, Section 21, Permit Requirements for Construction, Modification, and Operation, and Section 24, Prevention of Significant Deterioration, effective October 30, 1990.

(ii) Additional material. (A) November 5, 1990 letter from Douglas Skie, EPA, to Charles A. Collins, Administrator,
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Air Quality Division, Wyoming Department of Environmental Quality.

(22) On September 6, 1988, the Governor of Wyoming submitted revisions to Section 3 of the Wyoming Air Quality Standards and Regulations, adding subsection (d) which defines “ambient air” for surface coal mines located in Wyoming’s Powder River Basin.

(i) Incorporation by reference.

(A) Revisions to Section 3(d) of the Wyoming Air Quality Standards and Regulations, effective June 5, 1987.

(ii) Additional material.

(A) Memorandum of Agreement signed on December 22, 1993 by Dennis Hemmer, Director, Department of Environmental Quality, State of Wyoming, and on January 24, 1994 by Patricia D. Hull, Director, Air, Radiation and Toxics Division, EPA Region VIII.

(23) On November 1, 1993, the Governor of Wyoming submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Wyoming State Implementation Plan as required by section 507 of the Clean air Act.

(i) Incorporation by reference.

(A) November 1, 1993, letter from the Governor of Wyoming submitting a Small Business Assistance Program plan to EPA.


(24) On August 28, 1989, the Governor of Wyoming submitted revisions to the Wyoming State implementation plan (SIP) for Sheridan, Wyoming. In addition to the original August 28 submittal, eight submittals containing information in response to EPA requests and to the new Clean Air Act Amendments were submitted. The August 28, 1989, submittal, in combination with the eight subsequent submittals, satisfy those moderate PM10 nonattainment SIP requirements due on November 15, 1991. Included in the August 28, 1989, submittal were PM10 contingency measures for Sheridan to satisfy the requirements of section 172(c)(3) of the Act that were due by November 15, 1993.

(i) Incorporation by reference.


(ii) Additional material.


(25) On November 12, 1993, the Governor of Wyoming submitted revisions to the Wyoming State Implementation Plan (SIP). Specifically, the State submitted revisions to the Wyoming Air Quality Standards and Regulations (WAQSR), section 21 “Permit requirements for construction, modification and operation.” Among other things, these revisions were made to address the non-attainment New Source Review (NSR) provisions of part D of the Act for PM10 nonattainment areas, which were due to EPA on June 30, 1992.

(i) Incorporation by reference.

(A) The following subsections of section 21 of the Wyoming Air Quality Standards and Regulations “Permit requirements for construction, modification and operation,” adopted on September 16, 1993 and effective October 26, 1993: subsections (a)(ii), (a)(iii), (a)(v), (c)(ii)(B), (k)(vii) and (o).

(ii) Additional material.

(A) Letter from Mary A. Throne, Assistant Attorney General, to the Governor of Wyoming, dated October 1, 1993, documenting the necessary legal authority under state law to adopt and implement the revised regulation.

(26) On March 14, 1995, the Governor of Wyoming submitted revisions to the prevention of significant deterioration permitting regulations in Section 24 of the Wyoming Air Quality Standards to incorporate changes in the Federal PSD permitting regulations for utility pollution control projects, PM–10 increments, and to make other minor changes.

(i) Incorporation by reference.
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(A) Revisions to Section 24 of the Wyoming Air Quality Standards, subsections (a)(ix)(B), (a)(x)(H)–(K), (a)(x)(D), (a)(xv), (a)(xix)(D) and (E), (a)(xxvii)–(xxxv), (b)(i)(A)(I), (b)(i)(E)(VI)(1), (b)(viii), and (b)(xii)(I), effective February 13, 1995.

(27) On September 15, 1982, the Administrator of the Wyoming Air Quality Division submitted clarifications and revisions to the particulate matter control requirements of Section 25 of the Wyoming Air Quality Standards and Regulations (WAQSR) for FMC Corporation in the Trona Industrial Area. In addition, on May 16, 1985, the Administrator of the Wyoming Air Quality Division submitted revisions to Section 21 of the WAQSR to specify guidelines for best available control technology for new large mining operations. The Governor of Wyoming submitted revisions to Section 21 of the WAQSR, “Permit requirements for construction, modification, and operation,” on November 12, 1993. Last, the Governor of Wyoming submitted revisions to Section 24 of the WAQSR, “Prevention of Significant Deterioration,” on March 14, 1995.

(i) Incorporation by reference.

(A) Revisions to the WAQSR, section 2 Definitions, subsection 2(a)(xxx)(B) excluding the words “or an equivalent or alternative method approved by the Administrator,” effective October 15, 1998.

(B) Revisions to the WAQSR, section 4 Sulfur oxides, subsection 4(h) excluding the words “or an equivalent method,” effective October 15, 1998.

(C) Revisions to the WAQSR, section 5 Sulfuric acid mist excluding the words “or an equivalent method,” effective October 15, 1998.

(D) Revisions to the WAQSR, section 8 Ozone, effective October 15, 1998.

(E) Revisions to the WAQSR, section 9 Volatile organic compounds, effective October 15, 1998.

(F) Revisions to the WAQSR, section 10 Nitrogen oxides, subsections 10(b), 10(b)(vii), 10(b)(viii), and 10(b)(ix), excluding the words “or by an equivalent method” in subsection 10(b), effective October 15, 1998.

(G) Revisions to the WAQSR, section 14 Control of particulate emissions, subsection 14(h)(iv) excluding the sentence, “Provided that the Administrator may require that variations to said methods be included or that entirely different methods are necessary in order for the test data to reflect the actual emission rate of particulate matter,” effective October 15, 1998.

(H) Revisions to the WAQSR, section 21 Permit requirements for construction, modification and operation, subsections 21(a)(vi) and 21(h), effective October 15, 1998.

(ii) Additional material.

(A) September 1, 1998 letter from Dan Olson, Administrator, Wyoming Air Quality Division, to Richard R. Long, Director, Air and Radiation Program, EPA Region 8.
§ 52.2625 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of Subpart N of this chapter. All regulations cited are found in the "Wyoming Air Quality Standards and Regulations, 1975."

<table>
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<tr>
<th>Source</th>
<th>Location</th>
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<th>Date of adoption</th>
<th>Effective date</th>
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<td>Apr. 5, 1974</td>
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## Wyoming—Continued

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<td>Kemmerer</td>
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<td>Wyodak Resources Develop</td>
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<td>Wycon Chemical</td>
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[41 FR 36653, Aug. 31, 1976, as amended at 51 FR 40676, Nov. 7, 1986]

### § 52.2630 Prevention of significant deterioration of air quality.

(a) The Wyoming plan, as submitted, is approved as meeting the requirements of Part C of the Clean Air Act except that designation of the Savage Run Wilderness Area, as established in Pub. L. 95–237, from Class II to Class I is disapproved.

(b) Regulation for preventing significant deterioration of air quality. The Wyoming plan, as submitted does not apply to certain sources in the State. Therefore, the provisions of §52.21(b) through (v) are hereby incorporated by reference and made a part of the State Implementation Plan for the State of Wyoming and are applicable to the following proposed major stationary sources or major modifications:

1. Sources proposing to construct on Indian Reservations in Wyoming; and
2. Sources that received an air quality permit from the Wyoming State Department of Environmental Quality prior to September 6, 1979.

(c) The State of Wyoming has clarified the generalized language contained in section 24 of the Wyoming Air Quality Standards and Regulations on the use of the “Guidelines for Air Quality Models.” In a letter to Douglas M. Skie, EPA, dated May 18, 1989, Charles A. Collins, Administrator of the Air Quality Divisions stated:

* * * The Division, will, as a matter of practice, utilize the “Guideline on Air Quality Models” as revised, including Supplement A, in all PSD permit application reviews. The Division will utilize any future revisions to the Guideline in PSD permitting reviews as revisions become effective.

(44 FR 51979, Sept. 6, 1979, as amended at 54 FR 27881, July 3, 1989)
Subpart AAA—Guam

§ 52.2670 Identification of plan.

(a) Title of Plan: "Implementation Plan for Compliance With the Ambient Air Quality Standards for the Territory of Guam."

(b) The plan was officially submitted on January 25, 1972.

(c) The plan revision listed below was submitted on the date specified.

(1) Revised implementation plan submitted on August 14, 1973, by the Governor.

(2) Amendments to the Guam Air Pollution Control Standards and Regulations submitted on October 12, 1979 by the Governor’s designee.

(i) Chapter 13—Control of Sulfur Dioxide Emission, 13.3, 13.4.


(iii) Chapters 1 (except 1.18 and 1.19), 4, 10, 12 and 14; Rules 3.1–3.9, 5.3, 6.2, 7.1, 7.4, 7.5, 8.3–8.7, 13.1, 13.2 and 18.1–18.4; and deletion of Rules 3.12, 3.17 and 12.3.

(3) Amendments to the Guam Air Pollution Control Standards and Regulations submitted on April 1, 1980 by the Governor’s designee.

(i) Addendum to 13.1—Compliance Order for the Guam Power Authority’s Power Barge “Inductance”.

(4) Amendments to the Guam Air Pollution Control Standards and Regulations submitted on January 6, 1982 by the Governor’s designee.

(i) Chapter 17—Appeals Procedures, Circumvention, Severability, and Effective Date.
§ 52.2671  Classification of regions.

The Guam plan was evaluated on the basis of the following classifications.

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>III</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>

§ 52.2672  Approval status.

With the exceptions set forth in this subpart, the Administrator approves Guam’s plan for the attainment and maintenance of the National Standards.

[46 FR 25303, May 6, 1981]

§§ 52.2673–52.2675  [Reserved]

§ 52.2676  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 Guam.


§ 52.2677  [Reserved]

§ 52.2678  Control strategy and regulations: Particulate matter.

(a) The requirements of §51.110(a) and subpart G of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards.

(b) Chapter 6, Regulations 6.2(g)(1–3) of the “Guam Air Pollution Control Standards and Regulations” (control of open burning—agricultural crops) are disapproved since they do not provide criteria upon which to base the approval or denial of permit requests.

(c) The following rules are disapproved because they could allow an emissions increase, and a control strategy demonstration has not been submitted showing that any increased emissions would not interfere with the attainment or maintenance of the NAAQS.


