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dated April 11, 2003. The revisions affect portions of North Dakota Administrative Code (N.D.A.C.) regarding general provisions and emissions of particulate matter and sulfur compounds.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Air Pollution Control Rules as follows:

(1) Chapter 33-15-01, N.D.A.C., General Provisions, sections 33-15-01-04, 33-15-01-17, and 33-15-01-18, effective March 1, 2003.

(2) Chapter 33-15-05, N.D.A.C., Emissions of Particulate Matter Restricted, sections 33-15-05-02 and 33-15-05-04 and subsection 33-15-05-03.3, effective March 1, 2003.

(3) Chapter 33-15-06, N.D.A.C., Emissions of Sulfur Compounds Restricted, sections 33-15-06-01 and 33-15-06-03, effective March 1, 2003.

(34) Certain revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules as submitted by the Governor with a letter dated April 11, 2003. The revisions affect portions of North Dakota Administrative Code (N.D.A.C.) regarding construction and minor source permitting and prevention of significant deterioration of air quality.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Air Pollution Control Rules as follows:

(1) Chapter 33-15-14, N.D.A.C., Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, subsections 33-15-14-02.5, 33-15-14-02.13.c, 33-15-14-02.13.i(5), 33-15-14-03.4, 33-15-14-03.5.a(1)(d), and 33-15-14-03.11, effective March 1, 2003.

(2) Chapter 33-15-15, N.D.A.C., Prevention of Significant Deterioration of Air Quality, subsections 33-15-15-01.1.x(2)(d) and 33-15-15-01.4.h(3), effective March 1, 2003.

(35) Certain revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules as submitted by the Governor with a letter dated April 11, 2003. The revisions affect portions of North Dakota Administrative Code (N.D.A.C.) regarding construction and minor source permitting.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Air Pollution Control Rules as follows:

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(1) In Chapter 33-15-14, N.D.A.C., Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, the sentence in each first paragraph of subsections 33-15-14-02.19 and 33-15-14-03.16 that reads as follows, "In the event that the modification would be a major modification as defined in chapter 33-15-15, the department shall follow the procedures established in chapter 33-15-15." These revisions were effective March 1, 2003.

[37 FR 10885, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1820, 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).

## Subpart KK—Ohio

### § 52.1870 Identification of plan.

(a) Title of plan: "Implementation Plan for the Control of Suspended Particulates, Sulfur Dioxide, Carbon Monoxide, Hydrocarbons, Nitrogen Dioxide, and Photochemical Oxidants in the State of Ohio."

(b) The plan was officially submitted on January 31, 1972.

(c) The revisions listed below were submitted on the dates specified.

(1) Request for extensions and a revision of monitoring network was submitted on March 20, 1972, by the Ohio Air Pollution Control Board.

(2) State provisions for making emissions data available to the public was outlined in a letter of May 8, 1972, by the Ohio Department of Health.

(3) On May 9, 1972, the State provided assurance that action is being taken in the Assembly to secure authority for controlling auto emissions.

(4) Amendments to air pollution regulations AP-3-11, 12, 13, 14, and AP-9-04 were forwarded on July 7, 1972, by the Governor.

(5) Revisions to AP-2-01, 02, 04, 05; AP-3-01, 08, 09, 13; AP-9-01, 02, 03 were submitted on August 4, 1972 by the Governor.

(6) New regulations AP-13-01 and 13-02 were submitted on October 12, 1972 by the Governor.

(7) Letter from the Director of the Ohio EPA was submitted on June 6, 1973, indicating that portions of AP-3-

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11, and AP-3-12 are for informational purposes only.

(8) The Governor of Ohio submitted on July 2, 1973, the "Implementation Plan to Achieve Ambient Air Quality Standard for Photochemical Oxidant in the Cincinnati Air Quality Control Region" and the "Implementation Plan to Achieve Ambient Air Quality Standard for Photochemical Oxidant in the Toledo Air Quality Control Region."

(9) The Governor of Ohio submitted on July 24, 1973, the "Implementation Plan to Achieve Ambient Air Quality Standards for Photochemical Oxidants—Dayton Air Quality Control Region."

(10) On January 25, 1974, Ohio submitted a secondary particulate plan for three AQCR's in Ohio.

(11) On July 16, 1975, Ohio submitted regulations revising the attainment dates for particulate matter, nitrogen oxides, carbon monoxide, hydrocarbons and photochemical oxidants.

(12) The Governor of Ohio submitted on May 30, 1974 and August 10, 1976, revisions to the Ohio Implementation for the control of open burning.

(13) Consent and Abatement Order regarding Columbus and Southern Ohio Electric Company's Picway Units 3 and 4, submitted by Governor on October 17, 1975, supplemented on November 17, 1976 and June 1, 1977.

(14) On July 27, 1979 the State submitted its nonattainment area plan for specific areas designated as nonattainment for ozone and carbon monoxide in the March 3, 1978 and October 5, 1978 FEDERAL REGISTERS (43 FR 8962 and 43 FR 45993). The submittal contained Ohio's Part D nonattainment plans for the following ozone and carbon monoxide urban nonattainment areas: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Steubenville and Toledo. The submittal contained transportation control plans and demonstrations of attainment (for carbon monoxide and/or ozone) for each of the above mentioned urban nonattainment areas. Regulations for the control of volatile organic compound emissions were not included with this submittal but were submitted separately on September 13, 1979.

(15) On September 13, 1979, the State submitted regulations for the control

of volatile organic compound and carbon monoxide emissions from stationary sources.

(16) On December 28, 1979, the State amended the attainment demonstration submitted on July 27, 1979 for the Cleveland Urban area. On November 24, 1980 and July 21, 1981, the State submitted additional information on the transportation control plans for the Cleveland Urban area.

(17) On January 8, 1980, the State amended the carbon monoxide attainment demonstration submitted on July 27, 1979 for the Steubenville urban area.

(18) On January 15, 1980, the State amended the attainment demonstrations submitted on July 27, 1979 for the urban areas of Cincinnati, Toledo and Dayton.

(19) On April 7, 1980 the State of Ohio committed to correct the deficiencies presented in the March 10, 1980 Notice of Proposed Rulemaking.

(20) On April 15, 24, 28, May 27, July 23 and August 6, 1980 the State submitted comments on, technical support for, and commitments to correct the deficiencies cited in the March 10, 1980 Notice of Proposed Rulemaking. In addition to this the May 27, 1980 letter also contained a commitment by the State to adopt and submit to USEPA by each subsequent January, reasonable available control technology requirements for sources covered by the control techniques guidelines published by USEPA the preceding January.

(21) On December 28, 1979 the State of Ohio submitted its Part D carbon monoxide and ozone nonattainment area plan for the Youngstown urban area. The submittal contained transportation control plans and demonstrations of attainment (for carbon monoxide and/or ozone). On February 12, 1980 the State amended the ozone attainment demonstration submitted on December 28, 1979.

(22) On June 12, 1980 and August 6, 1980, the State submitted technical support and commitments to correct the deficiencies cited in the May 16, 1980 Notice of Proposed Rulemaking. On November 20, 1980 and July 21, 1981, the State submitted additional information on implementor commitments for the Youngstown Urban area.

(23) On May 8, 1979, Ohio submitted revisions to regulations 3745-25-01 through 3745-25-04 (previously codified as AP-11-01 through AP-11-04) containing emergency episode procedures.

(24) On July 25, 1980 the State of Ohio submitted its Part D revision to the New Source Review portion of the State Implementation Plan. On September 25, 1980 the State submitted a response to the August 26, 1980 FEDERAL REGISTER notice of proposed rulemaking. The response contained information which corrects certain deficiencies and commits to correct by a specified date other deficiencies.

(25) The following information was submitted to USEPA regarding the Ohio Sulfur Dioxide Standards

(i) On February 12, 1980 the Director of the Ohio EPA submitted the Ohio Administrative Code (OAC) Rules 3745-18-01 to 3745-18-94, Sulfur Dioxide Standards adopted on November 14, 1979 effective December 28, 1979.

(ii) Ohio EPA sent technical support for the Ohio Sulfur Dioxide Standards on September 12, 1979, October 23, 1979, May 16, 1980, March 27, 1981, May 5, 1981, July 15, 1981 and September 24, 1981.

(iii) The following regulations were withdrawn by the Governor of Ohio on May 16, 1980; OAC Rules 3745-18-08(H), 3745-18-15(B), 3745-18-53(E), 3745-18-63(K), 3745-18-77(B) and 3745-18-90(C). These rules are applicable to the following plants:

Cairo Chemical Corporation in Allen County, Crystal Tissue Company in Butler County, U.S. Steel Corporation, Lorain-Cuyahoga Works in Lorain County, Bergstrom Paper Company in Montgomery County, Mead Corporation in Ross County and Shell Chemical Company in Washington, County.

(iv) The following regulations were withdrawn by the Governor of Ohio on December 19, 1980 only as it applies to the B.F. Goodrich Company, Avon Lake Chemical Plant in Lorain County; OAC 3745-18-53(A). These regulations are still applicable to other facilities in Lorain County.

(v) The following regulations were withdrawn by the Governor of Ohio on February 13, 1981; OAC Rules 3745-18-49(J) which is applicable to the Ohio Rubber Company in Lake County and 3745-18-80(D) which is applicable to the

Union Carbide Corporation in Seneca County.

(vi) The Governor of Ohio submitted a revised OAC Rule 3745-18-80(D) which is applicable to the Union Carbide Corporation in Seneca County on April 30, 1981.

(26) On February 8, 1980, the State of Ohio submitted a revision to provide for modification of the existing air quality surveillance network.

(27) On February 18, and March 13, 1981, the Governor of Ohio submitted Rule 08 of Chapter 3745-17 of the Ohio Administrative Code for Middletown and the operating permits for the fugitive sources located at ARMCO's Middletown Works Plant.

(28) On October 21 and November 21, 1980 the State submitted comments on, technical support for, and commitments to correct the deficiencies cited in the March 10, 1980 Notice of Proposed Rulemaking.

(29) On September 17, 1980 the State of Ohio submitted a vehicle inspection and maintenance (I/M) program developed for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area. On December 5, 1980 the State submitted comments on, and commitments for correcting, the deficiencies cited in the November 7, 1980 Supplemental Notice of Proposed Rulemaking.

(30) On February 18, 1981, the State of Ohio committed itself to submit by December 31, 1981, the corrective materials for the Middletown, Ohio total suspended particulate plan.

(31) On March 27, 1981 and March 10, 1982 the State of Ohio submitted revisions to the total suspended particulate (TSP) portion of its State Implementation Plan (SIP). These revisions are in the form of an alternative emissions reduction plan (bubble) for the General Motors (GM) Central Foundry located in Defiance County, Ohio. Incorporated into Ohio's SIP are the emission limitations, interim and final compliance milestones, control equipment requirements and testing procedures specified in the variances and permits submitted for the GM bubble.

