§ 52.272 Research operations exemptions.

(a) The requirements of §51.281 of this chapter are not met because the following regulations allow exemptions to be granted from the applicable emission limitations, thereby potentially rendering the applicable limitations unenforceable. Furthermore, the regulations are inconsistent with the Clean Air Act, because the regulations could permit violations of the National Ambient Air Quality Standards under some circumstances. Therefore, the following regulations are disapproved:

(1) Bay Area APCD.
   (i) Regulation 2, Division 1, sections 1214 to 1214.3, submitted on July 25, 1973.
   (ii) Regulation 3, Division 1, sections 1205 to 1205.3, submitted on July 25, 1973.

(2) El Dorado County APCD.
   (i) Rule 203(D), submitted on November 4, 1977.
   (3) Great Basin Unified APCD.

(4) Los Angeles County APCD.
   (i) Rule 441, submitted on June 6, 1977.

(5) Placer County APCD.
   (i) Rule 203(D), submitted on October 13, 1977.

(6) Riverside County APCD.
   (i) Rule 441, submitted on June 6, 1977.

(7) Sacramento County APCD.

(8) San Bernardino County APCD.
   (i) Rule 441, submitted on August 2, 1976.

(9) Southern California APCD.
   (i) Rule 441, submitted on August 2, 1976.

[42 FR 42226, Aug. 22, 1977]

EDITORIAL NOTE: For Federal Register citations affecting §52.272, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.273 Open burning.

(a) The following rules or portions of rules are disapproved because they contain exemptions to open burning (including open agricultural burning) prohibitions, that do not satisfy the requirements of section 110 of the Clean Air Act:

(1) Amador County APCD.
   (i) Rules 308 and 312, submitted on April 21, 1976.
   (iii) Rules 302(C) and 322, submitted on October 15, 1979.

(2) Calaveras County APCD.

(3) Del Norte County APCD.
   (i) Rule 410(c)(2) and the following portions of Regulation 2: General prohibitions (all of page 1), paragraph (f) of Article I, paragraphs (f) and (g) of Article V, and paragraph (f) of Article VI, submitted on November 10, 1976.

(4) El Dorado County APCD.

(5) Fresno County APCD.
(i) Rules 416.1(e)(1), (e)(3), and (e)(4), submitted on October 23, 1974.
(ii) Rule 416.1(c)(1), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(6) Humboldt County APCD.
(i) Rule 410(c)(2) and the following portions of Regulation 2: General prohibitions (all of page 1), paragraph (f) of Article I, paragraphs (f) and (g) of Article V, and paragraph (f) of Article VI, submitted on November 10, 1976.
(ii) Rule 416.1(c)(1), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(7) Kern County APCD.

(8) Madera County APCD.
(i) Rules 416.1(e)(1), (e)(3), and (e)(4), submitted on January 10, 1975.
(ii) Rule 416.1(c)(1), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(9) Mariposa County APCD.

(10) Mendocino County APCD.
(i) Rule 410(c)(2) and the following portions of Regulation 2: General prohibitions (all of page 1), paragraph (f) of Article I, paragraphs (f) and (g) of Article V, and paragraph (f) of Article VI, submitted on November 10, 1976.

(11) Merced County APCD.
(i) Rule 416(h), submitted on August 2, 1976.

(ii) Rules 416.1(III)(A), (V)(A), (V)(B), (V)(C), and (V)(D), submitted on August 2, 1976. (Rule 416.1(III)(A), submitted on June 30, 1972, and previously approved, is retained. Rule 416.1(III)(A), submitted on June 30, 1972, and previously approved, is retained for the purpose of enforcing Rule 416.1(III)(A).)

(12) Monterey Bay Unified APCD.
(i) Rules 409(a), 409(a)(5), and 410(b)(1), submitted on January 10, 1975.

(13) Nevada County APCD.


(14) Northern Sonoma County APCD.
(i) Rule 410(c)(2) and the following portions of Regulation 2: General prohibitions (all of page 1), paragraph (f) of Article I, paragraphs (f) and (g) of Article V, and paragraph (f) of Article VI, submitted on November 10, 1976.

(20) Shasta County APCD.
(i) Rule 2:6, sections (1)(b)(iii) (a, b, and d), (1)(c)(vii), 2(c), 3(f), 4(e), 5(c), and 5(d). (Previously approved Rule 2:6, sections (2)(c), (3)(f), and (4)(e), submitted on July 19, 1974, are retained.)

(21) Sierra County APCD.
(i) Rules 302(C), 319, and 322, submitted on June 6, 1977.

(ii) Rule 410(c)(2) and the following portions of Regulation 2: General prohibitions (all of page 1), paragraph (f) of Article I, paragraphs (f) and (g) of Article V, and paragraph (f) of Article VI, submitted on November 10, 1976.

(22) Trinity County APCD.
(i) Rule 410(c)(2) and the following portions of Regulation 2: General prohibitions (all of page 1), paragraph (f) of Article I, paragraphs (f) and (g) of Article V, and paragraph (f) of Article VI, submitted on November 10, 1976.
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(i) Rule 402(e), submitted on November 10, 1976.
(ii) Section 417(III)(A), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
(iii) Section 417.1(e)(1), (e)(3), and (e)(4), submitted on January 10, 1975.
(iv) Tuolumne County APCD.
(24) Tuolumne County APCD.
(ii) Section 417(III)(A), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
(iii) Section 417.1(e)(1), (e)(3), and (e)(4), submitted on January 10, 1975.
(25) Yolo-Solano APCD.
(i) Rules 2.8(c) (4) and (5), 6.3, and 6.5(a), submitted on July 25, 1973.
(ii) Rules 6.1(a), (e)(6), and (g), submitted on January 10, 1975. (Rules 4.1 (a) and (g), submitted on February 21, 1972, and previously approved under 40 CFR 52.223, are retained.)
(b) The following rules or portions of rules are disapproved because they relax the control on open burning (including agricultural burning) without accompanying analyses demonstrating that these relaxations will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards:
(1) Del Norte County APCD.
(i) Regulation 2, Article I, paragraph (e), submitted on November 10, 1976.
(ii) Rule 410(c)(2), submitted on May 7, 1979.
(2) Fresno County APCD.
(i) Rule 416.1(c)(1), submitted on October 23, 1974.
(ii) Rule 416.1(g), submitted on November 4, 1977.
(3) Humboldt County APCD.
(i) Regulation 2, Article I, paragraph (e), submitted on November 10, 1976.
(ii) Rule 410(c)(2), submitted on May 7, 1979.
(4) Imperial County APCD.
(i) Rule 422, submitted on November 4, 1977. (The requirements of Rule 115, submitted on February 21, 1972, and previously approved under 40 CFR 52.223, are retained as applicable to the burning of woody waste.)
(ii) Regulation VII (Rules 701 to 706), submitted on November 4, 1977. (Regulation VII (Rules 200 to 206), submitted on July 25, 1973 and previously approved under 40 CFR 52.223, is retained.)
(5) Kings County APCD.
(6) Lake County APCD.
(7) Los Angeles County APCD.
(i) Rule 444, submitted on June 6, 1977. (Rules 57.1, 57.2, 57.3, and 57.4, submitted on June 30, 1972, and previously approved under 40 CFR 52.223, are retained.)
(ii) Rule 416.1(c)(1), submitted on January 10, 1975.
(9) Mendocino County APCD.
(i) Regulation 2, Article I, paragraph (e), submitted on November 10, 1976.
(ii) Rule 410(c)(2), submitted on May 7, 1979.
(10) Merced County APCD.
(11) Northern Sonoma County APCD.
(i) Regulation 2, Article I, paragraph (e), submitted on November 10, 1976.
(ii) Rule 410(c)(2), submitted on May 7, 1979.
(12) San Bernardino County Desert APCD.
(i) Rule 444 and the definition of “Agricultural Burning” in Rule 102, submitted on November 4, 1977. (Rule 57, submitted on February 21, 1972, and previously approved under 40 CFR 52.223, is retained.)
(13) San Diego County APCD.
(i) Rules 102(e) and 103(g), submitted on October 13, 1977.
(14) San Luis Obispo County APCD.
(i) Rule 501(B), submitted on November 10, 1976, and Rule 501(A)(7), submitted on November 4, 1977. (Previously approved Rule 115(2), submitted on February 21, 1972, is retained.)
(15) Santa Barbara County APCD.
(i) Rules 2(b), 40(3), and 40(4)(e), submitted on July 25, 1973. (Analogous Rules 2(b), 40(3), and 40(4)(c), submitted on February 21, 1972, and previously approved, are retained.)
(16) Shasta County APCD.
(i) Rule 2.8, submitted on October 13, 1977. (Rule 2.8, submitted on July 19, 1974, and July 22, 1975, and previously approved, is retained.)
(17) Siskiyou County APCD.
(i) Rule 4.3(2), submitted on January 2, 1979.
(18) Trinity County APCD.
Environmental Protection Agency  