§ 52.2679 Control strategy and regulations: Sulfur dioxide.

(a) Approvals of the following rules are limited to specific sources, since a control strategy demonstration has not been submitted showing that any increased emissions would not interfere with the attainment or maintenance of the NAAQS.

(1) Rule 13.1, submitted on October 12, 1979, for all applicable sources except the Tanguisson Power Plant.


(b) The following rules are disapproved because they are inconsistent with section 123(a)(2) of the Clean Air Act which requires continuous control strategies.


§§ 52.2680–52.2681 [Reserved]

§ 52.2682 Air quality surveillance.

(a) The requirements of §51.27(a)(2) of this chapter as of December 19, 1978 (43 FR 59067), are not met. In addition, Chapter 1, Regulation 1.8 and Chapter 5, Regulation 5.3 of the “Guam Air Pollution Control Standards and Regulations” (buffer zones—air quality sampling) are not in conformance with the intent of the Clean Air Act and the definition of “ambient air” promulgated at §50.1(e) of this chapter. Regulations 1.8 and 5.3 are disapproved because they could prohibit ambient air quality sampling at places of expected maximum concentration and/or at places where the public has access.

§ 52.2683 [Reserved]

§ 52.2684 Source surveillance.

(a) The requirements of §51.214 and Appendix P of this chapter are not met since the plan does not contain sufficient regulations pertaining to continuous in-stack monitoring.

§ 52.2685 [Reserved]

§ 52.2686 Upset-breakdown reporting.

(a) Chapter 4, Regulation 4.4 of the “Guam Air Pollution Control Standards and Regulations” (reporting of upsets and breakdowns) is disapproved since criteria for further enforcement action are not specified, thus permitting the Guam Administrator unlimited discretion.

[43 FR 59067, Dec. 19, 1978]

Subpart BBB—Puerto Rico

§ 52.2720 Identification of plan.

(a) Title of plan: “Clean Air for Puerto Rico.”

(b) The plan was submitted on January 31, 1972.

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

(1) Compliance schedules submitted on April 5, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(2) Compliance schedules submitted on April 9, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(3) Compliance schedules submitted on April 17, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.


(5) Compliance schedules submitted on June 18, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(6) Compliance schedules submitted on September 10, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(7) Compliance schedules submitted December 6, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(8) Information on procedures followed in adoption of compliance schedules submitted on February 1, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(9) Compliance schedules submitted February 7, 1974, by the Commonwealth
§ 52.2720

(10) Compliance schedules submitted February 7, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(11) Information on procedures followed in adoption of compliance schedules submitted on February 12, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(12) Information on procedures followed in adoption of compliance schedules submitted on March 13, 1974, by the Puerto Rico Environmental Quality Board.

(13) Information on procedures followed in adoption of compliance schedules submitted on March 15, 1974, by the Puerto Rico Environmental Quality Board.

(14) Information on procedures followed in adoption of compliance schedules submitted on March 20, 1974, by the Puerto Rico Environmental Quality Board.

(15) AQMA designations were submitted on May 5, 1974, by the Governor of Puerto Rico.

(16) Compliance schedules submitted June 11, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(17) Compliance schedules submitted on September 6, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(18) Revised Article 6 (Control of Sulfur Compound Emissions) was submitted on January 3, 1975, by the Governor of Puerto Rico.

(19) Public hearing information regarding revised Article 6 was submitted on January 17, 1975, by the Executive Director of the Environmental Quality Board.

(20) Information regarding Guayanilla and Aguirre Air Basins was submitted on February 14, 1975, by the Environmental Quality Board.

(21) Emission limitation for one source in the Ponce Air Basin was submitted on March 26, 1976, by the Environmental Quality Board.

(22) Predicted SO\(_2\) concentrations for Aguirre Air Basin was submitted on May 8, 1975, by the Environmental Quality Board.

(23) Additional information regarding revised Article 6 was submitted on May 15, 1975, by the Environmental Quality Board.

(24) Predicted SO\(_2\) ambient concentrations for Barceloneta and Ensenada submitted on June 2, 1975, by the Environmental Quality Board.

(25) Predicted SO\(_2\) ambient concentrations for Barceloneta and Ensenada submitted on January 8, 1976, by the Environmental Quality Board.

(26) A document entitled, “Clean Air for Puerto Rico,” submitted, pursuant to requirements of Part D of the Clean Air Act, on June 29, 1979 by the Governor of the Commonwealth of Puerto Rico.

(27) Supplementary submittals of SIP revision material from the Puerto Rico Environmental Quality Board, dated:

   (i) October 30, 1979, containing policy statements of EQB with regard to: Its objective to attain both the primary and secondary particulate matter air quality standards by December 31, 1982, assurances with regard to meeting the requirements of reasonable further progress, verification of the detail of its annual reporting effort, clarification of the operation of its offset program and correction of the related inventory and graphical presentations.

   (ii) July 24, 1980, providing a comprehensive set of adopted regulations, entitled “Regulation for the Control of Atmospheric Pollution.”

   (iii) August 6, 1980, providing a commitment to submit “external offsets” as SIP revisions.


(29) Revision submitted by the Puerto Rico Environmental Quality Board on April 26, 1982, as modified by a July 8, 1982 letter, which grants a visible emissions standard variance to ovens “A” and “B” of the Owens-Illinois, Inc. Vega Alta plant. This variance remains in effect until November 2, 1985.

(30) Revision submitted on March 3, 1981 by the Commonwealth of Puerto Rico’s Environmental Quality Board which establishes fuel oil sulfur content limitations (known as “sulfur assignments”) applicable to the 110 sources. On October 20, 1983, 78 of these
110 sources had their sulfur assignments approved by EPA.

(31) Revision submitted on May 30, 1984 by the Commonwealth of Puerto Rico’s Environmental Quality Board which establishes fuel oil sulfur content limitations (known as “sulfur assignments”) applicable to the Bristol Alpha Corporation.

(32) An Implementation Plan for attainment of the lead standard was submitted on September 28, 1984 by the Chairman of the Puerto Rico Environmental Quality Board. On December 12, 1984, the Chairman submitted a schedule for establishing a program to review new sources of lead.

(33) Revision submitted by the Puerto Rico Environmental Quality Board on September 6, 1983, which grants a visible emissions variance from Commonwealth Rule 403, “Visible Emissions,” from 20 percent to 45 percent for the crude unit and from 20 percent to 35 percent for the hot oil/final lube unit located at the Yabucoa Sun Oil Company’s plant in Yabucoa.

(34) Revision submitted by the Puerto Rico Environmental Quality Board on December 31, 1986, which grants a visible emissions standard variance to Owen-Illinois, Inc. Vega Alta plant.


(ii) Additional material. Documents submitted on December 31, 1986 in support of the above resolution.

(35) A revision submitted on November 14, 1993 by the Chairman of the Puerto Rico Environmental Quality Board (EQB) for the Municipality of Guaynabo. The submittal was made to satisfy those moderate PM\(_{10}\) nonattainment area SIP requirements due for the Municipality of Guaynabo as outlined in the Clean Air Act of 1990.

(i) Incorporation by reference:

(A) Regulations:


(B) Memoranda of Understanding (MOU):

(1) MOU signed by the Chairman of EQB and the Executive Director of Puerto Rico Electrical Power Authority, San Juan plant, limiting the sulfur-in-fuel level, annual operation capacity, and requiring the submittal of monthly sampling reports of its fuel’s sulfur content, effective January 31, 1994.

(2) MOU signed by the Chairman of EQB and the Secretary of Puerto Rico Port Authority to pave and maintain the streets, roads and parking areas located in the Municipality of Guaynabo, effective December 13, 1993.

(4) MOU signed by the Chairman of EQB and the Executive Director of the Puerto Rico Port Authority to pave and maintain the streets, roads, and parking areas that lead into the port area in Puerto Nuevo, Guaynabo and San Juan, effective October 14, 1993.

(36) Revisions to the Puerto Rico Regulations for the Control of Atmospheric Pollution (the Regulations) submitted on September 29, 1995 by the Puerto Rico Environmental Quality Board (EQB).

(i) Incorporation by reference.

(A) Regulations:


(2) Amendments to Part II, “Approval and Permit”, Rules 201, 203, 204,
§ 52.2721 Classification of regions.

The Puerto Rico plan was evaluated on the basis of the following classifications.

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Puerto Rico</td>
<td>Particulate matter</td>
<td>IA</td>
<td>IA</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>

[37 FR 10905, May 31, 1972]

§ 52.2722 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Puerto Rico’s plans for the attainment and maintenance of national 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.

§ 52.2723 EPA—approved Puerto Rico regulations.

<table>
<thead>
<tr>
<th>Puerto Rico regulation</th>
<th>Commonwealth effective date</th>
<th>EPA approval date</th>
<th>Comments</th>
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<tr>
<td>Rule 101—Title</td>
<td>9/28/95</td>
<td>1/22/97; 62 FR 3213</td>
<td></td>
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<tr>
<td>Rule 102—Definitions</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>Rule 103—Source Monitoring, Recordkeeping, Reporting, Sampling and Testing Methods</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>Rule 104—Emission Data Available to Public Participation</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>Rule 105—Malfunction</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
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<tr>
<td>Rule 106—Test Methods</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>Rule 107—Air Pollution Emergencies</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>Rule 108—Air Pollution Control Equipment</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
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<tr>
<td>Rule 109—Notice of Violation</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>Rule 110—Revision of Applicable Rules and Regulations</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>Rule 111—Applications, Hearings, Public Notice</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>Rule 112—Closure of a Source</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>Rule 113—Compulsory and Optional Hearing</td>
<td>9/28/95</td>
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<tr>
<td>Rule 114—Punishment</td>
<td>9/28/95</td>
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<td>Rule 115—Public Nuisance</td>
<td>9/28/95</td>
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<tr>
<td>Rule 116—Overlapping or Contradictory Provisions</td>
<td>9/28/95</td>
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<tr>
<td>Rule 118—Segregation and Combination of Emissions</td>
<td>9/28/95</td>
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<tr>
<td>Rule 119—Derogation</td>
<td>9/28/95</td>
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</table>
Environmental Protection Agency § 52.2725

REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION—Continued

<table>
<thead>
<tr>
<th>Rule</th>
<th>Puerto Rico regulation</th>
<th>Commonwealth effective date</th>
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<tr>
<td>120</td>
<td>Separability Clause</td>
<td>9/28/95</td>
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<td>121</td>
<td>Effectiveness</td>
<td>9/28/95</td>
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PART II, APPROVAL AND PERMIT

<table>
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<tr>
<th>Rule</th>
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<tbody>
<tr>
<td>201</td>
<td>Location Approval</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>202</td>
<td>Air Quality Impact Analysis</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
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<tr>
<td>203</td>
<td>Permit to Construct a Source</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>204</td>
<td>Permit to Operate a Source</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>205</td>
<td>Compliance Plan for Existing Emission Sources</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>206</td>
<td>Exemptions</td>
<td>9/28/95</td>
<td>...do</td>
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<tr>
<td>207</td>
<td>Continuing Responsibility for Compliance</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>208</td>
<td>Agricultural Burning Authorized</td>
<td>9/28/95</td>
<td>...do</td>
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</tr>
<tr>
<td>209</td>
<td>Modification of the Allowed Sulfur-in-Fuel Percentage</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>210</td>
<td>(Reserved) Part III, “Variance”.</td>
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PART III, VARIANCE

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<tr>
<td>301</td>
<td>Variances Authorized</td>
<td>9/28/95</td>
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<td>302</td>
<td>Emergency Variances</td>
<td>9/28/95</td>
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PART IV, PROHIBITIONS

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<th>EPA Approval Date</th>
<th>Comments</th>
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<tbody>
<tr>
<td>401</td>
<td>Generic Prohibitions</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
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<tr>
<td>402</td>
<td>Open Burning</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>403</td>
<td>Visible Emissions</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
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<tr>
<td>404</td>
<td>Fugitive Emissions</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>405</td>
<td>Incineration</td>
<td>9/28/95</td>
<td>do</td>
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</tr>
<tr>
<td>406</td>
<td>Fuel Burning Equipment</td>
<td>9/28/95</td>
<td>do</td>
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</tr>
<tr>
<td>407</td>
<td>Process Sources</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>408</td>
<td>Asphalitic Concrete Batching Plants</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>409</td>
<td>Non-Process Sources</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>410</td>
<td>Maximum Sulfur Content in Fuels</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>412</td>
<td>Sulfur Dioxide Emissions: General</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>413</td>
<td>Sulfuric Acid Plants</td>
<td>9/28/95</td>
<td>do</td>
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<tr>
<td>414</td>
<td>Sulfur Recovery Plants</td>
<td>9/28/95</td>
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<tr>
<td>415</td>
<td>Non-Ferrous Smelters</td>
<td>9/28/95</td>
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<tr>
<td>416</td>
<td>Sulfite Pulp Mills</td>
<td>9/28/95</td>
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<tr>
<td>417</td>
<td>Storage of Volatile Organic Compounds</td>
<td>9/28/95</td>
<td>do</td>
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| 423  | Limitations for the Guaynabo PM
Nonattainment Area. | 4/2/94 | 5/31/95; 60 FR 28333. |          |

PART V, FEES

<table>
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<tr>
<td>501</td>
<td>Permit Fees</td>
<td>9/28/95</td>
<td>1/22/97; 62 FR 3213.</td>
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<tr>
<td>502</td>
<td>Excess Emission Fees</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
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<tr>
<td>503</td>
<td>Test Fees</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
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<tr>
<td>504</td>
<td>Modification</td>
<td>9/28/95</td>
<td>do</td>
<td></td>
</tr>
</tbody>
</table>


§ 52.2724 [Reserved]

§ 52.2725 General requirements.

(a) The requirements of §51.116(c) of this chapter are not met, since section 2.4 of the Puerto Rico Regulation for Control of Atmospheric Pollution could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 2.4 is disapproved.

(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.

§ 52.2726 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since Article 17 of Puerto Rico Act 9 could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, Article 17 is disapproved.


§§ 52.2727–52.2728 [Reserved]

§ 52.2729 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 Puerto Rico.


§ 52.2730 [Reserved]

§ 52.2731 Control strategy and regulations: Sulfur oxides.

(a) The requirements of subpart G of this chapter are not met since the Puerto Rico plan does not provide for attainment and maintenance of the national standards for sulfur oxides in the areas of Aguirre, Barceloneta, Trujillo Alto-Dorado and Ensenada.

(b) Article 6, as submitted to EPA on January 3, 1975, of the Puerto Rico Regulations for Control of Atmospheric Pollution, as it applies to those areas listed in paragraph (a) of this section is disapproved for the following facilities: Puerto Rico Water Resources Authority—Aguirre Complex, Abbott, Merck and Company, Bristol Meyers, Pfizer, Union Carbide, Upjohn, located in the Barceloneta air basin, and Central Guanica, located in the Aquada air basin. Accordingly, these sources, with the exception of the Puerto Rico Water Resources Authority—Aguirre Complex, are required to conform to the sulfur in fuel limitations contained in
Article 6 of the Puerto Rico implementation plan as submitted to EPA on January 31, 1972.

(c) On and after the effective date of this paragraph, the maximum allowable sulfur in fuel limitation, by weight, for the Puerto Rico Water Resources Authority Aguirre complex shall be 2.5 percent.

(d) The requirements of section 110 of the Clean Air Act are not met since Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution would permit the use of stack height increases in lieu of available methods for emission reduction. Therefore, Section H of Appendix A of Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution is disapproved to the extent that it would permit increases in stack height in lieu of available methods of emission reduction.

§ 52.2732 Small business technical and environmental compliance assistance program.

On November 16, 1992, the Puerto Rico Environmental Quality Board submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the Puerto Rico state implementation plan. This plan meets the requirements of section 507 of the Clean Air Act, and Puerto Rico must implement the plan as approved by EPA.

§ 52.2770 Identification of plan.

(a) Title of plan: “Air Quality Implementation Plan for the U.S. Virgin Islands.”

(b) The plan was officially submitted on January 31, 1972.

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

(1) Procedures for making emission data available to the public submitted April 26, 1972, by the Division of Environmental Health, Virgin Islands Department of Health.

(2) Revision to construction permit regulation, Rule 12, section 206–26(a) of the Virgin Islands Rules and Regulations, submitted on August 17, 1972, by the Governor.

(3) Sections 206–30 (Review of new sources and modifications) and 206–31 (Review of new or modified indirect sources) were submitted on February 12, 1974, by the Governor of Virgin Islands.

(4) Additional information on sections 206–30 and 206–31 was submitted on April 10, 1975, by the Governor of the Virgin Islands.

(5) Exemption of the St. John Municipal Incinerator from the requirements of section 204–23, paragraph (c)(2) of the Virgin Islands Air Pollution Control Code submitted on July 9, 1975, by the Governor.

(6) Revised Section 204–26 (Sulfur Compounds Emission Control) submitted on January 21, 1976 by the Governor of the Virgin Islands.

(7) Amended revised Section 204–26 submitted on June 3, 1976 by the Governor of the Virgin Islands, as it applies to the islands of St. Thomas and St. John.

(8) As it applies to the island of St. Croix, per an August 16, 1976 request from the Virgin Islands, revised 12 V.I.R. & R. 9:204–26 (Sulfur Compounds Emission Control) excluding subsection (a)(2), as submitted on January 21, 1976 by the Governor of the Virgin Islands.

(9) Revision submitted on August 29, 1977, by the Governor of the Virgin Islands which allows, under provisions of 12 V.I.R. & R. 9:204–26, the relaxation of the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, for the Virgin Islands Water and Power Authority’s Christiansted Power Plant.

(10) Revision submitted on February 9, 1980 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an “administrative order” under Title 12 V.I.C. section 211 and Title 12 V.I.R. & R. sections 204–26(d). This “administrative order” relaxes,
§ 52.2771 Classification of regions.

The U.S. Virgin Islands plan was evaluated on the basis of the following classifications:

until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.


Revision submitted on April 9, 1981 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an “administrative order” under Title 12 V.I.C. section 211 and Title 12 V.I.R. and R. sections 204–26(d). This “administrative order” relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.

Revision submitted on January 12, 1983 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an “administrative order” under Title 12 V.I.C. section 211 and Title 12 V.I.R. and R. sections 204–26(d). This “administrative order” relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.

An Implementation Plan for attainment of the lead standard was submitted by the Governor of the U.S. Virgin Islands on November 16, 1984.

Revision submitted on December 1, 1983 by the Virgin Islands Department of Environmental Conservation and Cultural Affairs which grants a variance establishing, for one year from February 26, 1985, a maximum sulfur-in-fuel-oil limitation of 1.5 percent, by weight, for the Hess Oil Virgin Islands Corporation and the Martin Marietta Aluminum Properties, Inc. facilities located on the Island of St. Croix.

Revision submitted on February 11, 1986 by the Virgin Islands Department of Environmental Conservation and Cultural Affairs which grants a variance establishing, for one year from April 14, 1987, a maximum sulfur-in-fuel-oil limitation of 1.5 percent, by weight, for the Hess Oil Virgin Islands Corporation and the Martin Marietta Properties facilities located on the Island of St. Croix.

Revision submitted on January 12, 1983 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an “administrative order” under Title 12 V.I.C. section 211 and Title 12 V.I.R. and R. sections 204–26(d). This “administrative order” relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.

Revision submitted on January 12, 1983 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an “administrative order” under Title 12 V.I.C. section 211 and Title 12 V.I.R. and R. sections 204–26(d). This “administrative order” relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.

Revision submitted on December 1, 1983 by the Virgin Islands Department of Environmental Conservation and Cultural Affairs which grants a variance establishing, for one year from February 26, 1985, a maximum sulfur-in-fuel-oil limitation of 1.5 percent, by weight, for the Hess Oil Virgin Islands Corporation and the Martin Marietta Aluminum Properties, Inc. facilities located on the Island of St. Croix.

Revision submitted on February 11, 1986 by the Virgin Islands Department of Environmental Conservation and Cultural Affairs which grants a variance establishing, for one year from April 14, 1987, a maximum sulfur-in-fuel-oil limitation of 1.5 percent, by weight, for the Hess Oil Virgin Islands Corporation and the Martin Marietta Properties facilities located on the Island of St. Croix.