(32) On July 27, 1979, the State of Ohio submitted materials to satisfy the general requirements of the Clean Air Act under sections 110(a)(2)(K); 126, 127,

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and 128. On January 30, 1981, the State of Ohio also submitted an amended substitute Senate Bill 258, which was enacted into law on December 19, 1980, amending Ohio Revised Code 3704.

(33) Revision to plan allowing Standard Oil Company of Ohio Toledo refinery variances from State Regulations 3745-21-09(M) (1) and (2) submitted April 10, 1981 by the State.

(34) Revision to plan allowing Standard Oil Company of Ohio Lima refinery variance from State Regulation 3745-21-09(M)(2) submitted April 10, 1981 by the State.

(35) On August 27, 1981, the State of Ohio submitted a variance for the Pipeline Working Tank at the ARCO Pipeline Refinery in Summit County, Ohio.

(36)-(37) [Reserved]

(38) The Governor of Ohio on June 15, 1981 submitted a revision to the ozone portion of the Ohio State Implementation Plan. This revision is for six coating lines located at the Speciality Materials Division of Fasson-Avery located in Lake County, Ohio.

(39) On August 27, 1981, the State of Ohio submitted a variance for the Pipeline Working Tank at the ARCO Pipeline Refinery in Lucas County, Ohio.

(40) On February 12, 1981, the State of Ohio submitted its Lead SIP Plan which contains a discussion of ambient monitoring results, an attainment demonstration and stationary and mobile source controls for lead.

(41) On April 10, 1981, the Governor of Ohio submitted revised requirements for Republic Steel Corporation's Youngstown Sinter Plant.

(42) On February 25, 1980, the State of Ohio submitted the revised Ohio Administrative Code (OAC) Rules 3745-35-01 through 3745-35-04 which set forth requirements for air permits to operate and variances. These rules were adopted on September 28, 1979 and became effective in Ohio on November 7, 1979. Rescinded in 2008; see paragraph (c)(156) of this section.

(43) On February 12, 1981, the State of Ohio submitted adopted amended Ohio Administrative Code (OAC) Rules 3745-21-01, 04, 09 and 10, Emission Standards and Technology Requirements for Certain Sources of Volatile Organic Compounds Emissions. The following portions of these rules were withdrawn by

the State of Ohio on March 27, 1981; OAC Rules 3745-21-04(C)(19)(a) and 3745-21-09(R)(3)(a). On January 8, 1982, the State of Ohio submitted additional materials pertaining to OAC Rules 3745-21-09 (H), (U) and (X).

(44) On April 16, 1981, the Ohio EPA submitted a variance which would extend for Presto Adhesive Paper Company in Montgomery County, Ohio the deadline for complying with applicable Ohio VOC emission limitations from April 1, 1982 to April 1, 1983 for water-based adhesive paper coatings and to April 1, 1984 for water-based silicone paper coatings.

(45) On February 25, 1980, the State submitted revisions to rules 01 through 06, 08 and 09 of Chapter 15 of the Ohio Administrative Code. These rules establish general provisions for the control of air pollution and were previously codified and approved as AP-2-01 through 06, 08 and 09. Rules 01 through 04, 06, 08 and 09 are approved as revisions to the Ohio SIP and rule 05 is deleted from the Ohio SIP.

(46) On August 26, 1982, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (weighted averaging bubble) for eight vinyl coating lines at Uniroyal Plastic Products in Ottawa County, Ohio, and an alternative compliance schedule which will allow Uniroyal Plastic Products additional time to convert to waterborne coatings and inks. The final compliance date is October 1, 1987.

(47) On June 29, 1982, the State submitted an amendment to the definition of air contaminant as contained in section 3704.01(B) of the Ohio Revised Code.

(48) On August 31, 1982, Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (weighted averaging bubble) for five rotogravure printing lines at Packaging Corporation of America (PCA) in Wayne County, Ohio and an alternative compliance schedule which will allow PCA additional time to convert to waterborne coatings and inks. The final compliance date is July 1, 1987.

(49) On September 10, 1982 the Ohio Environmental Protection Agency submitted a revision to its ozone SIP for the Mead Paper Corporation, Chilpaco Mill in Ross County, Ohio. This revision is in the form of three variances for the three flexographic printing lines at Mead Paper and contains revised emission limits and compliance schedules for each of the lines. Technical Support for this revision was also submitted on April 27, 1982.

(50) On October 22, 1982, the Ohio Environmental Protection Agency submitted a revision to its Ozone SIP for the Standard Register Company. The revision request is in the form of a variance for an extended compliance time schedule for a surface coating line and spray boot for painting miscellaneous metal parts. Final compliance is changed from December 31, 1982 to December 31, 1983.

(51) On October 1, 1982, and February 28, 1983 the State of Ohio submitted revisions to Ohio Administrative Code (OAC) Rules 3745-35-03 which set forth requirements for obtaining variances. Rescinded in 2008; see paragraph (c)(156) of this section.

(52)-(55) [Reserved]

(56) On January 5, 1983 the Ohio Environmental Protection Agency submitted a revision to its ozone SIP for the U.S. Steel Supply Division, Sharon Plant in Trumbull County, Ohio. Technical support for this revision was also submitted on November 12, 1982.

(57) On January 4, 1982, amended December 23, 1982, the Ohio Environmental Protection Agency (OEPA) submitted a revision to its ozone SIP for the Chrysler Plastic Products Corporation, Sandusky Vinyl Product Division, in Erie County, Ohio. This revision amends the emission limitations and extends the compliance dates for five vinyl coating lines at this facility. Technical support for this revision was also submitted on June 28, 1982.

(58) On July 14, 1982, the State submitted revisions to its State Implementation Plan for TSP and SO<sub>2</sub> for Toledo Edison Company's Bay Shore Station in Lucas County, Ohio, except that the equivalent visible emission limitations in this submittal are no longer in effect.

(59) On March 9, 1983, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (bubble) for eight vinyl coating lines at B.F. Goodrich in Washington County, Ohio, and an alternative compliance schedule which will allow B.F. Goodrich additional time to achieve final compliance through conversion to waterborne coatings and inks by December 31, 1985. If the company is unable to achieve compliance by December 1, 1985, through reformulation, the company must install additional controls no later than December 1, 1987.

(60) The State of Ohio submitted a revised demonstration that showed attainment by December 31, 1982, of the Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) for the Cincinnati area (Hamilton County) on May 24, 1982. Supplemental information was submitted on September 23, 1982, November 4, 1982, and March 16, 1983. The May 24, 1982, submittal also requested that the five year extension for meeting the NAAQS requested on July 29, 1979, and granted on October 31, 1980, be rescinded for this area. EPA has rescinded this extension only for the Cincinnati demonstration area for CO.

(61) On January 11, 1983, the Ohio EPA submitted justification and supportive documentation for the two categories of gasoline dispensing facilities and cutback asphalt. On March 2, 1983, Ohio EPA submitted demonstrations of reasonable further progress in the Canton and Youngstown areas. This information was submitted to satisfy the conditions on the approval of the 1979 ozone SIP.

(62) [Reserved]

(63) On January 3, 1984, the Ohio Environmental Protection Agency submitted a revision to the Ohio Administrative Code 3745-15-07, Air Pollution Nuisance Prohibited.

(64) On September 2, 1982, the State of Ohio submitted a revision to the total suspended particulate State Implementation Plan for the B.F. Goodrich Chemical Plant in Avon Lake, Lorain County, Ohio. This revision is being disapproved. (See § 52.1880(g))

(65) [Reserved]

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(66) On March 16, 1984, the Ohio Environmental Protection Agency submitted commitments for satisfying the conditions of approval to the ozone [52.1885 (b)(2)] and particulate matter [52.1880 (d)(1)] State Implementation Plans.

(67) [Reserved]

(68) On May 6, 1983, the Ohio Environmental Protection Agency (OEPA) submitted materials constituting a proposed revision to Ohio's ozone SIP for Harrison Radiator. Harrison Radiator has two metal coating facilities; one is the North facility located in downtown Dayton and the other is the South facility located in the City of Moraine.

(i) Incorporation by reference.

(A) The Ohio Environmental Protection Director's final Findings and Orders, May 6, 1983.

(B) Letters of September 10, 1984, and September 4, 1984, to USEPA from OEPA.

(C) The Ohio Environmental Protection Director's final Findings and Orders, September 4, 1984.

(69) On September 13, 1983, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (bubble) for Volatile Organic Compound emissions from a gasoline and aviation fuel loading rack located at Standard Oil Company in Trumbull County, Ohio.

(i) Incorporation by reference.

(A) An August 26, 1983, Permit and Variance to Operate an Air Contaminant Source Terms and Conditions, Application No. 02 78 06 0355 J001 and 02 78 06 0355 J002, for Niles Terminal Station N. 234, Niles Aviation Gasoline Bulk Terminal.

(70) On April 8, 1982, June 22, 1982, November 8, 1982, May 24, 1985, and November 12, 1986, the Ohio Environmental Protection Agency submitted a revision to the sulfur dioxide SIP for the Ohio Power Muskingum River Power Plant located in Morgan and Washington Counties. USEPA approves an emission limit of 8.6 lbs/MMBTU to protect the primary NAAQS with a compliance date of June 17, 1980. In addition, USEPA approves an emission limit of 7.6 lbs/MMBTU to protect the secondary NAAQS with a compliance date of July 1, 1989.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) rule 3745-18-03(C)(3)(gg)(vi) effective in Ohio December 28, 1979; rule 3745-18-64(B) and rule 3745-18-90(B) effective in Ohio on October 1, 1982.

(B) Director's Final Findings and Orders dated October 18, 1982, before the Ohio Environmental Protection Agency.

(C) Director's Findings and Order dated November 18, 1986, before the Ohio Environmental Protection Agency.

(ii) Additional information.

(A) Technical Support Document for emission limitations including dispersion modeling for the Muskingum River Plant submitted by the State on April 8, 1982.

(B) Muskingum River Plant Supplementary Technical Support Document submitted by the State on June 22, 1982.

(C) Air Monitoring Data submitted by the State on June 22, 1982.

(71) On July 1, 1980, the State of Ohio submitted a revision to its State Implementation Plan amending §3704.11 of the Ohio Revised Code. This revision expands the authority given to a political subdivision in relation to certain open burning activities. Additional information for the revision was also submitted on September 30, 1980 and January 16, 1981.

(72) On March 16, 1982, the State of Ohio submitted a revision to its State Implementation Plan for TSP for the Southerly Wastewater Treatment Plant in Columbus, Ohio.

