

may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If approved by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

[38 FR 16145, June 20, 1973, as amended at 40 FR 3418, Jan. 22, 1975; 40 FR 14071, Mar. 28, 1975; 40 FR 29541, July 14, 1975; 40 FR 40160, Sept. 2, 1975; 51 FR 40675, 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

§ 52.928 Control strategy: Sulfur oxides.

The revised SO₂ emission limit for large coal-fired boilers in Bell, Clark, and Woodford Counties, submitted on June 29, 1979, is disapproved since it does not provide for attainment and maintenance of all SO₂ NAAQS. The limit approved by EPA on May 10, 1976 (41 FR 19105), remains the limit applicable to these sources.

[49 FR 11091, Mar. 23, 1984]

§ 52.929 Determination of attainment.

(a) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Huntington-Ashland, West Virginia-Kentucky-Ohio PM_{2.5} nonattainment Area attained the 1997 annual PM_{2.5} 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 Huntington-Ashland PM_{2.5} nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(b) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Louisville, Kentucky-Indiana PM_{2.5} nonattainment Area attained the 1997 annual PM_{2.5} 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 Louisville PM_{2.5} nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(c) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM_{2.5} nonattainment Area attained the 1997 annual PM_{2.5} 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 Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM_{2.5} nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

[76 FR 55543, Sept. 7, 2011, as amended at 76 FR 55546, Sept. 7, 2011; 76 FR 60375, Sept. 29, 2011]

§ 52.930 Control strategy: Ozone.

(a) The VOC bubble for Alcan Foil Products in Louisville submitted as a SIP revision on March 3, 1986, is disapproved. The source must continue to meet all the requirements of Jefferson County Regulation 6.29.

(b) *Part D—disapproval*—(1) Campbell and Kenton Counties nonattainment area. The 1979 SIP revisions for these two counties are disapproved because the Commonwealth failed to submit evidence of legal authority to implement a vehicle inspection and maintenance program as required under section 172(b)(11)(B) of the Clean Air Act. No major new or modified sources of volatile organic compounds can be built in these two counties by virtue of the provisions of section 110(a)(2)(1) of the Clean Air Act.

(2) Northern Kentucky (Boone, Campbell and Kenton Counties) ozone nonattainment area. The demonstration of attainment of the ozone standards by the end of 1982, submitted as part of Kentucky's ozone SIP revision on June 23, 1982, (draft), September 27, 1982, and November 3, 1982, is disapproved. As a

result, the extension of the attainment deadline until December 31, 1987, remains in effect, along with the related requirement to submit a SIP revision addressing all requirements of Part D extension areas.

(c) The redesignation request submitted by the Commonwealth of Kentucky, on November 11, 1994, for the Kentucky portion of the Cincinnati-Northern Kentucky moderate interstate ozone nonattainment area from nonattainment to attainment was disapproved on September 27, 1996.

(d) Kentucky's November 15, 1996, request for a 1-year attainment date extension for the Kentucky portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Kenton, Boone, and Campbell Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1997.

(e) Kentucky's November 15, 1996, request for a 1-year attainment date extension for the Kentucky portion of the Louisville moderate ozone nonattainment area which consists of Jefferson County and parts of Bullitt and Oldham Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1997.

(f) Kentucky's January 7, 1998, request for a 1-year attainment date extension for the Kentucky portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Kenton, Boone, and Campbell Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1998.

(g) The redesignation request submitted by the Commonwealth of Kentucky, on October 29, 1999, for the Kentucky portion of the Cincinnati-Hamilton moderate interstate ozone nonattainment area from nonattainment to attainment was approved on July 5, 2000. The mobile source budgets for the Kentucky portion of the area for the purposes of transportation conformity are now 5.83 tons per summer day of volatile organic compounds and 15.13 tons per summer day of nitrogen oxides for the year 2010.

(h) Determination—EPA is determining that as of July 5, 2000, the Kentucky portion of the Cincinnati-Hamilton ozone nonattainment area (which

includes the Counties of Boone, Kenton, and Campbell) has attained the 1-hour ozone standard and that the attainment demonstration requirements of section 182(b)(1), 182(j), and 172(c)(1), along with the section 172(c)(9) contingency measure requirements, do not apply to the area.

(i) Approval—EPA is approving an exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts Boone, Kenton, and Campbell counties in Kentucky from the NO_x related general conformity provisions; nonattainment NSR for new sources and modifications that are major for NO_x; NO_x RACT; and the requirement for a demonstration of compliance with the enhanced I/M performance standard for NO_x.

(j) [Reserved]

(k) The redesignation request submitted by the Commonwealth of Kentucky, on March 30, 2001, and supplemented on July 9, 2001, for the Kentucky portion of the Louisville moderate interstate ozone nonattainment area from nonattainment to attainment was approved on October 23, 2001. The motor vehicle emissions budgets for VOC and NO_x in the Kentucky portion of the Louisville moderate interstate maintenance plan are adequate for conformity purposes and approvable as part of the maintenance plan. The 1-hour ozone standard maintenance plan motor vehicle emission budgets for the entire interstate Louisville area for the purposes of transportation conformity are now 48.17 tons per summer day of VOC and 92.93 tons per summer day of NO_x for the year 2012.

(l) *Disapproval.* EPA is disapproving in part, the Commonwealth of Kentucky's Infrastructure SIP for the 2008 8-hour Ozone National Ambient Air Quality Standards addressing section 110(a)(2)(D)(i)(I) concerning interstate transport requirements, submitted July 17, 2012.

[46 FR 58082, Nov. 30, 1981, as amended at 48 FR 13169, Mar. 30, 1983; 51 FR 10210, Mar. 25, 1986; 54 FR 10983, Mar. 16, 1989; 60 FR 32469, June 22, 1995; 60 FR 40101, Aug. 7, 1995; 61 FR 50720, Sept. 27, 1996; 62 FR 28637, May 27, 1997; 62 FR 40281, July 28, 1997; 62 FR 55176, Oct. 23, 1997; 62 FR 61246, Nov. 17, 1997; 63 FR 14625, Mar. 26, 1998; 65 FR 37898, June 19, 2000; 66 FR 53685, Oct. 23, 2001; 78 FR 14688, Mar. 7, 2013]