Revision submitted on January 12, 1983 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an “administrative order” under Title 12 V.I.C. section 211 and Title 12 V.I.R. and R. sections 204–26(d). This “administrative order” relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.

Revision submitted on January 12, 1983 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an “administrative order” under Title 12 V.I.C. section 211 and Title 12 V.I.R. and R. sections 204–26(d). This “administrative order” relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.

Revision submitted on December 28, 1992, Prevention of Significant Deterioration of Air Quality permit for Virgin Islands Water and Power Authority at St. Croix’s north shore facility.

Editorial Note: For Federal Register citations affecting §52.2770, see the List of CFR Sections Affected, which appears in theFinding Aids section of the printed volume and on GPO Access.

§ 52.2771 Classification of regions.

The U.S. Virgin Islands plan was evaluated on the basis of the following classifications:
§ 52.2772 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the U.S. Virgin Islands plan for attainment and maintenance of the national standards.

§ 52.2773 EPA-approved Virgin Islands regulations.

<table>
<thead>
<tr>
<th>Territory regulation</th>
<th>Effective date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 204–20, “Definitions”...</td>
<td>1/15/87</td>
<td>4/18/94, 59 FR 18309</td>
<td>“Fugitive emissions” will be defined as at 40 CFR 52.21(b)(20).</td>
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<tr>
<td>Section 204–21, “Regulations to Control Open Burning”</td>
<td>1/15/87</td>
<td>...do</td>
<td></td>
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<tr>
<td>Section 204–22, “Regulations to Control Emission of Visible Air Contaminants”</td>
<td>1/15/87</td>
<td>...do</td>
<td></td>
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<tr>
<td>Section 204–23, “Regulations Governing Emission of Particulate Matter”</td>
<td>1/15/87</td>
<td>...do</td>
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<tr>
<td>Section 204–24, “Storage of Petroleum or Other Volatile Products”</td>
<td>3/2/71</td>
<td>5/31/72, 37 FR 10905,</td>
<td></td>
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<tr>
<td>Section 204–26, “Sulfur Compounds Emission Control”</td>
<td>1/15/87</td>
<td>...do</td>
<td></td>
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<tr>
<td>Section 204–29, “Upset, Breakdown or Scheduled Maintenance”</td>
<td>1/15/87</td>
<td>...do</td>
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<tr>
<td>Section 204–33, “Air Pollution Emergencies”</td>
<td>1/15/87</td>
<td>4/18/94, 59 FR 18309.</td>
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<tr>
<td>Section 204–35, “Continuous Emission Monitoring”</td>
<td>1/15/87</td>
<td>...do</td>
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<td>Section 204–36, “Eligibility to Burn Waste Fuel A”</td>
<td>1/15/87</td>
<td>...do</td>
<td></td>
</tr>
<tr>
<td>Section 204–37, “Eligibility to Burn Waste Fuels A and B”</td>
<td>1/15/87</td>
<td>...do</td>
<td></td>
</tr>
<tr>
<td>Section 204–38, “Permit and/or Certificate Requirement for Waste Oil Facilities”</td>
<td>1/15/87</td>
<td>...do</td>
<td></td>
</tr>
<tr>
<td>Section 204–39, “Sale or Use of Waste Fuels A and B”</td>
<td>1/15/87</td>
<td>...do</td>
<td>Reference to Table 1 in this sub-section refers to Table 1 found in Section 204–20.</td>
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<tr>
<td>Section 204–40, “Reports, Sampling and Analysis of Waste Fuels A and B”</td>
<td>1/15/87</td>
<td>...do</td>
<td>Variance adopted pursuant to sub-section 204–40(e) become applicable only if approved by EPA as SIP revisions.</td>
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<tr>
<td>Section 204–41, “Existing Air Contamination Sources for Waste Fuel”</td>
<td>1/15/87</td>
<td>...do</td>
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<tr>
<td>Section 204–45, “Standards of Performance for Sulfur Recovery Units at Petroleum Refineries”</td>
<td>1/15/87</td>
<td>...do</td>
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<td>Section 206–20, “Permits Required”</td>
<td>1/15/87</td>
<td>...do</td>
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</table>

Environmental Protection Agency

§ 52.2773

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Air quality control region</th>
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<tbody>
<tr>
<td></td>
<td>U.S. Virgin Islands</td>
</tr>
<tr>
<td>Particulate matter</td>
<td>IA</td>
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<tr>
<td>Sulfur oxides</td>
<td>IA</td>
</tr>
<tr>
<td>Nitrogen dioxide</td>
<td>III</td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>III</td>
</tr>
<tr>
<td>Photochemical oxidants (hydrocarbons)</td>
<td>III</td>
</tr>
<tr>
<td>Territory regulation</td>
<td>Effective date</td>
</tr>
<tr>
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</tr>
<tr>
<td>Section 206–21, “Transfer”</td>
<td>1/15/87</td>
</tr>
<tr>
<td>Section 206–22, “Applications”</td>
<td>1/15/87</td>
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<tr>
<td>Section 206–23, “Application and Permit Fees”</td>
<td>1/15/87</td>
</tr>
<tr>
<td>Section 206–24, “Cancellation of Applications”</td>
<td>1/15/87</td>
</tr>
<tr>
<td>Section 206–25, “Test Methods”</td>
<td>1/15/87</td>
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<tr>
<td>Section 206–26, “Permits to Construct”</td>
<td>1/15/87</td>
</tr>
<tr>
<td>Section 206–27, “Permits to Operate”</td>
<td>1/15/87</td>
</tr>
<tr>
<td>Section 206–28, “Permit Modifications, Suspensions or Revocations and Denials”</td>
<td>1/15/87</td>
</tr>
<tr>
<td>Section 206–29, “Further Information”</td>
<td>1/15/87</td>
</tr>
<tr>
<td>Section 206–30, “Applications”</td>
<td>1/15/87</td>
</tr>
<tr>
<td>Section 206–30, “Review of New Sources and Modifications”</td>
<td>10/11/73</td>
</tr>
<tr>
<td>Section 206–31, “Review of New or Modified Indirect Sources”</td>
<td>10/11/73</td>
</tr>
</tbody>
</table>

§ 52.2774 [Reserved]

§ 52.2775 Review of new sources and modifications.

(a)-(d) [Reserved]

(e) The requirements of 40 CFR 51.18(h) are not met since section 206–30 of Chapter 9, Title 12 of the Virgin Islands’ Code does not provide that information submitted by the owner or operator and the agency’s analysis including its proposed approval/disapproval decision, be made available for public comment for a period of 30 days prior to final action.

(f) Subsection 206–30(f)(6) of section 206–30 of Chapter 9, Title 12 of the Virgin Islands’ Code is disapproved since sources of minor significance are not identified in the regulation. Accordingly, all sources not listed in subsection 206–30(f)(6) of section 206–30 of Chapter 9, Title 12 of the Virgin Islands’ Code are subject to review in accordance with the requirements of section 206–30.

(g) Regulation for review of new sources and modifications.
Environmental Protection Agency

§ 52.2781 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. The provisions of § 52.26 are hereby incorporated and made a part of the applicable plan for the Virgin Islands.

(c) Long-term strategy. The provisions of § 52.29 are hereby incorporated and

(ii) The Commissioner will make a final decision on the application within 30 days after the close of the public comment period. The Commissioner will notify the applicant in writing of his approval, conditional approval, or disapproval of the application and will set forth his reasons for conditional approval or disapproval.

(iv) A copy of the notice required by paragraph (h)(2) of this section shall also be sent to the Administrator through the appropriate regional office, and to all other State and local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located. The notice shall also be sent to any other agency in the region having responsibility for implementing the procedures required under this section.


§§ 52.2776–52.2778 [Reserved]

§ 52.2779 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 Virgin Islands.


§ 52.2780 Control strategy for sulfur oxides.

(a) The requirements of subpart G of this chapter are not met since there has not been a satisfactory demonstration that the Virgin Islands plan provides for the attainment and maintenance of the national ambient air quality standards for sulfur oxides on the island of St. Croix.

(b) The following parts of regulation 12 V.I.R. and R. 9:204–26, “Sulfur Compounds Emission Control,” as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976 are approved:

(i) The entire regulation as it applies to the islands of St. Thomas and St. John.

(ii) The entire regulation as it applies to the Virgin Islands Water and Power Authority’s Christiansted Power Plant on the island of St. Croix.

(iii) The entire regulation excluding subsection (a)(2) as it applies to the remaining sources on the island of St. Croix.

Subsection (a)(2) of the regulation is not approved as it applies to the remaining sources on St. Croix because of the inadequacy of the control strategy demonstration noted in paragraph (a) of this section. Accordingly, all sources on St. Croix with the exception of the Virgin Islands Water and Power Authority’s Christiansted Power Plant are required to conform to the sulfur-in-fuel-oil limitations contained in 12 V.I.R. and R. 9:204–26 as originally submitted to EPA on January 31, 1972.

(c) Reference to “Section (a)(2)” in subsection (d) of 12 V.I.R. and R. 9:204–26, as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976, refers to the following approved limitations: (1) For the islands of St. Thomas and St. John, subsection (a)(2) of section 204–26 as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976; (2) for the island of St. Croix, subsection (a)(2) of section 204–26 as originally submitted to EPA on January 31, 1972 and approved by EPA on May 31, 1972.


§ 52.2781 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. The provisions of § 52.26 are hereby incorporated and made a part of the applicable plan for the Virgin Islands.

(c) Long-term strategy. The provisions of § 52.29 are hereby incorporated and
§ 52.2782 Small business technical and environmental compliance assistance program.

On January 15, 1993, the Virgin Islands Department of Planning and Natural Resources submitted a plan to establish and implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the Virgin Islands state implementation plan. This plan meets the requirements of section 507 of the Clean Air Act, and the U.S. Virgin Islands must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]

Subpart DDD—American Samoa

§ 52.2820 Identification of plan.

(a) Title of plan: “The Territory of American Samoa Air Pollution Control Implementation Plan.”

(b) The plan was officially submitted on January 27, 1972.

(1) Previously approved on May 31, 1972 and now deleted without replacement.

[37 FR 10906, May 31, 1972]

§ 52.2821 Classification of regions.

The American Samoa plan was evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Samoa</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>

[37 FR 10906, May 31, 1972]

§ 52.2822 Approval status.

