

**§ 52.233**

**40 CFR Ch. I (7-1-11 Edition)**

Air Act (May 13, 1980 (45 FR 31307), August 7, 1980 (45 FR 52676), and October 14, 1981 (46 FR 50766)).

(ii) For ozone:

By November 1, 1982, the State must provide either (A) an adequate demonstration that the following regulations represent RACT, (B) amend the regulations so that they are consistent with the CTG, or (C) demonstrate that the regulations will result in VOC emission reductions which are within five percent of the reductions which would be achieved through the implementation of the CTG recommendations:

*Yolo-Solano County APCD*

Rule 2.24, "Solvent Cleaning Operations (Degreasing)."

[45 FR 74485, Nov. 10, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.232, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

**§ 52.233 Review of new sources and modifications.**

(a) The following regulations are disapproved because they are not consistent with Clean Air Act requirements.

(1) Imperial County APCD.

(i) Subparagraph C.5. of Rule 207, *Standards for Permit to Construct*, submitted March 17, 1980.

(2) Monterey Bay Unified APCD.

(i) Subparagraph B.5. of Rule 207, *Standards for Permit to Construct*, submitted March 17, 1980.

(3) South Coast AQMD.

(i) In Rule 1306(a)(i), submitted on April 3, 1980, sentence 3 is disapproved.

(ii) In Rule 1306(d)(1)(B)(ii), submitted on April 3, 1980, the following portion of the rule is disapproved: "Which have occurred during the highest three years of the last five year period, divided by three, provided the applicant demonstrates that such permit units have been operated at least 90 days during each of such three years."

(iii) In Rule 1307(a) submitted on April 3, 1980, the following portion of the rule is disapproved: "Greater than 68 kilograms (150 pounds) per day except carbon monoxide, for which the

value is an increase greater than 340 kilograms (750 pounds) per day."

(4) Kern County APCD.

(i) Those portions of paragraph (3)(E) of Rule 210.1, submitted on April 15, 1980, which allow new sources and modifications to be exempt from LAER.

(b) [Reserved]

(c) The requirements of § 51.160(a) of this chapter are not met in the following Air Pollution Control Districts since the regulations of the APCD's do not provide the means to prevent construction of sources which would violate applicable portions of the control strategy or would interfere with the attainment or maintenance of a national standard.

(1) Mariposa County APCD.

(2) Santa Barbara County APCD.

(d) The requirements of § 51.160(a) of this chapter are not met in the following Air Pollution Control Districts since the regulations of the APCD's do not include a means to prevent construction or modification if such construction or modification would interfere with the attainment or maintenance of a national standard.

(1) Amador County APCD.

(2) Calaveras County APCD.

(3) El Dorado County APCD (Mountain Counties Intrastate portion).

(4) [Reserved]

(5) Glenn County APCD.

(6) Humboldt County APCD.

(7)-(8) [Reserved]

(9) Lake County APCD.

(10) Lassen County APCD.

(11) [Reserved]

(12) Mendocino County APCD.

(13) [Reserved]

(14) Modoc County APCD.

(15) Monterey Bay Unified APCD.

(16) Nevada County APCD.

(17) Northern Sonoma County APCD.

(18) [Reserved]

(19) Plumas County APCD.

(20) [Reserved]

(21) Shasta County APCD.

(22) Sierra County APCD.

(23) Siskiyou County APCD.

(24) [Reserved]

(25) Sutter County APCD.

(26) [Reserved]

(27) Tuolumne County APCD.

(e) [Reserved]

## Environmental Protection Agency

## § 52.233

(f) *Regulation for review of new sources and modifications.* (1) The requirements of this paragraph are applicable to:

(i) Any stationary source in the APCD's listed below, the construction or modification of which is commenced after the effective date of this regulation.

(a) Mariposa County APCD.

(b) [Reserved]

(c) Santa Barbara County APCD.

(ii) Any stationary source subject to the requirements of §§ 52.226(c), 52.227(c), 52.228(b), or 52.230(b), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of a stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will be operated without causing a violation of any local, State, or Federal regulations which are part of the applicable plan.

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the

owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (f)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this paragraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on the application within

§ 52.233

40 CFR Ch. I (7-1-11 Edition)

thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (f)(4)(ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

- (i) Sampling ports of a size, number, and location as the Administrator may require,
- (ii) Safe access to each port,
- (iii) Instrumentation to monitor and record emission data, and
- (iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

- (i) A notification of the anticipated date or initial startup of the source not more than 60 days or less than 30 days prior to such date.
- (ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with all local, State and Federal regulations which are part of the applicable plan.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 grain H<sub>2</sub> S per 100 stdft<sup>3</sup> (5.7 g/100 stdm<sup>3</sup>); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify shall not relieve any person of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

(11) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who

commences construction or modification without applying for any receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(g) *Regulation for review of new sources and modifications.* (1) The requirements of this paragraph are applicable to any stationary source in the APCD's listed below, the construction or modification of which is commenced after the effective date of this regulation.