§ 52.274 California air pollution emergency plan.

(a) Since the California Air Pollution Emergency Plan does not provide complete, implementable provisions for taking emission control actions necessary to prevent ambient pollutant concentrations from reaching significant harm levels, the requirements of subpart H of this chapter for Priority I and II areas are not met, except in the following areas:

1. South Coast Air Quality Management District (SCAQMD).
2. Sacramento County Air Pollution Control District.
3. Monterey Bay Unified APCD (MBUAPCD).
4. Santa Barbara Air Quality Management Area portion of the Santa Barbara County Air Pollution Control District.
5. Bay Area Air Quality Management District.
6. Ventura County Air Pollution Control District.
7. San Diego County APCD.
8. Los Angeles County Air Pollution Control District.
9. Riverside County Air Pollution Control District.
10. San Bernardino County Desert Air Pollution Control District.
11. Imperial County Air Pollution Control District.
12. Fresno County Air Pollution Control District.
13. Kern County Air Pollution Control District.

(b) The requirements of subpart H of this chapter are met in the SCAQMD with the following exceptions: SCAQMD Regulation VII has no schedule to assure that the emission control actions are fully implementable; does not provide specific emission control actions for interdistrict coordination; has no provisions for nitrogen dioxide, particulate matter, and sulfur dioxide and particulate matter combined episodes; has no criteria or provisions to protect the eight-hour averaged carbon monoxide significant harm level; and has no provisions for implementation of abatement plans for stage 2 or 3 carbon monoxide or oxidant episodes that are attained without being predicted.

(c) Regulation for prevention of air pollution emergency episodes—plan scheduling, interdistrict coordination, episode criteria, and declaration.

1. The requirements of this paragraph are applicable in the SCAQMD.
2. The owner or operator of any governmental, industrial, business, or commercial activity listed in Rules 708.1 and 708.3 of Regulation VII of the SCAQMD, as revised on May 6, 1977, shall submit a Stationary Source Curtailment Plan and/or Traffic Abatement Plan to the Administrator within sixty days after the effective date of this paragraph.
3. The plans submitted pursuant to the requirements of this paragraph, shall be reviewed by the Administrator for approval or disapproval according to the following schedule:
   (i) For sources with emissions of hydrocarbons (HC) or nitrogen oxides (NOX) greater than or equal to 454 metric tons (500 tons) per year, or for establishments employing 400 or more employees per shift, within 45 days after receipt.
   (ii) For sources with emissions of HC or NOX greater than or equal to 91 metric tons (100 tons) per year and less than 454 metric tons (500 tons) per year, or for establishments employing more than 200 and less than 400 employees per shift, within 90 days after receipt.
   (iii) For sources or establishments other than those addressed in paragraphs (c)(3) (i) through (ii) of this section, within 180 days after receipt.
4. The owner or operator of an industrial, business, governmental or commercial establishment required to submit a plan by this paragraph shall be notified by the Administrator within thirty days after the plan has been submitted.