With the exceptions set forth in this subpart, the Administrator approves American Samoa’s plan for the attainment and maintenance of the national standards.

[39 FR 8617, Mar. 6, 1974]

§ 52.2823 [Reserved]

§ 52.2824 Review of new sources and modifications.

(a) The requirements of subpart I of this chapter are not met since the Territory of American Samoa failed to submit a plan for review of new or modified indirect sources.

(b) Regulation for review of new or modified indirect sources: The provisions of §52.22(b) are hereby incorporated by reference and made a part of the applicable implementation plan for the Territory of American Samoa.

[39 FR 8617, Mar. 6, 1974, as amended at 51 FR 40677, Nov. 7, 1986]
Environmental Protection Agency

§§ 52.2825–52.2826 [Reserved]

§ 52.2827 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 American Samoa.


Subpart EEE—Approval and Promulgation of Plans

§ 52.2850 Approval and promulgation of implementation plans.

State plans consisting of control strategies, rules, and regulations, and, in certain instances, compliance schedules, which the Administrator has determined meet the requirements of section 16 of the “Clean Air Amendments of 1970” have been approved as follows:

Delaware

An implementation plan for the State’s portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 26, 1970. Supplemental information was received on November 19, 1970. The Administrator has determined that the State’s control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

New Jersey

An implementation plan for the State’s portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 28, 1970. Supplemental information was submitted on September 23, 1970. The Administrator has determined that the State’s control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

Pennsylvania

An implementation plan for the State’s portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 4, 1970. Supplemental information was received on August 4, 1970. The Administrator has determined that the State’s control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations pertaining thereto.

Kansas

An implementation plan for the State’s portion of the Kansas City Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on November 19, 1970. The Administrator has determined that the State’s control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

Virginia

An implementation plan for the State’s portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on April 29, 1970. Supplemental information was received on August 10 and 14, 1970. The Administrator has determined that the State’s control strategy for sulfur oxides and particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for sulfur oxides and particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedules pertaining thereto.

Maryland

An implementation plan for the State’s portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 28, 1970. Supplemental information was submitted on August 7 and 21, 1970. The Administrator has determined that the State’s control strategy for sulfur oxides and
particulate matter, as set forth in this implementa-
tion plan, is adequate for attainment of the national
primary and secondary ambient air quality standards
for sulfur oxides and particulate matter. Therefore, the
Administrator has approved such control
strategy, together with specified rules and
regulations, as well as the compliance sched-
ule pertaining to the sulfur oxides standards.

MARYLAND
An implementation plan for the Baltimore
Intrastate Air Quality Control Region was
submitted to the Environmental Protection
Agency on December 23, 1970. The Adminis-
trator as determined that the State’s control
strategy for sulfur oxides, as set forth in this
implementation plan, is adequate for attain-
ment of the national primary ambient air
quality standards for sulfur oxides. Therefore,
the Administrator has also determined that the
State’s control strategy for particulate matter,
as set forth in this implementation plan,
is adequate for attainment of the national
primary and secondary ambient air quality
standards. Therefore, the Administrator has
approved such control strategies, together with specified rules and
regulations pertaining to the sulfur oxides standards.

COLORADO
An implementation plan for the Denver
Intrastate Air Quality Control Region was
received by the Department of Health, Edu-
cation, and Welfare on May 12, 1970, and was
The Administrator has determined that the
State’s control strategy for particulate matter,
as set forth in this implementation plan,
is adequate for attainment of the national
primary ambient air quality standards for
particulate matter. The Administrator has
also determined that the State’s control
strategy for sulfur oxides, as set forth in this
implementation plan, is adequate for maintain-
ing the national secondary ambient air
quality standards for sulfur oxides. Therefore,
the Administrator has approved such
control strategies, together with specified
rules and regulations and the compliance
schedules pertaining thereto.

MISSOURI
An implementation plan for the State’s
portion of the Kansas City Intrastate Air
Quality Control Region was received by the
Department of Health, Education, and Wel-
fare on October 14, 1970. The Administrator
has determined that the State’s control
strategy for particulate matter, as set forth in
this implementation plan, is adequate for
attainment of the national primary and sec-
ondary ambient air quality standards for
particulate matter. Therefore, the Adminis-
trator has approved such control strategy,
together with specified rules and regulations
and the compliance schedules pertaining
thereto.

DISTRICT OF COLUMBIA
An implementation plan for the District’s
portion of the National Capital Interstate
Air Quality Control Region was received by
the Department of Health, Education, and
Welfare on May 6, 1970. Supplemental infor-
mation was received August 24, 1970. The Ad-
mnistrator has determined that the Dis-
trict’s control strategy for sulfur oxides and
particulate matter, as set forth in this im-
plementation plan, is adequate for attain-
ment of the national primary and secondary
ambient air quality standards for sulfur ox-
ides and particulate matter. Therefore, the
Administrator has approved such control
strategy, together with specified rules and
regulations pertaining thereto.

MASSACHUSETTS
An implementation plan for the Boston
Intrastate Air Quality Control Region was
received by the Department of Health, Edu-
cation, and Welfare on September 16, 1970. The
Administrator has determined that the
State’s control strategy for sulfur oxides, as set forth in this
implementation plan, is adequate for attain-
ment of the national primary ambient air
quality standards for sulfur oxides. Therefore,
the Administrator has approved such
control strategy, together with specified rules and regulations and the
compliance schedules pertaining thereto.

Subpart FFF—Commonwealth of
the Northern Mariana Islands

§52.2900 Negative declaration.
(a) Air Pollution Implementation
Plan for the Commonwealth of the
Northern Mariana Islands.
(1) Letter of December 15, 1982, from
the Governor to EPA, which is a nega-
tive declaration indicating no major
lead sources and continued attainment
and maintenance of the National
Standards for lead.

[51 FR 40799, Nov. 10, 1986]

§52.2920 Identification of plan.
(a) Title of plan: “Air Pollution Im-
plementation Plan for the Common-
wealth of the Northern Mariana Is-
lands.
(b) [Reserved]
Environmental Protection Agency

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

(1) On February 19, 1987 the Governor’s representative submitted regulations adopted as signed on December 15, 1986 and published in the Commonwealth Register, Volume 9, Number 1, pages 4862–94, on January 19, 1987, as follows:

(i) Incorporation by reference. (A) “CNMI AIR POLLUTION CONTROL REGULATIONS” pertaining to the preconstruction review of new and modified major sources of lead, as follows:

Part I—Authority
Part II—Purpose and Policy
Part III—Policy
Part IV—Definitions
Part V—Permitting of New Sources and Modifications
Part VI—Registration of Existing Sources
Part VII—Sampling, Testing and Reporting Methods
Part IX—Fees
Part X—Public Participation
Part XI—Enforcement
Part XII—Severability
Part XIII—Effective Date
Part XIV—Certification

[52 FR 43574, Nov. 13, 1987]}

APPENDIXES A–C TO PART 52

[RESERVED]

APPENDIX D TO PART 52—DETERMINATION OF SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES BY CONTINUOUS MONITORS

1. Definitions.

1.1 Concentration Measurement System. The total equipment required for the continuous determination of SO₂ gas concentration in a given source effluent.

1.2 Span. The value of sulfur dioxide concentration at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at the expected maximum sulfur dioxide concentration except as specified under section 5.2, Field Test for Accuracy.

1.3 Accuracy (Relative). The degree of correctness with which the measurement system yields the value of gas concentration of a sample relative to the value given by a defined reference method. This accuracy is expressed in terms of error which is the difference between the paired concentration measurements expressed as a percentage of the mean reference value.

1.4 Calibration Error. The difference between the pollutant concentration indicated by the measurement system and the known concentration of the test gas mixture.

1.5 Zero Drift. The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time for the measurement is zero.

1.6 Calibration Drift. The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurement is the same known upscale value.

1.7 Response Time. The time interval from a step change in pollutant concentration at the input to the measurement system to the time at which 95 percent of the corresponding final value is reached as displayed on the measurement system data presentation device.

1.8 Operational Period. A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair or adjustment.

1.9 Reference Method. The reference method for determination of SO₂ emissions shall be Method 8 as delineated in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide, as well as isokinetic sampling, may be omitted from the overall test procedure.

2. Principle and Applicability.

2.1 Principle. Gases are continuously sampled in the stack emissions and analyzed for sulfur dioxide by a continuously operating emission measurement system. Performance specifications for the continuous measurement systems are given. Test procedures are given to determine the capability of the measurement systems to conform to the performance specifications. Sampling may include either the extractive or nonextractive (in-situ) approach.

2.2 Applicability. The performance specifications are given for continuous sulfur dioxide measurement systems applied to nonferrous smelters.

3. Apparatus.

3.1 Calibration Gas Mixture. Mixture of a known concentrations of sulfur dioxide in oxygen-free nitrogen. Nominal volumetric concentrations of 50 percent and 90 percent of span are recommended. The mixture of 90 percent of span is to be used to set and to check the span and is referred to as the span gas. The gas mixtures shall be analyzed by the Reference Method at least two weeks prior to use or demonstrated to be accurate and stable by an alternate method subject to approval of the Administrator.

3.2 Zero Gas. A gas containing less than 1 ppm sulfur dioxide.
3.3 Equipment for measurement of sulfur
dioxide concentration using the Reference
Method.
3.4 Chart Record. Analog chart recorder,
input voltage range compatible with ana-
lyzer system output.
3.5 Continuous measurement system for
sulfur dioxide.

TABLE I—PERFORMANCE SPECIFICATIONS

<table>
<thead>
<tr>
<th>Parameter a</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Accuracy a</td>
<td>±20 percent of reference mean value.</td>
</tr>
<tr>
<td>2. Calibration Error a</td>
<td>±5 percent of each (50%, and 30%) calibration gas mixture.</td>
</tr>
<tr>
<td>3. Zero Drift (2-hours) a</td>
<td>±2 percent of emission standard.</td>
</tr>
<tr>
<td>4. Zero Drift (24-hours) a</td>
<td>±4 percent of emission standard.</td>
</tr>
<tr>
<td>5. Calibration Drift (2-hours) a</td>
<td>±2 percent of emission standard.</td>
</tr>
<tr>
<td>6. Calibration Drift (24-hours) a</td>
<td>±5 percent of emission standard.</td>
</tr>
<tr>
<td>7. Response Time</td>
<td>≤5 minutes maximum.</td>
</tr>
<tr>
<td>8. Operational Period</td>
<td>≤168 hours minimum.</td>
</tr>
</tbody>
</table>

*a Expressed as sum of absolute mean value plus 95 percent confidence interval of a series of tests.