(73) On March 28, 1983, the State of Ohio Environmental Protection Agency (OEPA) submitted amendments to the Ohio Administrative Code (OAC) Chapter 3745-21 and supporting data to USEPA as a proposed revision to the ozone portion of its SIP. OAC Chapter 3745-21, entitled "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Material Standards", contains Ohio's VOC RACT I and II regulations. The amendments to these regulations are embodied in the OAC as follows: Definitions, Rule 3745-21-01; Attainment dates and compliance time schedules, Rule 3745-21-04; Control of emissions of organic compounds from stationary

sources, Rule 3745-21-09; and Compliance test methods and procedures, Rule 3745-21-10. See (c)(15). USEPA is not taking action on the applicability of Rule 3745-21-09 to new sources of VOC, to the gasoline throughout exemption level for gasoline dispensing facilities, and to the compliance date extension for Honda of America Manufacturing, Inc. auto and motorcycle assembly plant in Marysville. USEPA is not taking action on OAC Rule 3745-21-09(AA)(2)(a) which exempts any dry cleaning facility in which less than 60,000 pounds of fabrics are cleaned per year. USEPA is not taking action on OAC Rule 3745-21-09(U)(2)(f) (i) and (ii) which apply to new sources (surface coating lines). USEPA is identifying deficiencies in the existing Rule 3745-21-09(D)(3) which contains an alternative daily emission limitation for can coating facilities. USEPA identified the following deficiencies within this rule: This rule presents equations for determining an alternative daily emission limitation. USEPA finds that the equations are incorrect in that they are based on volume of coating used (in gallons, excluding water), which in many cases can lead to erroneous results. Equivalency calculations for coatings should be performed on a basis of volume of coating solids used rather than volume of coating used. (45 FR 80824 gives an example calculation for can coating done on a volume solids basis.)

(i) Incorporation by reference.

(A) Amendments to OAC Chapter 3745-21, dated June 21, 1982 and January 24, 1983.

(1) Rule 3745-21-01; Definitions.

(i) Section (D)(16), (36), and (50), paper and vinyl coating.

(ii) Section (F)(1-8), asphalts in road construction and maintenance.

(iii) Sections (E)(8), and (J)(5), corrections to Sections (E)(8) and (J)(5).

(2) Rule 3745-21-04; Attainment dates and compliance time schedules.

(i) Section (C)(3), can coating lines.

(ii) Section (C)(15), cutback and emulsified asphalts.

(iii) Section (C)(29), gasoline tank trucks.

(iv) Section (C)(33), External floating roof tanks.

(3) Rule 3745-21-09, Control of emission of organic compounds from stationary sources.

(i) Section (B), Emission limitations.

(ii) Sections, (C) (1) and (3), Surface coating of automobiles and light duty trucks.

(iii) Sections (I) (1) and (2), Surface coating of metal furniture.

(iv) Sections (K) (1) and (3) and (K)(4) (a), (b) and (c), Surface coating of large appliances.

(v) Sections (N) (1), (2), and (3) (b) and (c), Use of cutback and emulsified asphalts.

NOTE: USEPA is not approving (N)(3) (a) and (e).

(vi) Section (O)(2), Solvent metal cleaning.

(vii) Sections (P) (1), (4), and (5), Bulk gasoline plants.

(viii) Section (Q)(3), Bulk gasoline terminals.

(ix) Section (R)(3), Gasoline dispensing facilities.

(x) Sections (U)(1) and the exemptions contained in (2)(h), Surface coating miscellaneous metal parts and products.

(xi) Sections (X)(1) (a)(i), (b)(i), and the exemption contained in (2)(d), Rubber tire manufacturing.

(xii) Sections (Z)(1)(b) through (h), (2), and (3), Storage of petroleum liquid in external floating roof tanks. NOTE: USEPA is not approving (Z)(1)(a).

(xiii) Section (AA) (1) and (2) (b) and (c), Dry cleaning facility. NOTE: USEPA is not proposing to approve (AA)(2)(a).

(xiv) Sections (K)(4) (a), (b), and (c), for the Whirlpool Corporation plants located in Marion, Sandusky, and Hancock Counties.

(xv) Section (X)(2)(d), Cooper Tire and Rubber tire manufacturing facility located in Hancock County.

(4) Rule 3745-21-10; Compliance test methods and procedures.

(i) Sections (A) (3) and (4), General provisions.

(ii) Section (B) (3), (4) and (5), Methods for determining VOC content of surface coating and inks.

(iii) Section (E) (4) and (7), Method for determining VOC emissions from bulk gasoline terminals.

(iv) Section (K), Methods for detecting leaks of gasoline vapors.

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(74)–(75) [Reserved]

(76) On April 9, 1986, the State of Ohio submitted a negative declaration for natural gas/gasoline processing plants and manufacturers of high-density polyethylene and polypropylene resins.

(i) Incorporation by reference.

(A) Letter dated April 9, 1986, from Warren W. Tyler, Director, State of Ohio Environmental Protection Agency.

(77) On November 20, 1985, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for Total Suspended Particulates. This revision request is for operating permits for the following two shiploading facilities: The Andersons Grain Division, Toledo Plant and Mid-States Terminals, Incorporated.

(i) Incorporation by reference.

(A) Permit to Operate an Air Contaminant Source for the Andersons Grain Division, Toledo Plant. Date of Issuance: November 18, 1985.

(B) Permit to Operate an Air Contaminant Source for Mid-States Terminals, Incorporated. Date of Issuance: November 18, 1985.

(78) On April 30, 1986, (draft) and on May 5, 1987, (final) the Ohio Environmental Protection Agency (OEPA) submitted a revision request to Ohio's sulfur dioxide SIP. The revision was in the form of Permits to Operate for the Coulton Chemical Plant in Toledo, Ohio, and the E.I. duPont de Nemours and Company facility in Miami, Ohio. The permits require the installation and operation of continuous emission monitors for sulfur dioxide at these facilities, and the reporting of monitoring data.

(i) Incorporation by reference.

(A) Special Term and Condition No. 3 of Permit to Operation No. 0448020014P001 for Coulton Chemical Corporation, effective January 3, 1986, Permit to Operate No. 0448020014P002 for Coulton Chemical Corporation, effective March 25, 1986.

(B) Special Term and Condition No. 3 of Permit to Operate No. 1431350817P001 for E.I. duPont de Nemours and Company (Fort Hill Plant), effective March 2, 1984.

(ii) Additional material.

(A) September 5, 1985, letter from Charles M. Taylor, Chief, Division of

Air Pollution Control, Ohio Environmental Protection Agency; to Steve Rothblatt, Chief, Air and Radiation Branch, U.S. Environmental Protection Agency.

(79) On April 9, 1986, the Ohio Environmental Protection Agency (OEPA) submitted a request for a revision to the Ozone State Implementation Plan (SIP) for the Huff Corporation in Celina Ohio (Mercer County). This revision was in the form of a rule which is applicable to the Huff Corporation in Mercer County.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745-21-09(U)(2)(j), effective May 9, 1986.

(80) On April 9, 1986, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for ozone. The revision consists of the reasonably available control technology (RACT) III volatile organic compound regulations.

(i) Incorporation by reference. Ohio EPA OAC

(A) Rule 3745-21-01, Definitions. Paragraphs (K), (L), (M), and (N), effective May 9, 1986. Ohio EPA OAC

(B) Rule 3745-21-04, Attainment Dates and Compliance Time Schedules. Paragraphs (B)(1), and (C)(36) through (C)(39), effective May 9, 1986. Ohio EPA OAC

(C) Rule 3745-21-09, Control of Emissions of Volatile Organic Compounds from Stationary Sources. Paragraphs (A)(1), (A)(2), (A)(4), (BB), (CC), (DD), (EE), and Appendix A, effective May 9, 1986. Ohio EPA OAC

(D) Rule 3745-21-10, Compliance Test Method and Procedures. Paragraphs (C), (F), (L), (M), (N), (O), and (P), effective May 9, 1986.

(81) On March 3, 1986, the Ohio Environmental Protection Agency (OEPA) submitted Good Engineering Stack Height Regulations as a revision to the Ohio State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) Ohio Administrative Code Chapter 3745-16-01 and 02, entitled "Definitions" and "Good Engineering Practice Stack Height Regulations". These rules were adopted by the State on February 12, 1986 and were effective on March 5, 1986.

(B) September 2, 1987 letter from Richard L. Shank, Ph.D., Director, Ohio Environmental Protection Agency; to Valdas Adamkus, Regional Administrator, USEPA.

(ii) Additional material.

(A) March 3, 1986, letter from Warren W. Tyler, Director, Ohio Environmental Protection Agency; to Valdas Adamkus, Regional Administrator, U.S. EPA.

(82) On November 7, 1985, the Ohio Environmental Protection Agency submitted a revision to the ozone portion of the Ohio State Implementation Plan (SIP) for the Reynolds Metal Company in Pickaway County, Ohio. This variance shall expire on May 6, 1992.

(i) Incorporation by reference.

(A) State of Ohio Environmental Protection Agency Variance to Operate an Air Contaminant Source (except for Conditions No. 2, No. 3, and No. 6); Date of Issuance: October 29, 1985, Issued to: Reynolds Metal Company; Constitutes a Variance to Operate: miscellaneous metal parts coating line—Ransburg Disc spray booths No. 1 and No. 2; and signed by Warren W. Tyler, Director, Ohio Environmental Protection Agency.

(83) On October 4, 1982, and January 24, 1983, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the Ohio Administrative Code (OAC) Chapter 3745-31-01 through 3745-31-08 to satisfy the New Source Review conditional approval of October 31, 1980 (45 FR 72119). U.S. EPA is granting limited approval of the revision to Ohio's New Source Review State Implementation Plan (SIP) because the revised regulations strengthen the SIP.

(i) Incorporation by reference.

(A) OAC Rule 3745-31 through 3745-31-03—Permits to Install New Sources of Pollution (Adopted June 30, 1982, effective August 15, 1982), as found in the State of Ohio Environmental Protection Agency Laws and Regulations.

(ii) Additional material.

(A) A June 30, 1987, letter from OEPA certified that the State did not rely upon additional reductions through the offset policy to attain or maintain the National Ambient Air Quality Standards.

(84) On June 1, 1987, the Ohio Environmental Protection Agency (OEPA)

submitted a revision request to Ohio's ozone SIP for the Goodyear Tire and Rubber Company in St. Marys (Auglaize County) Ohio. The revision was in the form of variances for adhesive application lines K001 to K019 and exempts them from the requirements contained in Ohio Administrative Code (OAC) Rule 3745-21-09(U). These variances expire on (3 years and 30 days from date of publication). The accommodative SIP for Auglaize County is removed for the period these variances are in effect.

(i) Incorporation by reference.

(A) Condition Number 8 (which references Special Terms and Conditions Numbers 1 through 5) within each of 19 "State of Ohio Environmental Protection Agency Variances to Operate An Air Contaminant Source", Application Numbers 0306010138K001-0306010138K019, for Goodyear Tire and Rubber Company. The Date of Issuance is May 22, 1987.

(85) On February 17, 1988, and January 4, 1989, the Ohio Environmental Protection Agency submitted a revision to the total suspended particulate SIP for Youngstown Thermal Corporation located in Youngstown, Ohio. This revision establishes a 0.02 lb/MMBTU emission limit for the one gas and Number 2 oil-fired boiler (B001) and a 0.14 lb/MMBTU limit for the three coal-fired boilers (B002, B003, and B004).

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745-17-01, effective in Ohio on October 1, 1983; Rule 3745-17-03, effective in Ohio on October 15, 1983; and Rule 3745-17-10, effective in Ohio on October 1, 1983, as they apply to Youngstown Thermal Energy Corporation in Youngstown, Ohio only.

(86) [Reserved]

(87) On July 11, 1988, Ohio submitted its vehicle inspection and maintenance regulation for Cuyahoga, Lake, Lorain, Hamilton, and Butler Counties.

(i) Incorporation by reference.

(A) Ohio Administrative Code rules 3745-26-01, 3745-26-02, 3745-26-03, 3745-26-04, 3745-26-05, 3745-26-06, 3745-26-07, 3745-26-08, and 3745-26-09, effective July 17, 1987.

(88) [Reserved]

(89) On February 28, 1989, the Ohio Environmental Protection Agency

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(OEPA) submitted a revision request to Ohio's ozone SIP for the Navistar International Transportation Corporation in Springfield, Ohio. It modified this request on March 30, 1990. The revision is in the form of variances for miscellaneous metal parts and products coating lines and exempts them from the requirements contained in Ohio Administrative Code (OAC) Rule 3745-21-09(U). These variances expire on January 4, 1994.

(i) Incorporation by reference.

(A) Condition Number 8 (which references Special Terms and Conditions Number 1 through 11) within both of the "State of Ohio Environmental Protection Agency Variances to Operate An Air Contaminant Source", Application Numbers 0812760220K009 and 0812760220K013 for Navistar International Transportation Corporation. The Date of Issuance is February 28, 1989.

(90) On April 9, 1986, the Ohio Environmental Protection Agency (OEPA) submitted amendments to the Ohio Administrative Code (OAC) Chapter 3745-21. The amendments are embodied in the following OAC regulations: Definitions, Rule 3745-21-01; Attainment dates and compliance time schedules, Rule 3745-21-04; Control of emissions of volatile organic compounds from stationary sources, Rule 3745-21-09; and Compliance test methods and procedures, Rule 3745-21-10. USEPA is approving these amendments with the following exceptions: The proposed relaxation for food can end sealing compounds in 3745-21-09(D)(1)(e) and (D)(2)(e) (from 3.7 to 4.4 lbs VOC/gallon); the proposed revision to the exemption in 3745-21-09(N)(3)(e) for the application by hand of any cutback asphalt or emulsified asphalt for patching or crack sealing; the recordkeeping requirements in 3745-21-09(N)(4); the relaxation from 3.5 to 6.2 lbs VOC/gallon for high performance architectural aluminum coatings in 3745-21-09(U)(1)(a)(viii); the exemption for new sources in 3745-21-09(U)(2)(f); and the relaxation for miscellaneous metals coatings in 3745-21-09(U)(1)(a)(vii).

(i) Incorporation by reference.

(A) Amendments to Ohio Administrative Code Rule 3745-21-01, effective on May 9, 1986.

(B) Amendments to Ohio Administrative Code Rule 3745-21-04, effective on May 9, 1986.

(C) Amendments to Ohio Administrative Code Rule 3745-21-09, effective on May 9, 1986, except for:

(1) 3745-21-09(D)(1)(e) and (D)(2)(e) (proposed relaxation for food can end sealing);

(2) 3745-21-09(N)(3)(e) (proposed revision to the exemption for the application by hand of any cutback or emulsified asphalt for patching crack sealing);

(3) 3745-21-09(N)(4) (recordkeeping requirements);

(4) 3745-21-09(U)(1)(a)(viii) (relaxation from 3.5 to 6.2 lbs VOC. gal for high performance architectural aluminum coatings);

(5) 3745-21-09(U)(2)(f) (the exemption for new sources); and

(6) 3745-21-09(U)(1)(a)(vii) (relaxation for miscellaneous metal coatings).

(D) Amendments to Ohio Administrative Code Rule 3745-21-10, effective May 9, 1996.

(91) On September 30, 1983, the Ohio Environmental Protection Agency (OEPA) submitted a revision request to the ozone SIP for Ludlow Flexible Packaging, Inc. (Ludlow), located in Mt. Vernon (Knox County), Ohio. This revision was in the form of variances and permits that established a bubble with monthly averaging between 22 paper coating and printing lines (sources K001-K022) and a compliance date extension to June 30, 1987. On January 13, 1987, the OEPA submitted additional information concerning this revision stating that several of the printing lines have been or will be permanently shut down and the remaining lines will be controlled by thermal incineration in accordance with OAC Rule 3745-21-09(Y). In addition, four of the paper coating lines (K017-K019, K022) have been removed from the plant. Therefore, only eight paper coating lines (K011-K016, K020 and K021) remain under the bubble. This revision exempts these lines from the control requirements contained in Ohio Administrative Code (OAC) Rules 3745-21-

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09(F) and 3745-21-09(Y). These variances and permits expire on April 22, 1996.

The accommodative SIP for Knox County will be canceled upon approval of this SIP revision.

(i) Incorporation by reference.

(A) Condition Number 8 (which references Special Terms and Conditions Numbers 1-7 within each of the 5 "State of Ohio Environmental Protection Agency Variance to Operate an Air Contaminant Source," Application Numbers 0342010111K011-0342010111K015, as they apply to Ludlow Flexible Packaging, Inc., located in Mt. Vernon, Ohio. The Date of Issuance is September 23, 1983.

(B) Condition Number 8 (which references Special Terms and Conditions Numbers 1-7) within each of the 3 "State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source," Application Numbers 0342010111K016, 0342010111K020, and 0342010111K021, as they apply to Ludlow Flexible Packaging, Inc., located in Mt. Vernon, Ohio. The Date of Issuance is September 23, 1983.

(ii) Additional material.

(A) January 13, 1987, letter from Patricia P. Walling, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency; to Steve Rothblatt, Chief, Air and Radiation Branch, U.S. Environmental Protection Agency.

(92) On October 16, 1991, and March 17, 1993, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan for sulfur dioxide for sources in Hamilton County, Ohio.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745-18-03 Attainment dates and compliance time schedules, Sections (A)(2)(c); (B)(7)(a); (B)(7)(b); (C)(8)(a); (C)(8)(b); (C)(9)(a); (C)(9)(b); (D)(1); (D)(2); dated October 11, 1991, and effective on October 31, 1991.

(B) Ohio Administrative Code (OAC) Rule 3745-18-04 Measurement methods and procedures, Sections (D)(7); (D)(8)(a) to (D)(8)(e); (E)(5); (E)(6)(a); (E)(6)(b); (F); (G)(1) to (G)(4); (I); dated October 11, 1991, and effective on October 31, 1991.

(C) Ohio Administrative Code (OAC) Rule 3745-18-37, Hamilton county emis-

sion limits, dated February 22, 1993, and effective on March 10, 1993.

(D) Director's Final Findings and Order for Cincinnati Gas and Electric Company, Miami Fort Station, dated February 22, 1993.

(93) In a letter dated October 16, 1992, the OEPA submitted a revision to the Carbon Monoxide State Implementation Plan for Cuyahoga County. This revision contains a maintenance plan that the area will use to maintain the CO NAAQS. The maintenance plan contains an oxygenated fuels program as a contingency measure to be implemented if the area violates the CO NAAQS.

(i) Incorporation by reference.

(A) Letter dated October 16, 1992, from Donald R. Schregardus, Director, Ohio Environmental Protection Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5 and its enclosures entitled "Table 1 Cuyahoga County Carbon Monoxide Emission Inventory", Enclosure B "Cuyahoga County carbon monoxide SIP submittal", and section 6.0 of Enclosure C "Cuyahoga County Carbon Monoxide Modeling Study Final Report."

(ii) Additional information.

(A) Letter dated January 14, 1993, from Donald R. Schregardus, Director, Ohio Environmental Protection Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(B) Letter dated February 10, 1993, from Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency to David Kee, Director, Air and Radiation Division, U.S. Environmental Protection Agency, Region 5.

(C) Letter dated July 29, 1993, from Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency to David Kee, Director, Air and Radiation Division, U.S. Environmental Protection Agency, Region 5.

(94) On June 24, 1985, the Ohio Environmental Protection Agency submitted revisions to its ozone control State Implementation Plan which would establish a volatile organic compounds (VOC) bubble and alternative

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VOC reasonably available control technology for vinyl and U-frame vinyl coating lines at Columbus Coated Fabrics in Franklin County, Ohio.

(i) Incorporation by reference.

(A) Condition Number 8 (which references special Terms and Conditions Numbers 1 through 7) within each of 15 State of Ohio Environmental Protection Agency Permits and Variances to Operate an Air Contaminant Source, Application Numbers 0125040031 K001 through 0125040031 K015 for Columbus Coated Fabrics. The date of issuance is November 2, 1983. These permits and variances are approved for the period 12/12/85 to 1/6/92.

(B) Condition Number 8 (which references special Terms and Conditions Numbers 1 through 4) within each of 11 State of Ohio Environmental Protection Agency Variances to Operate an Air Contaminant Source, Application Numbers 0125040031 K016 through 0125040031 K026 for Columbus Coated Fabrics. The date of issuance is November 2, 1983. These variances are approved for the period 4/1/82 to 1/6/92.

(C) State of Ohio Environmental Protection Agency Orders to Modify Variances to Operate modifying Special Condition Number 1 of Ohio Environmental Protection Agency Variances to Operate an Air Contaminant Source, Application Numbers 0125040031 K016 through 0125040031 K026 for Columbus Coated Fabrics. The date of issuance is May 21, 1985. These orders are approved for the period 4/1/82 to 1/6/92.

(95) On October 16, 1992, the State of Ohio submitted the tailpipe test inspection and maintenance program revisions to its carbon monoxide implementation plan for Cuyahoga County.

(i) Incorporation by reference.

(A) Ohio Administrative Code: amended rules, 3745-26-01 through 3745-26-09, effective May 15, 1990, and new rules, 3745-26-10 and 3745-26-11, effective May 15, 1990.

