

Environmental Protection Agency

§ 52.1576

of Environmental Protection on July 28, 2009, as supplemented on December 9, 2010, March 2, 2011 and December 7, 2011 as meeting the requirements of Clean Air Act section 169A and 40 CFR 51.308. In particular, EPA approves the New Jersey Regional Haze SIP as meeting the requirements of 40 CFR 51.308(e) regarding Best Available Retrofit Technology and 40 CFR 51.308(d)(2) and (d)(4)(v) regarding the calculation of baseline and natural conditions for the Brigantine Wilderness Area of the Edwin B. Forsythe National Wildlife Refuge, and the statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal Area.

[45 FR 15541, Mar. 11, 1980, as amended at 77 FR 21, Jan. 3, 2012]

§ 52.1574 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by

the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[39 FR 34537, Sept. 26, 1974, as amended at 40 FR 55331, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

§ 52.1575 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 26:2C-9 of the New Jersey Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 26:2C-9 is disapproved.

[39 FR 34537, Sept. 26, 1974, as amended at 51 FR 40676, Nov. 7, 1986]

§ 52.1576 Determinations of attainment.

(a) Based upon EPA's review of the air quality data for the 3-year period 2008 to 2010, EPA determined that Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE 8-hour ozone moderate nonattainment area (the Philadelphia Area) attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of June 15, 2011. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the

area’s air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Philadelphia Area nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

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

[77 FR 17344, Mar. 26, 2012, as amended at 77 FR 28785, May 15, 2012]

EFFECTIVE DATE NOTE: At 77 FR 36169, June 18, 2012, § 52.1576 was amended by designating the existing text as paragraph (a), adding and reserving paragraph (b), and adding new paragraphs (c) and (d), effective July 18, 2012. For the convenience of the user, the added text is set forth as follows:

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(c) Based upon EPA’s review of the air quality data for the three-year period 2005 to 2007, EPA determined, as of June 18, 2012, that the New York-Northern New Jersey-Long Island (NY-NJ-CT) one-hour ozone nonattainment area did not meet its applicable one-hour ozone attainment date of November 15, 2007. Separate from and independent of this determination, based on 2008–2010 complete, quality-assured ozone monitoring data at all monitoring sites in the area, and data for 2011, EPA determined, as of June 18, 2012, that the NY-NJ-CT one-hour ozone nonattainment area has attained the one-hour ozone standard.

(d) Based upon EPA’s review of complete, quality-assured and certified air quality data for the three-year period 2007 to 2009, and data for 2011, EPA determined, as of June 18, 2012, that the New York-Northern New Jersey-Long Island (NY-NJ-CT) eight-hour ozone moderate nonattainment area attained the 1997 eight-hour ozone NAAQS by the ap-

plicable attainment date of June 15, 2010. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area’s air quality data as of the attainment date, whether the area attained the standard. EPA also determined that the NY-NJ-CT nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

§ 52.1577 Compliance schedules.

(a) [Reserved]

(b) The requirements of § 51.261 of this chapter are not met since Chapter 7, section 7.1(c) of New Jersey’s “Air Pollution Control Code” permits certain sources to defer compliance with Chapter 7 until after the required date for attainment of the national standards for particulate matter.

(c) The requirements of § 51.262(a) of this chapter are not met since Chapter 7 of New Jersey’s “Air Pollution Control Code” does not provide for periodic increments of progress toward compliance for those sources with compliance schedules extending over a period of 18 or more months.

(d) *Regulation for increments of progress.* (1) Except as provided in paragraph (d)(2) of this section, the owner or operator of any stationary source in the State of New Jersey to which an exception extending beyond January 31, 1974, is applicable under Chapter 7, section 7.1(c) of the New Jersey Air Pollution Control Code shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed compliance schedule that demonstrates compliance with the emission limitations prescribed by Chapter 7 of the New Jersey Air Pollution Control Code as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification;