

§ 52.771

40 CFR Ch. I (7–1–10 Edition)

Control Board, Article 8: Volatile Organic Compound Rules, Rule 20: Industrial Wastewater, filed with the Publisher of the Indiana Register on November 19, 2009, and became effective on January 3, 2010. Published in the Indiana Register on December 16, 2009 (DIN: 20091216-IR-326090222ACA).

(R) Corrections to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 21: Aerospace Manufacturing and Rework Operations, filed with the Publisher of the Indiana Register on November 19, 2009, and became effective on January 3, 2009. Published in the Indiana Register on December 16, 2009 (DIN: 20091216-IR-326090222ACA).

(S) Corrections to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 22: Miscellaneous Industrial Adhesives, filed with the Publisher of the Indiana Register on November 18, 2009, and became effective on January 2, 2010. Published in the Indiana Register on December 16, 2009 (DIN: 20091216-IR-326090221ACA).

(194) On December 31, 2008, Indiana submitted a Commissioner’s Order that provided an alternative monitoring plan for Indianapolis Power and Light—Harding Street Generating Station in Marion County that is being incorporated into its SIP. The alternative monitoring requirements allow

the use of a particulate matter continuous emissions monitoring system in place of a continuous opacity monitor.

(i) *Incorporation by reference.* Commissioner’s Order #2008–02 for Indianapolis Power and Light as issued by the Indiana Department of Environmental Management on October 31, 2008.

(195) On June 5, 2009, the Indiana Department of Environmental Management submitted amendments to Indiana’s automobile refinishing rule for approval into its state implementation plan (SIP). These rule revisions extend the applicability of Indiana’s approved volatile organic compound (VOC) automobile refinishing rules to all persons in Indiana who sell or manufacture automobile refinishing coatings or who refinish motor vehicles.

(i) *Incorporation by reference.*

(A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 10: Automobile Refinishing, filed with the Publisher of the Indiana Register on March 27, 2009, and became effective on April 26, 2009. Published in the Indiana Register on April 22, 2009 (DIN: 20090422-IR-326060603FRA).

[37 FR 10863, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.770, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 52.771 Classification of regions.

(a) The Indiana plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
East Central Indiana Intrastate .....	II	II	III	III	III
Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate .....	I	II	III	III	III
Louisville Interstate .....	I	I	III	III	I
Metropolitan Chicago Interstate (Indiana-Illinois) .....	I	I	I	I	I
Metropolitan Cincinnati Interstate .....	I	II	III	III	I
Metropolitan Indianapolis Intrastate .....	I	I	I	I	I
Northeast Indiana Intrastate .....	II	III	III	III	III
South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate .....	I	IA	III	III	III
Southern Indiana Intrastate .....	IA	IA	III	III	III
Wabash Valley Intrastate .....	I	I	III	III	III

## Environmental Protection Agency

## § 52.775

(b) The requirements of § 51.150 of this chapter are not met by the classification of counties in APC-22 for the purposes of attainment and maintenance of the total suspended particulate ambient air quality standards.

(c) The requirements of § 51.150 of this chapter are not met by the classification of counties in APC-22 for the purposes of attainment and maintenance of the photochemical oxidant (hydrocarbon) ambient air quality standards.

(d) The requirements of § 51.150 of this chapter are not met by the classification of Jefferson, LaPorte, Porter, Vigo and Warrick Counties in Indiana in Regulation APC-22 for the purposes of attainment and maintenance of the sulfur dioxide ambient air quality standards.

[37 FR 10863, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 40 FR 50033, Oct. 28, 1975; 41 FR 35677, Aug. 24, 1976; 42 FR 34519, July 6, 1977; 51 FR 40675, Nov. 7, 1986]

### § 52.772 [Reserved]

### § 52.773 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Indiana's plan for attainment and maintenance of the National Ambient Air Quality Standards under section 110 of the Clean Air Act.

(b) [Reserved]

(c) The Administrator finds that Indiana's new source review strategy satisfies all requirements of Part D, Title 1 of the Clean Air Act as amended in 1977.

(d)-(e) [Reserved]

(f) The Administrator finds ozone strategies for Clark, Elkhart, Floyd, Lake, Marion, Porter, and St. Joseph Counties satisfy all requirements of Part D, Title I of the Clean Air Act that are required to be submitted by January 1, 1981, except as noted below.

(g) The administrator finds that the total suspended particulate strategies for Clark, Dearborn, Dubois, St. Joseph, Vanderburgh, and Vigo Counties satisfy all the requirements of Part D, Title I of the Clean Air Act except as noted below.

(h) The Administrator finds that the SO<sub>2</sub> strategies for Lake, LaPorte, Marion, Vigo, and Wayne Counties satisfy all requirements of Part D, Title 1 of

the Clean Air Act, as amended in 1977. See § 52.770 (c)(67) and (c)(72).

(i) The Administrator finds that Indiana's ozone plan for Lake and Porter Counties, which was required to be submitted by July 1, 1992, does not satisfy all the requirements of part D, title 1 of the Clean Air Act and, thus, is disapproved. See §§ 52.770(c)(69) and 52.770(d). The disapproval does not affect USEPA's approval (or conditional approval) of individual parts of Indiana's ozone plan and they remain approved.

(j) The Administrator finds that the following portions of Indiana's ozone and CO plans satisfy the related requirements of part D, title 1 of the Clean Air Act, as amended in 1977:

(1) The transportation control plans for Lake, Porter, Clark and Floyd Counties, submitted on May 14, 1986, June 10, 1986, and April 6, 1987.

(2) The vehicle inspection and maintenance plan for Clark, Floyd, Lake, and Porter Counties, submitted October 27, 1989, and January 19, 1990.

(3) The demonstration of attainment, submitted December 2, 1983, and the carbon monoxide plan as a whole for the designated nonattainment area in Lake County.

[37 FR 10864, May 31, 1972, as amended at 46 FR 38, Jan. 2, 1981; 47 FR 6275, Feb. 11, 1982; 47 FR 6623, Feb. 16, 1982; 47 FR 10825, Mar. 12, 1982; 47 FR 20586, May 13, 1982; 47 FR 30980, July 16, 1982; 51 FR 4915, Feb. 10, 1986; 53 FR 33811, Sept. 1, 1988; 53 FR 46613, Nov. 18, 1988; 54 FR 2118, Jan. 19, 1989; 55 FR 31052, July 31, 1990; 59 FR 51114, Oct. 7, 1994]

### § 52.774 [Reserved]

### § 52.775 Legal authority.

(a) The requirements of § 51.232(b) of this chapter are not met since the following deficiencies exist in the local agency legal authority:

(1) East Chicago: (i) Authority to require recordkeeping is inadequate (§ 51.230(e) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§ 51.230(f) of this chapter).

(2) Evansville: (i) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or