(ii) Additional materials—Remainder of the State submittal.

(A) Letter from the Director, Ohio Environmental Protection Agency, dated November 18, 1992, and additional materials.

(96) On June 9, 1988, and August 24, 1990, the Ohio Environmental Protec-

tion Agency (OEPA) submitted revisions to the State Implementation Plan for ozone. The revisions consist of new non-Control Technique Guideline volatile organic compound (VOC) rules and corrections to existing VOC rules.

(i) Incorporation by reference.

(A) OEPA Ohio Administrative Code (OAC) Rule 3745-21-01, Definitions, Paragraphs (A), (B), (C), (D)(1) through (5), (D)(7), (D)(9) through (62), (E) through (S); effective August 22, 1990.

(B) OEPA OAC Rule 3745-21-04, Attainment Dates and Compliance Time Schedules, Paragraphs (A), (B), (C); effective August 22, 1990.

(C) OEPA OAC Rule 3745-21-09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraphs (A), (B), (C) through (H), (J), (K), (M), (P), (S), (T), (V), (X), (Y), (BB), (CC), (FF) through (NN), (PP), effective August 22, 1990.

(D) OEPA OAC Rule 3745-21-10, Compliance Test Methods and Procedures, Paragraphs (B), (D), (F), (G), (I) through (N), (P); effective August 22, 1990.

(97) On November 14, 1991, December 4, 1991, and January 8, 1992, OEPA submitted revisions to its particulate matter plan, including Statewide rule revisions, rule revisions for specific facilities in Cuyahoga and Jefferson Counties, and supplemental materials to address the requirements of part D of title I of the Clean Air Act for the Cuyahoga and Jefferson County nonattainment areas. Rules 3745-17-03(B)(10)(c) and 3745-17-12(P)(6)(a) (concerning quench water limits) are not approved.

(i) Incorporation by reference.

(A) Rule 3745-17-01—Definitions, effective December 6, 1991.

(B) Rule 3745-17-02—Ambient air quality standards, effective June 14, 1991.

(C) Rule 3745-17-03—Measurement methods and procedures, effective December 6, 1991, except for paragraph (B)(10)(c) which is disapproved.

(D) Rule 3745-17-04—Compliance time schedules, effective December 6, 1991.

(E) Rule 3745-17-07—Control of visible particulate emissions from stationary sources, effective June 14, 1991.

(F) Rule 3745-17-08—Restriction of emission of fugitive dust, effective June 14, 1991.

(G) Rule 3745-17-09—Restrictions on particulate emissions and odors from incinerators, effective July 9, 1991.

(H) Rule 3745-17-10—Restrictions on particulate emissions from fuel burning equipment, effective June 14, 1991.

(I) Rule 3745-17-11—Restrictions on particulate emissions from industrial processes, effective June 14, 1991.

(J) Rule 3745-17-12—Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga County, effective December 6, 1991, except for paragraph (P)(6)(a) which is disapproved.

(K) Rule 3745-17-13—Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson County, effective December 6, 1991.

(L) Rule 3745-17-14—Contingency plan requirements for Cuyahoga and Jefferson Counties, effective December 6, 1991.

(M) Rule 3745-75-01—Applicability and definitions, effective July 9, 1991.

(N) Rule 3745-75-02—Emission limits, effective July 9, 1991.

(O) Rule 3745-75-03—Design parameters and operating restrictions, effective July 9, 1991.

(P) Rule 3745-75-04—Monitoring requirements, effective July 9, 1991.

(Q) Rule 3745-75-05—Recordkeeping, effective July 9, 1991.

(R) Rule 3745-75-06—Certification and compliance time schedules, effective July 9, 1991.

(ii) Additional information.

(A) Appendices A through P to a letter from Donald Schregardus to Valdas Adamkus dated November 14, 1991, providing emissions inventories and modeling demonstrations of attainment for the Cleveland and Steubenville areas and providing other related information.

(B) A letter from Donald Schregardus to Valdas Adamkus dated December 4, 1991, and attachments, supplementing the November 14, 1991, submittal.

(C) A letter from Donald Schregardus to Valdas Adamkus dated January 8, 1992, and attachments, supplementing the November 14, 1991, submittal.

(98) On April 20, 1994, and March 7, 1995, Ohio submitted Rule 3745-35-07, entitled “Federally Enforceable Limitations on Potential to Emit,” and re-

quested authority to issue such limitations as conditions in State operating permits.

(i) Incorporation by reference. Rule 3745-35-07, adopted November 3, 1994, effective November 18, 1994. Rescinded in 2008; see paragraph (c)(156) of this section.

(99) [Reserved]

(100) On March 22, 1994, the Ohio Environmental Protection Agency submitted a revision request to Ohio’s ozone SIP for approval of the State’s emissions statement program. The emissions statement program requirements apply to sources in the following counties: Ashtabula, Butler, Clark, Clermont, Cuyahoga, Delaware, Franklin, Geauga, Greene, Hamilton, Lake, Licking, Lorain, Lucas, Mahoning, Medina, Miami, Montgomery, Portage, Stark, Summit, Trumbull, Warren, and Wood.

(i) Incorporation by reference.

(A) Ohio Administrative Code rules 3745-24-01, 3745-24-02, 3745-24-03, and 3745-24-04, effective April 1, 1994.

(101) On November 12, 1993 the Ohio Environmental Protection Agency submitted a vehicle inspection and maintenance program in accordance with section 110 of the Clean Air Act as amended in 1990. The new program replaces I/M programs in operation in the Cleveland and Cincinnati areas and establishes new programs in Dayton and any area designated moderate non-attainment or any area where local planning authorities have requested the State to implement a program.

(i) Incorporation by reference.

(A) Ohio Administrative Code Amended Rules 3745-26-01, 3745-26-02, 3745-26-10, and rules 3745-26-12, 3745-26-13, and 3745-26-14, all made effective on June 13, 1994.

(ii) Other material.

(A) Certification letter from the Director of the Ohio Environmental Protection Agency regarding the State process in developing the I/M rules and the I/M program.

(B) Letter dated June 22, 1994, from the Director of OEPA regarding implementation of an I/M program in the Toledo area in the event the State’s request for redesignation to attainment for that area is not approved by USEPA.

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(102) On June 7, 1993, and February 17, 1995, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan (SIP) for ozone. The revisions include 19 new non-Control Technique Guideline volatile organic compound (VOC) rules, Findings and Orders for 5 companies, and two permits to install.

(i) Incorporation by reference.

(A) OEPA OAC Rule 3745-21-01, Definitions, Paragraphs (Q); (T); effective January 17, 1995.

(B) OEPA OAC Rule 3745-21-04, Attainment Dates and Compliance Time Schedules, Paragraphs (C)(40); (C)(41); (C)(46); (C)(48); (C)(49); (C)(50); (C)(51); (C)(53); (C)(54); (C)(59); (C)(60); (C)(61); (C)(62); effective January 17, 1995.

(C) OEPA OAC Rule 3745-21-09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraphs (FF), (GG), (HH), (II), (JJ), (KK), (LL), (MM), (NN), (OO), (PP), (QQ), (SS), (TT), (YY), (ZZ), (AAA); (BBB); effective January 17, 1995.

(1) Previously approved on October 31, 1995 in paragraph (c)(102)(i)(C) of this section and now deleted without replacement; OEPA OAC Rule 3745-21-09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraph (AAA), as adopted by Ohio on October 25, 2002, effective on November 5, 2002.

(D) Director's Final Findings and Orders for AK Steel Corporation (Middletown), International Paper Company (Cincinnati), Midwest Mica & Insulation Company (Cleveland), Reilly Industries, Inc. (Cleveland), and Sprayon Products, Inc. (Bedford Heights), Issued by Ohio Environmental Protection Agency on August 18, 1995.

(E) Permit to Install, Application Number 13-2396, for Excello Specialty Company, APS Premise Number 1318607686. The date of issuance is December 11, 1991.

(F) Permit to Install, Application Number 14-2096, for Hilton Davis Company, APS Premise Number 1431070039. The date of issuance is June 12, 1991.

(103) On June 7, 1993, and February 17, 1995, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan (SIP) for ozone. The revisions include one new non-Control Technique

Guideline volatile organic compound (VOC) rule, corrections to existing VOC rules, and two permits-to-install.

(i) Incorporation by reference.

(A) OEPA Ohio Administrative Code (OAC) Rule 3745-21-01, Definitions, Paragraphs (B)(1), (B)(2), (B)(6), (D)(6), (D)(8), (D)(22), (D)(45), (D)(48), (D)(58), (M)(8); effective January 17, 1995.

(B) OEPA OAC Rule 3745-21-04, Attainment Dates and Compliance Time Schedules, Paragraphs (B), (C)(3)(c), (C)(4)(b), (C)(5)(b), (C)(6)(b), (C)(8) (b) and (c), (C)(9)(b), (C)(10)(b), (C)(19) (b), (c), and (d), (C)(28)(b), (C)(38), (C)(39), (C)(42), (C)(43), (C)(44), (C)(45), (C)(47), (C)(55), (C)(65); effective January 17, 1995.

(C) OEPA OAC Rule 3745-21-09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraphs (A), (C) through (L), (N) through (T), (X), (Y), (Z), (BB), (CC), (DD), (UU), Appendix A; effective January 17, 1995.

(D) OEPA OAC Rule 3745-21-09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraph (B) except (B)(3)(d) and (e) for the Ohio Counties of Ashtabula, Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, Summit, and Warren; effective January 17, 1995.

(E) OEPA OAC Rule 3745-21-09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraph (U) except (U)(1)(h) statewide and (U)(2)(e)(ii) for the Ohio Counties of Ashtabula, Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, Summit, and Warren; effective January 17, 1995.

(F) OEPA OAC Rule 3745-21-10, Compliance Test Methods and Procedures, Paragraphs (A), (B), (C), (E), (O); effective January 17, 1995.

(G) Permit to Install, Application Number 04-204, for Abitibi-Price Corporation, APS Premise Number 0448011192. The date of issuance is July 7, 1983.

(H) Permit to Install, Application Number 08-3273, for General Motors Corporation Delco Chassis Division, APS Premise Number 0857040935. The date of issuance is February 13, 1995.

(ii) Additional material.

(A) On June 7, 1993, the OEPA submitted negative declarations for the source categories of polypropylene or high density polyethylene resin manufacturing, natural gas/gasoline processing plants, and surface coating of flat wood paneling. These negative declarations are approved into the Ohio ozone SIP.

(B) On February 21, 1995, the OEPA submitted a list of facilities subject to the post-enactment source categories listed in Appendix E to the General Preamble. 57 FR 18070, 18077 (April 28, 1992). This list is approved into the Ohio ozone SIP.