- (i) Amador County APCD.
- (ii) Calaveras County APCD.
- (iii) El Dorado County APCD (Mountain Counties Intrastate portion).
- (iv) [Reserved]
- (v) Glenn County APCD.
- (vi) Humboldt County APCD.
- (vii)-(viii) [Reserved]
- (ix) Lassen County APCD.
- (x) Madera County APCD.
- (xi) Mendocino County APCD.
- (xii) Merced County APCD.
- (xiii) Modoc County APCD.
- (xiv) Monterey Bay Unified APCD.
- (xv) Nevada County APCD.
- (xvi) [Reserved]
- (xvii) Plumas County APCD.
- (xviii) San Joaquin County APCD.
- (xix) Shasta County APCD.
- (xx) Sierra County APCD.
- (xxi) Siskiyou County APCD.
- (xxii) Stanislaus County APCD.
- (xxiii) Sutter County APCD.
- (xxiv) Tulare County APCD.
- (xxv) Tuolumne County APCD.

(2) No owner or operator shall commence construction or modification of any new source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (g)(3) of this section.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (g)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the

Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (g)(4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

(7) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 20.0 grain H<sub>2</sub> S per 100 stdft<sup>3</sup> (54.8 g/100 stdm<sup>3</sup>); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and

burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(8) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(h)-(i) [Reserved]

(j) *Delegation of authority.* (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to this section in accordance with paragraphs (j) (2), (3), and (4) of this section.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraphs (f)(4)(iii) and (g)(4)(iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environmental Protection Agency; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have

been delegated to a state or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (j) (2), (3), and (4) of this section.

(k) *Conditions on steam production.* (1) Notwithstanding any provisions to the contrary in the California State Implementation Plan, the Watson petroleum refinery owned by Atlantic Richfield Company, located at 1801 East Sepulveda Boulevard, Carson, California, shall operate under the following conditions listed in paragraphs (k)(2) through (6) of this section.

(2) The total steam load comprised of the steam purchased from Watson Energy Systems and the amount generated by boilers #31, #32, #33, #42, #51, and #52 at the ARCO Watson Refinery shall not exceed 1,355,000 pounds per hour at 680 °F, 600 psig.

(3) Continuous written records of steam purchased from Watson Energy Systems and of the steam produced by boilers #31, #32, #42, #51, or #52 at the ARCO Watson Refinery, during receipt of steam from Watson Energy Systems, shall be maintained and made available for inspection by the EPA and the South Coast Air Quality Management District. These records shall be kept in terms of pounds per hour of steam at 680 °F, 600 psig.

(4) The steam purchased from the Watson Energy Systems facility shall be used as a "first-on, last-off" source of steam for the ARCO Watson Refinery, except for steam produced by waste heat or as part of the refining process, or as required to maintain fired boilers in service for emergency use.

(5) Any proposed changes in equipment or fuel that would increase the oil fired steam generating capacity or decrease oil fired steam generating efficiency of boilers #31, #32, #33, #42,

#51, and #52 at the ARCO Watson Refinery must be reviewed and approved by the EPA prior to implementation of the proposed changes.

(6) ARCO shall maintain written records of oil consumption at boilers #31, #32, #33, #42, #51, and #52 during receipt of steam from Watson Energy Systems. These records shall be available for inspection by the South Coast Air Quality Management District and the EPA. The total oil consumption of these boilers shall not exceed a monthly average of 226,000 gallons per day when receiving steam from the Watson Energy systems plant at a rate of 350,000 pounds per hour. When receiving steam at a lower rate, ARCO shall be allowed to increase its boiler fuel oil consumption to achieve a total steam load not to exceed the limit of condition two (2).

(1) The following rules and regulations are disapproved because they do not meet the requirements of sections 110, 172, and 173 of the Clean Air Act, since they exempt certain source categories from the offset requirements of the Act:

(1) South Coast Air Quality Management District.

(i) Rule 1304(e), Resource Conservation and Energy Projects, submitted on April 3, 1980, but only with respect to projects whose application for a permit is complete after January 1, 1986.

(ii) Rule 1304(b)(2), Resource and Energy Conservation Projects, submitted on November 8, 1982, but only with respect to projects whose application for a permit is complete after January 1, 1986.

(m) Revised South Coast Regulation XIII, submitted on November 8, 1982, is not approved inasmuch as action on it is temporarily deferred.

[37 FR 19813, Sept. 22, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.233, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

#### § 52.234 Source surveillance.

(a) Except in the Air Pollution Control Districts (APCDs) listed in this paragraph, the requirements of § 51.211 of this chapter are not met since the plan does not provide for recordkeeping