

§ 52.2074

40 CFR Ch. I (7-1-12 Edition)

be made available for public inspection at the Rhode Island Department of Health, 204 Health Building, Providence, RI.

[37 FR 10891, May 31, 1972, as amended at 41 FR 2232, Jan. 15, 1976; 51 FR 40676, Nov. 7, 1986]

§ 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 deficient in that section 23-25-6 requires that only records concerning investigations be available to the public. Further, section 23-25-5(g) and section 23-25-13 may limit the State's authority to release emission data. Authority to require sources to install and maintain monitoring equipment is not provided and is therefore inadequate. Authority to require sources to periodically report is not provided and is therefore inadequate.

[37 FR 10891, May 31, 1972, as amended at 39 FR 7283, Feb. 25, 1974; 39 FR 12350, Apr. 5, 1974; 51 FR 40676, Nov. 7, 1986]

§ 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.

[41 FR 2232, Jan. 15, 1976, as amended at 51 FR 40677, Nov. 7, 1986]

§ 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.

Air quality control region	Pollutant					
	SO		PM ₁₀	NO ₂	CO	O ₃
	Primary	Sec- ondary				
Rhode Island portion of AQCR 120 (Entire State of Rhode Island)	(a)	(b)	(a)	(a)	(a)	(c)

^a Air quality levels presently better than primary standards or area is unclassifiable.
^b Air quality levels presently better than secondary standards or area is unclassifiable.
^c November 15, 2007.

[50 FR 52461, Dec. 24, 1985, as amended at 68 FR 16724, Apr. 7, 2003]

§ 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 standards 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 compli-

ance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

[38 FR 18879, 18880, July 16, 1973, as amended at 38 FR 30878, Nov. 8, 1973; 51 FR 40675, 40676, 40677, Nov. 7, 1986]

§ 52.2079 Requirements for state implementation plan revisions relating to new motor vehicles.

Rhode Island must comply with the requirements of § 51.120.

[60 FR 4738, Jan. 24, 1995]

§ 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.