(104) On June 7, 1993, the Ohio Environmental Protection Agency (OEPA) submitted a revision request to Ohio's ozone SIP for approval of the State's Stage II vapor recovery program. The Stage II program requirements apply to sources in the following areas: Cincinnati-Hamilton; Cleveland-Akron-Lorain; and Dayton-Springfield.

(i) Incorporation by reference.

(A) OEPA Ohio Administrative Code (OAC) Rule 3745-21-04, Attainment Dates and Compliance Time Schedules, Paragraph (C)(64); effective date March 31, 1993.

(B) OEPA OAC Rule 3745-21-10, Compliance Test Methods and Procedures, Paragraphs (Q), (R), (S), Appendices A, B, C; effective date March 31, 1993.

(C) Ohio Administrative Code rules 3745-21-09(DDD)(1)-(4), effective date March 31, 1993.

(105) On September 17, 1993, the Ohio Environmental Protection Agency requested the redesignation of Lucas and Wood Counties to attainment of the National Ambient Air Quality Standard for ozone. To meet the redesignation criteria set forth by section 107(d)(3)(E) (iii) and (iv), Ohio credited emissions reductions from the enclosure of the "oily ditch" at the British Petroleum Refinery in Oregon, Ohio. The USEPA is approving the Director's Finding and Order which requires the enclosure of the "oily ditch" into the SIP for Lucas and Wood Counties.

(i) Incorporation by reference.

(A) Letter dated June 2, 1994, from Donald R. Schregardus, Director, Ohio Environmental Protection Agency, to Valdas Adamkus, Regional Administrator, USEPA, Region 5, and one en-

closure which is the revised Director's Final Findings and Orders in the matter of BP Oil company, Toledo Refinery, 4001 Cedar Point Road, Oregon, Ohio, Fugitive Emissions from the Refinery Waste Water System "Oily Ditch", effective June 2, 1994.

(106) On October 7, 1994, Ohio submitted four rules in Chapter 3745-71 of the Ohio Administrative Code, entitled "Lead Emissions," and submitted a modeling demonstration that the limitations in these rules assure attainment of the lead standard in central Cleveland.

(i) Incorporation by reference. Rules 3745-71-01, 3745-71-03, 3745-71-05, and 3745-71-06, all adopted September 22, 1994, and effective October 4, 1994.

(ii) Additional material. A submittal letter from the Director of the Ohio Environmental Protection Agency, with attachments documenting a modeling analysis of lead concentrations near the Master Metals secondary lead smelter.

(107) Approval—On August 17, 1995, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for general conformity rules. The general conformity rules enable the State of Ohio to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

(i) Incorporation by reference. August 1, 1995, Ohio Administrative Code Chapter 3745-102, effective August 21, 1995.

(108) [Reserved]

(109) On July 17, 1995, Ohio submitted a Particulate Matter (PM) contingency measures State Implementation Plan (SIP) revision request. The submittal includes Final Findings and Orders for 5 companies. The Findings and Orders provide PM emission reductions which will take effect if an area fails to attain the National Ambient Air Quality Standards for PM.

(i) Incorporation by reference. Director's Final Findings and Orders for Ford Motor Company (Cleveland Casting Plant), T&B Foundry Company,

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International Mill Service, Luria Brothers, and United Ready Mix, issued by the Ohio Environmental Protection Agency on July 10, 1995.

(110) On November 3, 1995, December 21, 1995, and March 21, 1996, OEPA submitted revisions to its particulate matter plan, addressing prior deficiencies in its plans for Cuyahoga and Jefferson Counties.

(i) Incorporation by reference.

(A) Rule 3745-17-03—Rule 3745-17-03—Measurement methods and procedures, effective November 15, 1995.

(B) Rule 3745-17-04—Compliance time schedules, effective November 15, 1995.

(C) Rule 3745-17-12—Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga County, effective November 15, 1995.

(D) Findings and Orders issued to the Wheeling-Pittsburgh Steel Corporation, signed by Donald Schregardus and effective on October 31, 1995.

(ii) Additional material—Dispersion modeling analyses for the Steubenville area and for Cuyahoga County near Ford's Cleveland Casting Plant.

(111) On July 18, 1996, the Ohio Environmental Protection Agency submitted a site specific State Implementation Plan revision for Ohio Edison's Sammis and Toronto plants for Sulfur Dioxide. The revisions for the Sammis plant provide "as an alternative" to the existing boiler specific regulations a limit of "2.91 lbs./MMBTU actual heat input from each boiler". The regulation for the Toronto plant reduces allowable emissions to 2.0 lbs./MMBTU.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745-18-47, effective July 25, 1996.

(112) On August 29, 1996, the United States Environmental Protection Agency received from the Ohio Environmental Protection Agency, changes to the approved vehicle inspection and maintenance (I/M) program which control the release of volatile organic compounds from vehicles. These changes provide a repair spending cap of \$300 and a temporary hardship extension of time up to 6 months for owners to perform needed repairs on vehicles which fail the I/M program test.

(i) Incorporation by reference.

(A) Rule 3745-26-01—Definitions effective May 15, 1996.

(B) Rule 3745-26-12—Requirements for motor vehicle owners in the enhanced or opt-in enhanced automobile inspection and maintenance program, effective May 15, 1996.

(113) On August 30, 1996, Ohio submitted a request to extend the exemption from opacity limits for the boilers at Ford's Cleveland Engine Plant 1 to six hours after start-up.

(i) Incorporation by reference.

(A) Findings and Orders for boilers number 1 through number 5 at Ford's Cleveland Engine Plant 1, signed by Donald Schregardus on May 31, 1996.

(114) On November 12, 1996, the Ohio Environmental Protection Agency submitted a request to incorporate section(G)(9)(g) of Rule 3745-21-07 of the Ohio Administrative Code into the Ohio State Implementation Plan (SIP). Section (G)(9)(g) provides an additional exemption from organic compound emission controls for qualifying new sources. Because, in the process of adopting section(G)(9)(g), minor editorial changes were made to other parts of Rule 3745-21-07, the United States Environmental Protection Agency is incorporating all of Rule 3745-21-07 into the Ohio SIP. This will avoid confusion by making the SIP approved rule identical to the current State rule.

(i) Incorporation by reference.

(A) Rule 3745-21-07 of the Ohio Administrative Code, adopted October 7, 1996, effective October 31, 1996, as certified by Donald R. Schregardus, Director of the Ohio Environmental Protection Agency. Rescinded in 2008; see paragraph 154 of this section.

(115) On January 3, 1997, the Ohio EPA submitted a revision to the Hamilton County sulfur dioxide implementation plan for the Procter and Gamble Company, Ohio Administrative Code 3745-18-37(GG)(2), which limits combined average operating rate of all boilers (B001, B008, B021, and B022) to a maximum of 922 million BTU per hour for any calendar day. Boilers B001 and B008 are each allowed to emit 1.1 pounds of sulfur dioxide per million BTU actual heat input. Boiler B021 is limited to 1.50 pounds of sulfur dioxide

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per million BTU; and boiler B022 is limited to 2.0 pounds of sulfur dioxide per million BTU average heat input.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745-18-37(GG)(2), Hamilton County emission limits, dated December 17, 1996, for Procter and Gamble Company.

(B) Director's Findings and Orders in the matter of the adoption of amended Rule 3745-18-37 of the Ohio Administrative Code, dated December 17, 1996.

(ii) Additional materials.

(A) Letter from Ohio EPA Director Donald R. Schregardus to Regional Administrator Valdas Adamkus, dated January 3, 1997.

(B) Letter from Ohio EPA Air Pollution Control Division Chief, Robert Hodanbosi to EPA dated August 11, 1997.

(116) On December 9, 1996, the Ohio Environmental Protection Agency submitted two revisions to its sulfur dioxide rules. The first revision provides adjusted, State adopted limits for a Sun Oil Company facility. The second revision, applicable Statewide, exempts sources from operating hour limits on days when only natural gas is burned. Further, by letter of December 15, 1997, the State requested that U.S. Environmental Protection Agency address the addition of emission limits for stationary gas turbines and stationary internal combustion engines in rule 3745-18-06 that have been adopted previously.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) rule 3745-18-54 (O) and OAC rule 3745-18-06, adopted October 7, 1996, effective October 31, 1996.

(117) On August 1, 1997 the Ohio Environmental Protection Agency submitted a requested revision to the Ohio State Implementation Plan. This revision constituted amendments to the emissions statement reporting regulations approved on October 13, 1994 and codified in paragraph (c)(100) of this section. The revision is intended to limit the applicability of these rules to stationary sources located within the State's marginal and above ozone non-attainment areas.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-24-02 Applicability. Effective July 31, 1997.

(118) On August 20, 1998, Ohio submitted material including State adopted limits for Lake County, and requested approval of limits for the Ohio First Energy Eastlake Plant and the Ohio Rubber Company Plant.

(i) Incorporation by reference.

(A) Rule 3745-18-49 (G) and (H) of the Ohio Administrative Code, effective May 11, 1987.

(119) On September 21, 1998, Ohio submitted revisions to its Permit to Operate rules as a revision to the State implementation plan.

(i) Incorporation by reference

(A) Ohio Administrative Code 3745-35-02, adopted April 4, 1994, effective April 20, 1994. Rescinded in 2008; see paragraph (c)(156) of this section.

(120) On January 3, 1999, Ohio submitted, as a State implementation plan revision, de minimus exemption provisions for its permitting rules.

(i) Incorporation by reference

(A) Ohio Administrative Code 3745-15-05, adopted April 4, 1994, effective April 20, 1994.

(121) On March 20, 2000, the Ohio Environmental Protection Agency submitted rules to control sulfur dioxide emissions in Coshocton, Gallia and Lorain Counties.

(i) Incorporation by reference. Rules OAC 3745-18-22; OAC 3745-18-33; and OAC 3745-18-53. Adopted March 1, 2000; effective March 21, 2000.

(122) On October 6, 1999, the Ohio Environmental Protection Agency submitted revised Transportation Conformity rules for the State of Ohio. The submittal made revisions to the current State plan for the implementation of the federal transportation conformity requirements at the State and local level in accordance with 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. Only certain sections of the submittal are approved.

(i) Incorporation by reference.

(A) Ohio Administrative Code: amended rules, OAC 3745-101-02, OAC 3745-101-03 (A), (B), (C), (D), (G), (H), (I),

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(J), (K), (L), except (E) and (F), OAC 3745-101-05, OAC 3745-101-06, OAC 3745-101-07 (A), (B), (C) except for (C)(1)(a) and (C)(2)(a), (D), (E), (F), (G), (H), (I), (J), OAC 3745-101-08, OAC 3745-101-09, OAC 3745-101-10, OAC 3745-101-11, OAC 3745-101-12 except for (A)(2), OAC 3745-101-13 except (A)(1), OAC 3745-101-14, OAC 3745-101-15, OAC 3745-101-17, OAC 3745-101-18, OAC 3745-101-19, effective on February 16, 1999.