4. Measurement System Performance Spec-
fications.

The following performance specifications
shall be met in order that a measurement
system shall be considered acceptable under
this method.

The following test procedures shall be used
to determine compliance with the require-
ments of paragraph 4:

5.1 Calibration test.
5.1.1 Analyze each calibration gas mixture
(50 percent, 90 percent) for sulfur dioxide by
the Reference method and record the results
on the example sheet shown in Figure D-1.
This step may be omitted for nonextractive
monitors where dynamic calibration gas
mixtures are not used (see section 5.1.3).
5.1.2 Set up and calibrate the complete
measurement system according to the manu-
facturer’s written instructions. This may be
accomplished either in the laboratory or in
the field. Make a series of five nonconsecu-
tive readings with span gas mixtures alter-
ately at each concentration (example, 50
percent, 90 percent, 50 percent, 90 percent,
50 percent). For nonextractive measurement
systems, this test may be performed using
procedures specified by the manufacturer
and two or more calibration gases whose
concentrations are certified by the manufac-
turer and differ by a factor of two or more.
Convert the measurement system output
readings to ppm and record the results on
the example sheet shown in Figure D-2.

5.2 Field Test for Accuracy (Relative), Zero
Drift and Calibration Drift. Install and operate
the measurement system in accordance with
the manufacturer’s written instructions and
drawings as follows:

5.2.1 Conditioning Period. Offset the zero
setting at least 10 percent of span so that
negative zero drift may be quantified. Oper-
ate the system for an initial 168-hour condi-
tioning period. During this period the system
should measure the SO₂ content of the efflu-
ent in a normal operational manner.

5.2.2 Operational Test Period. Operate the
system for an additional 168-hour period. The
system shall be monitoring the source efflu-
ent at all times when not being zeroed, cali-
brated or backpurged.

5.2.2.1 Field Test for Accuracy (Relative).
The analyzer output for the following test
shall be maintained between 20 percent and
90 percent of span. It is recommended that a
calibrated gas mixture be used to verify the
span setting utilized. During this 168-hour
test period, make a minimum of nine (9) SO₂
concentration measurements using the Ref-
ence Method with a sampling period of one
hour. If a measurement system operates
across the stack or a portion of it, the Ref-
ence Method test shall make a four-point
traverse over the measurement system oper-
ating path. Isokinetic sampling and analysis
for SO₂ and H₂SO₄ mist are not required. For
measurement systems employing extractive
sampling, place the measurement system
and the Reference Method probe tips adja-
cent to each other in the duct. One test will
consist of two simultaneous samples with
not less than two analyses on each sample.
Record the test data and measurement sys-
tem concentrations on the example sheet
shown in Figure D-3.

5.2.2.2 Field Test for Zero Drift and Calibra-
tion Drift. Determine the values given by zero
and span gas SO₂ concentrations at 2-hour
intervals until 15 sets of data are obtained.
Alternatively, for nonextractive measure-
ment systems, determine the values given by
an electrically or mechanically produced
zero condition, and by inserting a certified
calibration gas concentration equivalent to
not less than 20 percent of span, into the
measurement system. Record these readings
on the example sheet shown in Figure D-4.
These 2-hour periods need not be consecutive
but may not overlap. If the analyzer span is
set at the expected maximum concentration
for the tests performed under section 5.2.2,
then the zero and span determinations to be
made under this paragraph may be made...
Environmental Protection Agency

5.2.2.1 Zero and calibration corrections and adjustments are allowed only at 24-hour intervals (except as required under section 5.2.2) or at such shorter intervals as the manufacturer’s written instructions specify. Automatic corrections made by the measurement system without operator intervention or initiation are allowable at any time. During the entire 168-hour test period, record the values given by zero and span gas SO2 concentrations before and after adjustment at 24-hour intervals in the example sheet shown in Figure D-5.

5.3 Field Test for Response Time.

5.3.1 This test shall be accomplished using the entire measurement system as installed including sample transport lines if used. Flow rates, line diameters, pumping rates, pressures (do not allow the pressurized calibration gas to change the normal operating pressure in the sample line), etc., shall be at the nominal values for normal operation as specified in the manufacturer’s written instructions. In the case of cyclic analyzers, the response time test shall include one cycle.

5.3.2 Introduce a zero concentration of SO2 into the measurement system sampling interface or as close to the sampling interface as possible. When the system output reading has stabilized, switch quickly to a known concentration of SO2 at 70 to 90 percent of span. Record the time from concentration switching to final stable response. After the system response has stabilized at the upper level, switch quickly to a zero concentration of SO2. Record the time from concentration switching to final stable response. Alternatively, for nonextractive monitors, a calibration gas concentration equivalent to 20 percent of span or more may be switched into and out of the sample path and response times recorded. Perform this test sequence three (3) times. For each test record the results on the example sheet shown in Figure D-6.


6.1 Procedure for determination of mean values and confidence intervals.

6.1.1 The mean value of a data set is calculated according to equation D-1.

$$\bar{X} = \frac{\sum_{i=1}^{n} X_i}{n}$$

Equation D-1

where:
- $X_i$ = individual values,
- $\Sigma$ = sum of the individual values,
- $\bar{X}$ = mean value,
- $n$ = number of data points.

6.1.2 The 95 percent confidence interval (two-sided) is calculated according to equation D-2.

$$C.I_{95} = \frac{t_{975}}{\sqrt{n}} \sqrt{\frac{\sum X_i^2}{n} - \left(\frac{\sum X_i}{n}\right)^2}$$

Equation D-2

where:
- $\Sigma X_i$ = sum of all data points.
- $t_{975} = t_{1-a/2}$, and
- $C.I_{95}$ = 95 percent confidence interval estimated of the average mean value.

Typical Values for $T_{L, A2}$

<table>
<thead>
<tr>
<th>n</th>
<th>t975</th>
<th>n</th>
<th>t975</th>
<th>n</th>
<th>t975</th>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>2.776</td>
<td>7</td>
<td>2.447</td>
<td>12</td>
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<td>3</td>
<td>2.776</td>
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<td>2.365</td>
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<td>2.179</td>
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<td>2.776</td>
<td>9</td>
<td>2.306</td>
<td>14</td>
<td>2.160</td>
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<tr>
<td>5</td>
<td>2.776</td>
<td>10</td>
<td>2.252</td>
<td>15</td>
<td>2.145</td>
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<tr>
<td>6</td>
<td>2.776</td>
<td>11</td>
<td>2.220</td>
<td>16</td>
<td>2.131</td>
</tr>
</tbody>
</table>

The values in this table are already corrected for n-1 degrees of freedom. Use $n$ equal to the number of samples as data points.

6.2 Data Analysis and Reporting.

6.2.1 Accuracy (Relative). For each of the nine reference method testing periods, determine the average sulfur dioxide concentration reported by the continuous measurement system. These average concentrations shall be determined from the measurement system data recorded under section 5.2.2.1 by integrating the pollutant concentrations over each of the time intervals concurrent with each reference method test, then dividing by the cumulative time of each applicable reference method testing period. Before proceeding to the next step, determine the basis (wet or dry) of the measurement system data and reference method test data concentrations.

The bases are not consistent, apply a moisture correction factor to either the referenced method concentrations or the measurement system concentrations, as appropriate. Determine the correction factor by moisture tests concurrent with the reference method testing periods. Report the moisture test method and the correction procedure employed. For each of the nine test runs, subtract the Reference Method test concentrations from the continuous monitoring system average concentrations. Using these data, compute the mean difference and the 95 percent confidence interval using equations D-1 and D-2. Accuracy is reported as the sum of the absolute value of the mean difference and the 95 percent confidence interval expressed as a percentage of the mean reference method value. Use the example sheet shown in Figure D-3.

6.2.2 Calibration Error. Using the data from section 5.1 of this appendix, subtract the measured SO2 value determined under section 5.1.1 (Figure D-1) from the value shown by the measurement system for each of the
5 readings at each concentration measured under section 5.1.2 (Figure D-2). Calculate the mean of these difference values and the 95 percent confidence intervals according to equations D-1 and D-2. The calibration error is reported as the sum of absolute value of the mean difference and the 95 percent confidence interval as a percentage of each respective calibration gas concentration reading after zero adjustment and the calibration concentration reading after zero and calibration adjustment. Use example sheet shown in Figure D-2.

6.2.3 Zero Drift (2-hour). Using the zero concentration values measured each two hours during the field test, calculate the differences between consecutive two-hour readings expressed in ppm. Calculate the mean difference and the confidence interval using Equations D-1 and D-2. Report the zero drift as the sum of the absolute mean value and the confidence interval as a percentage of the emission standard. Use example sheet shown in Figure D-4.

6.2.4 Zero Drift (24-hour). Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero point after zero adjustment and the zero value 24 hours later just prior to zero adjustment. Calculate the mean value of these points and the confidence interval using Equations D-1 and D-2. Report the zero drift as the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use example sheet shown in Figure D-5.

6.2.5 Calibration Drift (2-hour). Using the calibration values obtained at two-hour intervals during the field test, calculate the differences between consecutive two-hour readings expressed as ppm. These values should be corrected for the corresponding zero drift during that two-hour period. Calculate the mean and confidence interval of these corrected difference values using Equations D-1 and D-2. Do not use the differences between non-consecutive readings. Report the calibration drift as the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use example sheet shown in Figure D-4.

6.2.6 Calibration Drift (24-hour). Using the calibration values measured every 24 hours during the field test, calculate the differences between the calibration concentration reading after zero and calibration adjustment and the calibration concentration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations D-1 and D-2. Report the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use example sheet shown in Figure D-5.

6.2.7 Response Time. Using the charts from section 5.3 of this Appendix, calculate the time interval from concentration switching to 96 percent to the final stable value for all upscale and downscale tests. Report the mean of the three upscale test times and the mean of the three downscale test times. For nonextractive instruments using a calibration gas cell to determine response time, the 96 percent observed times shall be extrapolated to 90 percent of full scale response time. For example, if the observed time for a 20 percent of span gas cell is one minute, this would be equivalent to a 4½-minute response time when extrapolated to 90 percent of span. The two average times should not differ by more than 15 percent of the slower time. Report the slower time as the system response time. Use the example sheet shown in Figure D-6.

6.2.8 Operational Period. During the 168-hour performance and operational test period, the measurement system shall not require any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as required in the operation and maintenance manuals as routine and expected during a one-week period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than specified above, during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the one-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

6.2.9 Performance Specifications Testing Frequency. In the event that significant repair work is performed in the system, the company shall demonstrate to the Administrator that the system still meets the performance specifications listed in Table I of this appendix. The Administrator may require a performance test at any time he determines that such test is necessary to verify the performance of the measurement system.

7. References.


7.4 Performance Specifications for Stationary-Source Monitoring Systems for Gases,
### FIGURE D–1—ANALYSIS OF CALIBRATION GAS MIXTURES

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference Method Used</th>
<th>Mid Range Calibration Gas Mixture</th>
<th>Sample 1</th>
<th>ppm</th>
<th>Sample 2</th>
<th>ppm</th>
<th>Sample 3</th>
<th>ppm</th>
<th>Average</th>
<th>ppm</th>
</tr>
</thead>
</table>

#### FIGURE D–2—CALIBRATION ERROR DETERMINATION

Calibration gas mixture data (from fig. D–1): Mid (50 percent) average—p/m, high (90 percent) average—p/m

<table>
<thead>
<tr>
<th>Run No.</th>
<th>Calibration gas concentration</th>
<th>Measurement system reading, p/m</th>
<th>Differences, p/m</th>
</tr>
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<tbody>
<tr>
<td>1</td>
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<table>
<thead>
<tr>
<th>Percent of full scale reading</th>
<th>50% mid</th>
<th>90% high</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean difference</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confidence interval</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Calibration error=Mean difference $^2 \times$ C.I. / Average calibration gas concentration $\times$ 100

$^1$ Mid or high.

$^2$ Calibration gas concentration—measurement system reading.

$^3$ Absolute value.

### FIGURE D–3—ACCURACY

<table>
<thead>
<tr>
<th>Date and time</th>
<th>Test No.</th>
<th>Reference method samples</th>
<th>Analyzer 1-hour average $^1$ (p/m)</th>
<th>Difference $^2$ (p/m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
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857
F I G U R E D—3—A C C U R A C Y — C O N T I N U E D

<table>
<thead>
<tr>
<th>Date and time</th>
<th>Test No.</th>
<th>Reference method samples</th>
<th>Analyzer 1-hour average 1 (p/m)</th>
<th>Difference 2 (p/m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
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<td>9.</td>
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</tbody>
</table>

Mean difference = __________ p/m.
95 percent confidence interval = __________ p/m.
Mean Reference method value = __________ p/m.

Accuracy = Mean difference (absolute value) + 95 percent confidence interval / Mean reference method value × 100 percent

1 Explain method used to determine average.
2 Difference = the 1-h average minus the reference method average.

F I G U R E D—4—Z E R O A N D C A L I B R A T I O N D R I F T (2 H)

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Date set No.</th>
<th>Zero reading</th>
<th>Zero drift (Δ zero)</th>
<th>Span reading</th>
<th>Calibration drift (Δ span)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Begin</td>
<td>End</td>
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</table>

Zero drift = \[\text{mean zero drift} + \text{CI (zero)}\] × \text{emission standard} × 100.
Calibration drift = \[\text{mean span drift} + \text{CI (span)}\] × \text{emission standard} × 100.

1 Absolute value.

F I G U R E D—5—Z E R O A N D C A L I B R A T I O N D R I F T (24 HR)

<table>
<thead>
<tr>
<th>Date and time</th>
<th>Zero reading</th>
<th>Zero drift (Δ zero)</th>
<th>Span reading (after zero adjustment)</th>
<th>Calibration drift (Δ span)</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

Zero drift = \[\text{mean zero drift} + \text{CI (zero)}\] × \text{emission standard} × 100.
Environmental Protection Agency

Pt. 52, App. E

FIGURE D–5—ZERO AND CALIBRATION DRIFT (24 HR)—Continued

<table>
<thead>
<tr>
<th>Date and time</th>
<th>Zero reading</th>
<th>Zero drift (Δ zero)</th>
<th>Span reading (after zero adjustment)</th>
<th>Calibration drift (Δ span)</th>
</tr>
</thead>
</table>

 Calibration drift=[(mean span drift) + CI (span)] / emission standard]× 100.

1 Absolute value.

FIGURE D–6—RESPONSE TIME

Date of Test ________
Span Gas Concentration ______ ppm.
Analyzer Span Setting ______ ppm.
Upscale:
1 ______ seconds.
2 ______ seconds.
3 ______ seconds.
Average upscale response ______ seconds.
Downscale:
1 ______ seconds.
2 ______ seconds.
3 ______ seconds.
Average downscale response ______ seconds.
System response time=slower time ______ seconds.
Percent deviation from slowest time=average upscale–average downscale×100/average downscale

[40 FR 5517, Feb. 6, 1975]

APPENDIX E TO PART 52—PERFORMANCE SPECIFICATIONS AND, SPECIFICATION TEST PROCEDURES FOR MONITORING SYSTEMS FOR EFFLUENT STREAM GAS VOLUMETRIC FLOW RATE

1. Principle and applicability.

1.1 Principle. Effluent stream gas volumetric flow rates are sampled and analyzed by a continuous measurement system. To verify the measurement system performance, values obtained from the measurement system are compared against simultaneous values obtained using the reference method. These comparison tests will be performed to determine the relative accuracy, and drift of the measurement system over the range of operating conditions expected to occur during normal operation of the source. If the measurement system is such that the specified tests in section 5.1 for drift do not apply, those test procedures shall be disregarded.

1.2 Applicability. This method is applicable to subparts which require continuous gas volumetric flow rate measurement. Specifications are given in terms of performance. Test procedures are given for determining compliance with performance specifications.

2. Apparatus.

2.1 Continuous measurement system for determining stack gas volumetric flow rate.

2.2 Equipment for measurement of stack gas volumetric flow rate as specified in the reference method.

3. Definitions.

3.1 Measurement system. The total equipment required for the determination of the gas volumetric flow rate in a duct or stack. The system consists of three major subsystems:

3.1.1 Sampling interface. That portion of the measurement system that performs one or more of the following operations: Delineation, acquisition, transportation, and conditioning of a signal from the stack gas and protection of the analyzer from any hostile aspects of the source environment.

3.1.2 Analyzer. That portion of the measurement system which senses the stack gas flow rate or velocity pressure and generates a signal output that is a function of the flow rate or velocity of the gases.

3.1.3 Data presentation. That portion of the measurement system that provides a display of the output signal in terms of volumetric flow rate units, or other units which are convertible to volumetric flow rate units.

3.2 Span. The value of gas volumetric flow rate at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at 1.5 times the maximum volumetric flow rate expected under varying operating conditions of the source.

3.3 Zero drift. The change in measurement system output over a stated time period of normal continuous operation when gas volumetric flow rate at the time of the measurement is zero.

3.4 Calibration drift. The change in measurement system output over a stated time period of normal continuous operation when gas volumetric flow rate at the time of the measurement is 67 percent of the span value.

3.5 Operation period. A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

3.6 Orientation sensitivity. The angular tolerance to which the sensor can be misaligned from its correct orientation to measure the flow rate vector before a specified error occurs in the indicated flow rate compared to the reference flow rate.

5. Test procedures.

5.1 Field test for accuracy, zero drift, calibration drift, and operation period.

5.1.1 System conditioning. Set up and operate the measurement system in accordance with the manufacturer’s written instructions and drawings so that the zero point of the chart recorder so that negative values up to 5 percent of the span value may be registered. Operate the system for an initial 168-hour conditioning period. During this initial period, the system should measure the gas stream volumetric flow rate in a normal operational manner. After completion of this conditioning period, the formal 168-hour performance and operational test period shall begin.

5.1.2 Field test for accuracy and operational period. During the 168-hour test period, the system should be continuously measuring gas volumetric flow rate at all times. During this period make a series of 14 volumetric flow rate determinations simultaneously using the reference method and the measurement system. The 14 determinations can be made at any time interval at least one hour apart during the 168-hour period except that at least one determination on five different days must be made with one determination on the last day of such period. The determinations shall be conducted over the range of volumetric flow rates expected to occur during normal operation of the source. The measurement system volumetric flow rate reading corresponding to the period of time during which each reference method run was made may be obtained by continuous integration of the measurement system signal over the test interval. Integration may be by use of mechanical integration of electrical units on the chart recorder or use of a planimeter on the strip chart recorder. The location and orientation of the reference method measurement device and the measurement system should be as close as practical without interference, but no closer than 1.3 cm (0.5 inch) to each other and shall be such that the flow direction of the test gas, then the following test shall be followed and a performance specification of ±10 degrees device orientation sensitivity for ≤10 percent flow rate determination accuracy must be met in order for the measurement system to be considered acceptable under this method. This is in addition to the performance specifications given in paragraph 4 of this appendix. During a period of relatively steady state gas flow, perform the following orientation test using the measurement system. The system should be continuously measuring gas velocity at all times. Rotate the measurement 10° on each side of the direction of flow in increments of 5°. Perform this test three times each at:

1. Maximum operating velocity (±5 percent);
2. 67 percent ±7.5 percent of the maximum operating velocity;
3. 33 percent ±7.5 percent of the maximum operating velocity if (2) and (3) are normal operating practices.

5.1.3 Field test for calibration drift and zero drift. At 24-hour intervals, but more frequently if recommended by the manufacturer, subject the measurement system to the manufacturer’s specified zero and calibration procedures, if appropriate. Record the measurement system output readings before and after adjustment. Automatic corrections made by the system without operator intervention are allowable at anytime.