(B) No action is being taken on: OAC 3745-101-04.

(123) On July 6, 2000, the State of Ohio submitted a site-specific State Implementation Plan (SIP) revision affecting Volatile Organic Compound control requirements at Morgan Adhesives Company in Stow, Ohio. The SIP revision establishes an alternative control strategy for limiting volatile organic compound emissions from coating lines at its pressure sensitive tape and manufacturing plant in Stow.

(i) Incorporation by reference. July 5, 2000, Director's Final Findings and Orders of the Ohio Environmental Protection Agency in the matter of: Morgan Adhesives Company, effective on July 5, 2000.

(124) On November 9, 2000, Ohio submitted Director's Final Findings and Orders revising sulfur dioxide emissions regulations for the Lubrizol Corporation facility in Lake County, Ohio. The revisions include the adjustment of six short-term emissions limits, the addition of an annual emissions limit, and the addition of a continuous emissions monitoring system (CEMS). These state implementation plan revisions do not increase allowable sulfur dioxide emissions.

(i) Incorporation by reference. Emissions limits for the Lubrizol Corporation facility in Lake County contained in Director's Final Findings and Orders. The orders were effective on November 2, 2000 and entered in the *Director's Journal* on November 9, 2000.

(125) On March 20, 2000, the Ohio Environmental Protection Agency submitted revised rules to control sulfur dioxide emissions in Butler and Pickaway Counties, and a revision to compliance time schedules as well as measurement methods and procedures for SO<sub>2</sub> sources for the State of Ohio. Ohio has rescinded OAC 3745-18-04 (G),

which had special emission calculation procedures for Hamilton County.

(i) Incorporation by reference.

(A) Rules OAC 3745-18-03(A)(2)(d); OAC 3745-18-03(B)(4); OAC 3745-18-03(B)(8); OAC 3745-18-03(C)(6); OAC 3745-18-03(C)(10); 3745-18-04(D)(8); 3745-18-04(D)(9); OAC 3745-18-04(E)(7); OAC 3745-18-04(F); OAC 3745-18-15; OAC 3745-18-71. Adopted March 1, 2000, effective March 21, 2000.

(B) Rule OAC 3745-18-49(F), effective May 11, 1987.

(126) On March 1, 1996, and several subsequent dates, Ohio submitted revisions to its Permit to Install rules as a revision to the State implementation plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745-31-21, effective April 27, 1998; OAC Rules 3745-31-22 through 3745-31-27, effective April 12, 1996; OAC Rules 3745-47-01, 3745-47-2, and 3745-47-03, effective June 30, 1981; OAC Rule 3745-47-05, effective June 30, 1981; OAC Rule 3745-47-07, effective June 30, 1981; and OAC Rule 3745-47-08(D), effective August 10, 1999.

(127) On July 18, 2002, Ohio submitted revisions to its Permit to Install rules as a revision to the State implementation plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rules 3745-31-01, 3745-31-02, 3745-31-03, 3745-31-05, and 3745-31-07 effective November 30, 2001.

(128) On July 11, 2002, the Ohio Environmental Protection Agency submitted revisions to Chapter 3745-14-(1 through 11) of the Ohio Administrative Code (OAC), an oxides of nitrogen (NO<sub>x</sub>) budget trading program in Ohio, with a request that the Ohio State Implementation Plan be revised to include these NO<sub>x</sub> rules.

(i) Incorporation by reference.

(A) Ohio NO<sub>x</sub> rules: 3745-14-01, 3745-14-02, 3745-14-03, 3745-14-04, 3745-14-05, 3745-14-06, 3745-14-07, 3745-14-08, 3745-14-09, 3745-14-10, 3745-14-11 in the OAC all with an effective date of July 18, 2002.

(ii) On June 25, 2003, the Ohio Environmental Protection Agency submitted a letter committing to change the flow control date, in rule 3745-14-

06(E)(6) from 2006 to 2005, within approximately 6 months of the effective date of the submittal date.

(129) On September 27, 2003, the Ohio Environmental Protection Agency submitted revised rules for sulfur dioxide. The submittal includes revised provisions in Rules 3745-18-01, 3745-18-04, and 3745-18-06, relating to natural gas use, as well as special provisions in Rule 3745-18-04 for compliance testing for Lubrizol in Lake County. The submittal includes recently revised Ohio limits in Cuyahoga, Lake, Mahoning, Monroe, and Washington Counties, as well as previously adopted source-specific limits in Adams, Allen, Clermont, Lawrence, Montgomery, Muskingum, Pike, Ross, and Wood Counties that had not previously been subject to EPA rulemaking.

(i) Incorporation by reference.

(A) Rules OAC 3745-18-01; OAC 3745-18-04(F); OAC 3745-18-04(J); OAC 3745-18-06; OAC 3745-18-24; OAC 3745-18-49; OAC 3745-18-56; OAC 3745-18-62; and OAC 3745-18-90. Adopted August 19, 2003, effective September 1, 2003.

(B) Rules OAC 3745-18-07(B); OAC 3745-18-08(H); OAC 3745-18-19(B); OAC 3745-18-66(C); OAC 3745-18-72(B);, effective May 11, 1987.

(C) OAC 3745-18-50(C); OAC 3745-18-77(B); effective December 28, 1979.

(D) OAC 3745-18-63(K) and (L); and OAC 3745-18-93(B) and (C); effective December 1, 1984.

(ii) Additional material—Letter from Robert Hodanbosi, Chief of the Division of Air Pollution Control of the Ohio EPA, to Thomas Skinner, Regional Administrator for Region 5 of USEPA, dated September 27, 2003.

(130) On November 26, 2003, the Ohio Environmental Protection Agency submitted revisions to OAC rule 3745-14-06 (NO<sub>x</sub> Allowance Tracking System) that changes the flow control date to 2005.

(i) Incorporation by reference.

(A) Amended OAC rule 3745-14-06. Adopted by the Ohio Environmental Protection Agency on November 12, 2003. Effective November 24, 2003.

(B) [Reserved]

(131) [Reserved]

(132) On June 28, 2004, the Ohio Environmental Protection Agency submitted revisions to OAC rule 3745-14-01. These revisions change the definition

of “boiler” by excluding from the trading program carbon monoxide (CO) boilers associated with combusting CO from fluidized catalytic cracking units at petroleum refineries. The submittal also includes revisions to OAC rule 3745-14-03 (A housekeeping correction to reference OAC Chapter 3745-77 concerning Title V operating permit) and 3745-14-05 (Revising the number of trading program budget allowances and source identification for the ozone seasons 2004 through 2007).

(i) Incorporation by reference.

(A) Ohio Administrative Code rules 3745-14-01, 3745-14-03, and 3745-14-05, effective May 25, 2004.

(133) On May 20, 2005, the Ohio Environmental Protection Agency submitted volatile organic compound (VOC) regulations for five source categories in the Cincinnati ozone non-attainment area. These regulations complete the requirement that all VOC reasonably available control technology (RACT) regulations, for which there are eligible sources, have been approved by EPA into the SIP for the Cincinnati ozone nonattainment area.

(i) Incorporation by Reference. The following sections of the Ohio Administrative Code (OAC) are incorporated by reference.

(A) OAC rule 3745-21-01(U), (definitions for commercial bakery oven facilities), effective May 27, 2005.

(B) OAC rule 3745-21-01(V), (definitions for reactors and distillation units employed in SOCMCI chemical production), effective May 27, 2005.

(C) OAC rule 3745-21-01(W), (definitions for batch operations), effective May 27, 2005.

(D) OAC rule 3745-21-01(X), (definitions for wood furniture manufacturing operations), effective May 27, 2005.

(E) OAC rule 3745-21-01(Y), (definitions for industrial wastewater), effective May 27, 2005.

(F) OAC rule 3745-21-12: “Control of Volatile Organic Compound Emissions from Commercial Bakery Oven Facilities”, effective May 27, 2005.

(G) OAC rule 3745-21-13: “Control of Volatile Organic Compound Emissions from Reactors and Distillation Units Employed in SOCMCI Chemical Production”, effective May 27, 2005.

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(H) OAC rule 3745-21-14: "Control of Volatile Organic Compound Emissions from Process Vents in Batch Operations", effective May 27, 2005.

(I) OAC rule 3745-21-15: "Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations", effective May 27, 2005.

(J) OAC rule 3745-21-16: "Control of Volatile Organic Compound Emissions from Industrial Wastewater", effective May 27, 2005.

(134) On July 18, 2000, the Ohio Environmental Protection Agency submitted revised rules for particulate matter. Ohio adopted these revisions to address State-level appeals by various industry groups of rules that the State adopted in 1995 that EPA approved in 1996. The revisions provide reformulated limitations on fugitive emissions from storage piles and plant roadways, selected revisions to emission limits in the Cleveland area, provisions for Ohio to follow specified criteria to issue replicable equivalent visible emission limits, the correction of limits for stationary combustion engines, and requirements for continuous emissions monitoring as mandated by 40 CFR part 51, Appendix P. The State's submittal also included modeling to demonstrate that the revised Cleveland area emission limits continue to provide for attainment of the PM<sub>10</sub> standards. EPA is disapproving two paragraphs that would allow revision of limits applicable to Ford Motor Company's Cleveland Casting Plant through permit revisions without the full EPA review provided in the Clean Air Act.

(i) Incorporation by reference.

(A) The following rules in Ohio Administrative Code Chapter 3745-17 as effective January 31, 1998: Rule OAC 3745-17-01, entitled Definitions, Rule OAC 3745-17-03, entitled Measurement methods and procedures, Rule OAC 3745-17-04, entitled Compliance time schedules, Rule OAC 3745-17-07, entitled Control of visible particulate emissions from stationary sources, Rule OAC 3745-17-08, entitled Restriction of emission of fugitive dust, Rule OAC 3745-17-11, entitled Restrictions on particulate emissions from industrial processes, Rule OAC 3745-17-13, entitled Additional restrictions on particulate emissions

from specific air contaminant sources in Jefferson county, and OAC 3745-17-14, entitled Contingency plan requirements for Cuyahoga and Jefferson counties.

(B) Rule OAC 3745-17-12, entitled Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county, as effective on January 31, 1998, except for paragraphs (I)(50) and (I)(51).

(C) Engineering Guide #13, as revised by Ohio EPA, Division of Air Pollution Control, on June 20, 1997.

(D) Engineering Guide #15, as revised by Ohio EPA, Division of Air Pollution Control, on June 20, 1997.