5.1.4 Field test for orientation sensitivity. If a velocity measurement system is either a single point measurement device or a pressure sensor or any other device such as pitot tube which uses the flow direction of the test gas, then the following test shall be followed and a performance specification of ±10 degrees device orientation sensitivity for ≤10 percent flow rate determination accuracy must be met in order for the measurement system to be considered acceptable under this method. This is in addition to the performance specifications given in paragraph 4 of this appendix. During a period of relatively steady state gas flow, perform the following orientation test using the measurement system. The system should be continuously measuring gas velocity at all times. Rotate the measurement 10° on each side of the direction of flow in increments of 5°. Perform this test three times each at:

1. Maximum operating velocity (±5 percent);
2. 67 percent ±7.5 percent of the maximum operating velocity;
3. 33 percent ±7.5 percent of the maximum operating velocity if (2) and (3) are normal operating practices.

6. Calculations data analysis and reporting.

6.1 Procedure for determination of stack gas volumetric flow rate. Calculate the reference stack gas velocity and corresponding stack gas volumetric flow rate with the calibrated type S pitot tube measurements by the reference method. Calculate the measurement system stack gas volumetric flow rate as specified by the manufacturer’s written instructions. Record the volumetric flow rates for each in the appropriate tables.

6.2 Procedure for determination of mean values and 95 percent confidence intervals.

6.2.1 Mean value. The mean value of a data set is calculated according to Equation E-1.
6.2.2 95 percent confidence level. The 95 percent confidence level (two sided) is calculated according to Equation E-2.

\[
C.I.95 = \frac{t_{.975}}{\sqrt{n}} \sqrt{n \sum \chi_i^2 - \left( \sum \chi_i \right)^2}
\]

where:
- \(x_i\) = individual values.
- \(\sum\) = sum of the individual values.
- \(x\) = mean value.
- \(n\) = data points.

The values in this table are already corrected for \(n-1\) degrees of freedom. Use \(n\) equal to the number of samples as data points.

### Table 6.2.5

<table>
<thead>
<tr>
<th>(n)</th>
<th>1975</th>
<th>(n)</th>
<th>1975</th>
<th>(n)</th>
<th>1975</th>
<th>(n)</th>
<th>1975</th>
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<tr>
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<td>8</td>
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<td>13</td>
<td>2.179</td>
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<tr>
<td>4</td>
<td>3.182</td>
<td>9</td>
<td>2.366</td>
<td>14</td>
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<tr>
<td>5</td>
<td>2.776</td>
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<tr>
<td>6</td>
<td>2.571</td>
<td>11</td>
<td>2.228</td>
<td>16</td>
<td>2.131</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The 95 percent confidence interval estimate of the average mean value is:

6.3.2 Zero drift (24 hour). From the zero values measured each 24 hours during the field test, calculate the differences between successive readings expressed in volumetric flow rate units. Calculate the mean value of these differences and the confidence interval of these differences using Equations E-1 and E-2. Report the sum of the absolute value of the mean difference and the confidence interval as a percentage of the measurement system span. This percentage is the zero drift.

6.3.3 Calibration drift (24 hour). From the calibration values measured every 24 hours during the field test calculate the differences between: (1) The calibration reading after zero and calibration adjustment, and (2) the calibration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using Equations E-1 and E-2. Report the sum of the absolute value of the mean difference and confidence interval as a percentage of the measurement system span. This percentage is the calibration drift.

6.3.4 Operation period. Other than that clearly specified as required in the operation and maintenance manual, the measurement system shall not require any corrective maintenance, repair, replacement or adjustment during the 188-hour performance and operational test period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 188-hour test period, the operational period will be successfully concluded. Failure of the measurement to meet this requirement shall call for a repetition of the 188-hour test period. Portions of the test, except for the 188-hour field test period, which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the one-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

6.3.5 Orientation sensitivity. In the event the conditions of paragraph 5.1.4 of this appendix are required, the following calculations shall be performed. Calculate the ratio of each measurement system reading divided by the reference pitot tube readings. Graph the ratio vs. angle of deflection on each side of center. Report the points at which the ratio differs by more than \(4\) percent from unity (1.00).

[40 FR 5521, Feb. 6, 1975]
APPENDIX F TO PART 52—CLEAN AIR ACT SECTION 126 PETITIONS FROM EIGHT NORTHEASTERN STATES: NAMED SOURCE CATEGORIES AND GEOGRAPHIC COVERAGE

The table and figures in this appendix are cross-referenced in §52.34.

**TABLE F–1.—NAMED SOURCE CATEGORIES IN SECTION 126 PETITIONS**

<table>
<thead>
<tr>
<th>Petitioning state</th>
<th>Named source categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut ..........</td>
<td>Fossil fuel-fired boilers or other indirect heat exchangers with a maximum gross heat input rate of 250 mmBtu/hr or greater and electric utility generating facilities with a rated output of 15 MW or greater.</td>
</tr>
<tr>
<td>Maine ..................</td>
<td>Electric utilities and steam-generating units with a heat input capacity of 250 mmBtu/hr or greater.</td>
</tr>
<tr>
<td>Massachusetts .........</td>
<td>Electricity generating plants.</td>
</tr>
<tr>
<td>New Hampshire ..........</td>
<td>Fossil fuel-fired indirect heat exchange combustion units and fossil fuel-fired electric generating facilities which emit ten tons of NOₓ or more per day.</td>
</tr>
<tr>
<td>New York ...............</td>
<td>Fossil fuel-fired boilers or indirect heat exchangers with a maximum heat input rate of 250 mmBtu/hr or greater and electric utility generating facilities with a rated output of 15 MW or greater.</td>
</tr>
<tr>
<td>Pennsylvania ..........</td>
<td>Fossil fuel-fired indirect heat exchange combustion units with a maximum rated heat input capacity of 250 mmBtu/hr or greater, and fossil fuel-fired electric generating facilities rated at 15 MW or greater.</td>
</tr>
<tr>
<td>Rhode Island ...........</td>
<td>Electricity generating plants.</td>
</tr>
<tr>
<td>Vermont ...............</td>
<td>Fossil fuel-fired electric utility generating facilities with a maximum gross heat input rate of 250 mmBtu/hr or greater and potentially other unidentified major sources.</td>
</tr>
</tbody>
</table>
Figure F-1. Location of Ozone Transport Assessment Group (OTAG) Subregions

Figure F-2. Areas covered by the section 126 petition from Connecticut
Figure F-3. Areas covered by the section 126 petition from Maine

Figure F-4. Areas covered by the section 126 petition from Massachusetts
Figure F-5. Areas covered by the section 126 petition from New Hampshire

Figure F-6. Areas covered by the section 126 petition from New York
Figure F-7. Areas covered by the section 126 petition from Pennsylvania

Figure F-8. Areas covered by the section 126 petition from Rhode Island
Figure F-9. Areas covered by the section 126 petition from Vermont
FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Material Approved for Incorporation by Reference
Table of CFR Titles and Chapters
Alphabetical List of Agencies Appearing in the CFR
List of CFR Sections Affected
Material Approved for Incorporation by Reference

(Revised as of July 1, 2002)

The Director of the Federal Register has approved under 5 U.S.C. 552(a) and 1 CFR Part 51 the incorporation by reference of the following publications. This list contains only those incorporations by reference effective as of the revision date of this volume. Incorporations by reference found within a regulation are effective upon the effective date of that regulation. For more information on incorporation by reference, see the preliminary pages of this volume.

40 CFR (52.1019 TO End)
ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency
Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711

State Implementation Plans: Consisting of Original State Implementation Plans for the fifty States and the territories of Guam; Puerto Rico, Virgin Islands and American Samoa; Regulatory and Non-Regulatory Revisions to State Implementation Plans approved 1972–June 1979 (prepared by Atlantic Environmental Associates, Inc.); and Individual State Implementation Plan Revisions, which are identified below by State and date of publication of the Federal Register rule.


Title 40—Protection of Environment

40 CFR (52.1019 TO End)—Continued
ENVIRONMENTAL PROTECTION AGENCY—Continued

40 CFR


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40 CFR (52.1019 TO End)—Continued

ENVIRONMENTAL PROTECTION AGENCY—Continued


Title 40—Protection of Environment

40 CFR (52.1019 TO End)—Continued
ENVIRONMENTAL PROTECTION AGENCY—Continued

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40 CFR (52:1019 TO End)—Continued
ENVIRONMENTAL PROTECTION AGENCY—Continued

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ENVIRONMENTAL PROTECTION AGENCY—Continued

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### Title 40—Protection of Environment

#### 40 CFR (52.1019 TO End)—Continued

**ENVIRONMENTAL PROTECTION AGENCY—Continued**


Wyoming: July 2, Sept. 6, 1979; Apr. 27, 1981; Feb. 9, 1982; Apr. 19, 1983; Oct. 11, 1984; May 12, 1986; Feb. 15, Mar. 17, June 7, 1989; July 10, 1990; May 24, 1991; June 20, June 23, Nov. 29, 1994; Sept. 12, Nov. 3, 1995; May 19, Nov. 19, 1999; December 21, 2001; February 6, 2002

American Samoa: Aug. 14, 1985


Northern Mariana Islands: Nov. 13, 1987


Copies of the Plans listed above are available at the Environmental Protection Agency, Public Information Reference Unit, Room 2904, 401 M St., SW., Washington, DC 20460 and at the appropriate EPA Regional Office as follows:

#### EPA Region

I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont—JFK Federal Bldg., Boston, MA 02203


III—Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia—841 Chestnut St., Philadelphia, PA 19107

IV—Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee—345 Courtland St., NE., Atlanta, GA 30365

V—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin—Federal Bldg., 230 South Dearborn St., Chicago, IL 60604

VI—Arkansas, Louisiana, New Mexico, Oklahoma, Texas—1201 Elm St., Dallas, TX 75270

VII—Iowa, Kansas, Missouri, Nebraska—726 Minnesota Ave., Kansas City, KS 66101

VIII—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming—909 18th St., Denver, CO 80202

IX—Arizona, California, Hawaii, Nevada, Guam, American Samoa, Northern Mariana Islands—215 Fremont St., San Francisco, CA 94105
Material Approved for Incorporation by Reference

40 CFR (52.1019 TO End)—Continued
ENVIRONMENTAL PROTECTION AGENCY—Continued

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All changes in this volume of the Code of Federal Regulations which were made by documents published in the Federal Register since January 1, 1986, are enumerated in the following list. Entries indicate the nature of the changes effected. Page numbers refer to Federal Register pages. The user should consult the entries for chapters and parts as well as sections for revisions.


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