(ii) Additional material.

(A) Letter from Robert Hodanbosi, Chief of Ohio EPA's Division of Air Pollution Control, to EPA, dated February 12, 2003.

(B) Telefax from Tom Kalman, Ohio EPA, to EPA, dated January 7, 2004, providing supplemental documentation of emissions estimates for Ford's Cleveland Casting Plant.

(C) Memorandum from Tom Kalman, Ohio EPA to EPA, dated February 1, 2005, providing further supplemental documentation of emission estimates.

(D) E-mail from Bill Spires, Ohio EPA to EPA, dated April 21, 2005, providing further modeling analyses.

(135) On May 9, 2006, the Ohio Environmental Protection Agency submitted several volatile organic compound rules for approval into the Ohio State Implementation Plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code Chapter 3745-21-01 Definitions: Paragraphs (D) and (Z), adopted 1/31/2006, effective 2/10/2006.

(B) Ohio Administrative Code Chapter 3745-21-04 Attainment dates and compliance time schedules: Paragraph (C)(16)(c), adopted 1/31/2006, effective 2/10/2006.

(C) Ohio Administrative Code Chapter 3745-21-09 Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities: Paragraphs (O)(2)(e),(O)(6)(b),(T)(4),(Y),(HH), (RR), and (VV), adopted 3/2/2006, effective 3/12/2006.

(D) Ohio Administrative Code Chapter 3745–21–17: Portable Fuel Containers, adopted 1/31/2006, effective 2/10/2006.

(E) Ohio Administrative Code Chapter 3745–21–18: Commercial Motor Vehicle and Mobile Equipment Refinishing Operations, adopted 1/31/2006, effective 2/10/2006.

(136) On May 16, 2006, Ohio submitted numerous regulations for sulfur dioxide. These regulations were submitted to replace the remaining federally promulgated regulations, to make selected revisions to applicable limits, and to update company names and make other similar administrative changes. On December 10, 2007, Ohio submitted a corrected rule for Stark County.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rules 3745–18–01 “Definitions and incorporation by reference.”, 3745–18–02 “Ambient air quality standards; sulfur dioxide.”, 3745–18–03 “Attainment dates and compliance time schedules.”, 3745–18–06 “General emission limit provisions.”, 3745–18–10 “Ashtabula County emission limits.”, 3745–18–11 “Athens County emission limits.”, 3745–18–12 “Auglaize County emission limits.”, 3745–18–17 “Champaign County emission limits.”, 3745–18–18 “Clark County emission limits.”, 3745–18–28 “Erie County emission limits.”, 3745–18–29 “Fairfield County emission limits.”, 3745–18–31 “Franklin County emission limits.”, 3745–18–34 “Geauga County emission limits.”, 3745–18–35 “Greene County emission limits.”, 3745–18–37 “Hamilton County emission limits.”, 3745–18–38 “Hancock County emission limits.”, 3745–18–49 “Lake County emission limits.”, 3745–18–50 “Lawrence County emission limits.”, 3745–18–53 “Lorain County emission limits.”, 3745–18–57 “Marion County emission limits.”, 3745–18–61 “Miami County emission limits.”, 3745–18–63 “Montgomery County emission limits.”, 3745–18–66 “Muskingum County emission limits.”, 3745–18–68 “Ottawa County emission limits.”, 3745–18–69 “Paulding County emission limits.”, 3745–18–72 “Pike County emission limits.”, 3745–18–76 “Richland County emission limits.”, 3745–18–77 “Ross County emission limits.”, 3745–18–78 “Sandusky County emission limits.”, 3745–18–79 “Scioto County emission

limits.”, 3745–18–80 “Seneca County emission limits.”, 3745–18–81 “Shelby County emission limits.”, 3745–18–83 “Summit County emission limits.”, 3745–18–84 “Trumbull County emission limits.”, 3745–18–85 “Tuscarawas County emission limits.”, 3745–18–87 “Van Wert County emission limits.”, 3745–18–90 “Washington County emission limits.”, 3745–18–91 “Wayne County emission limits.”, and 3745–18–93 “Wood County emission limits.”, adopted on January 13, 2006, effective January 23, 2006.

(B) January 13, 2006, “Director’s Final Findings and Orders”, signed by Joseph P. Koncelik, Director, Ohio Environmental Protection Agency, adopting the rules identified in paragraph (A) above.

(C) Ohio Administrative Code Rules 3745–18–08 “Allen County emission limits.”, 3745–18–15 “Butler County emission limits.”, 3745–18–24 “Cuyahoga County emission limits.”, and 3745–18–54 “Lucas County emission limits.”, adopted on March 16, 2006, effective March 27, 2006.

(D) March 16, 2006, “Director’s Final Findings and Orders”, signed by Joseph P. Koncelik, Director, Ohio Environmental Protection Agency, adopting rules 3745–18–08, 3745–18–15, 3745–18–24, and 3745–18–54.

(E) Ohio Administrative Code Rule 3745–18–82 “Stark County emission limits.”, adopted on November 28, 2007, effective December 8, 2007.

(F) November 28, 2007, “Director’s Final Findings and Orders”, signed by Chris Korleski, Director, Ohio Environmental Protection Agency, adopting rule 3745–18–82.

(137) On January 31, 2007, Ohio requested to rescind certain transportation conformity rules from the Ohio State Implementation Plan, which were previously approved in paragraph (c)(122) of this section. The rules that are being rescinded at Ohio’s request are 3745–101–05, 3745–101–06, 3745–101–07, 3745–101–08, 3745–101–09, 3745–101–10, 3745–101–11, 3745–101–12, 3745–101–13, 3745–101–15, 3745–101–16, 3745–101–18, 3745–101–19, and 3745–101–20.

(138) On February 14, 2006, and October 6, 2006, the State of Ohio submitted a revision to the Ohio State Implementation Plan. This revision is for the

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purpose of establishing a gasoline Reid Vapor Pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline sold in the Cincinnati and Dayton areas which include Hamilton, Butler, Warren, Clermont, Clark, Greene, Miami, and Montgomery Counties.

(139) On May 1, 2006, and supplemented on May 22, 2007, Ohio submitted final adopted state implementation plan revisions which concurrently rescinds and revises portions of the Ohio Administrative Code Chapter 3745-24 to be consistent with the Clean Air Act emission statement program reporting requirements for stationary sources. This revision includes amendments to the emission reporting regulation approved on October 13, 1994, and March 23, 1998, codified in paragraphs (c)(100) and (c)(117) of this section. The revision makes the rule more general to apply to all counties designated nonattainment for ozone, and not to a specific list of counties.

(i) Incorporation by reference. The following sections of the Ohio Administrative Code (OAC) are incorporated by reference.

(A) OAC Rule Chapter 3745-24-01: "Definitions", effective on December 16, 2005.

(B) OAC Rule Chapter 3745-24-02: "Applicability", effective on December 16, 2005.

(C) OAC Rule Chapter 3745-24-03: "Deadlines for the submission of the emission statements", effective on December 16, 2005.

(140) On July 15, 2009, and August 13, 2009, Ohio submitted rules addressing the requirements of the Clean Air Interstate Rule.

(i) *Incorporation by reference.*

(A) Ohio Administrative Code Rule 3745-109-01 "CAIR NO<sub>x</sub> annual, CAIR SO<sub>2</sub> and CAIR NO<sub>x</sub> ozone season trading programs definitions and general provisions.", Rule 3745-109-04 "CAIR NO<sub>x</sub> allowance allocations.", Rule 3745-109-07 "Monitoring and Reporting.", Rule 3745-109-08 "CAIR NO<sub>x</sub> opt-in units.", Rule 3745-109-11 "CAIR SO<sub>2</sub> allowance tracking system.", Rule 3745-109-12 "CAIR SO<sub>2</sub> allowance transfers.", Rule 3745-109-13 "Monitoring and reporting.", Rule 3745-109-14 "CAIR SO<sub>2</sub> opt-in units.", Rule 3745-109-17 "CAIR NO<sub>x</sub> ozone season allowance al-

locations.", Rule 3745-109-18 "CAIR NO<sub>x</sub> ozone season allowance tracking system.", Rule 3745-109-19 "CAIR NO<sub>x</sub> ozone season allowance transfers.", Rule 3745-109-20 "Monitoring and reporting.", and Rule 3745-109-21 "CAIR NO<sub>x</sub> ozone season opt-in units.", adopted on July 6, 2009, effective on July 16, 2009.

(B) July 6, 2009, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(C) Ohio Administrative Code Rule 3745-109-02 "CAIR designated representative for CAIR NO<sub>x</sub> sources.", Rule 3745-109-03 "Permits.", Rule 3745-109-05 "CAIR NO<sub>x</sub> allowance tracking system.", Rule 3745-109-06 "CAIR NO<sub>x</sub> allowance transfers.", Rule 3745-109-09 "CAIR designated representative for CAIR SO<sub>2</sub> sources.", Rule 3745-109-10 "Permits.", Rule 3745-109-15 "CAIR designated representative for CAIR NO<sub>x</sub> ozone season sources.", and Rule 3745-109-16 "Permits.", adopted on September 17, 2007, effective on September 27, 2007.

(D) September 17, 2007, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(141) Ohio Environmental Protection Agency, on June 16, 2005, submitted amendments to the State Implementation Plan to control nitrogen oxide emissions from internal combustion engines in new rule Ohio Administrative Code (OAC) 3745-14-12. This rule adds stationary internal combustion engines to the list of sources in the Ohio NO<sub>x</sub> SIP Call emission reduction program. Also, OAC 3745-14-01, General Provisions, is amended. This rule contains definitions used for the nitrogen oxides rules, expands the definition of NO<sub>x</sub> budget unit, adds definitions for the internal combustion engine rule, amends definition associated with continuous emissions monitoring, and makes corrections to typographical errors. OAC 3745-14-05 Portions of this rule are amended to correctly line up with the changes made in the definitions section of the NO<sub>x</sub> plan. Typographical errors are also corrected.

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(i) Incorporation by reference. The following sections of the Ohio Administrative Code (OAC) are incorporated by reference.

(A) OAC 3745-14-01, General Provisions, effective on May 07, 2005.

(B) OAC 3745-14-05, NO<sub>x</sub> Allowance Allocations, effective on May 07, 2005.

(C) OAC 3745-14-12, Stationary Internal Combustion Engines, effective on May 7, 2005.

(142) [Reserved]

(143) On September 7, 2006, Ohio submitted revisions to Ohio Administrative Code Chapter 3745-19, Rules 3745-19-01 through 3745-19-05 including the 3754-19-03 Appendix. The revisions update Ohio's open burning regulations. Ohio added requirements for specific types of burning: emergency burning, recreational fires, hazardous material disposal, and firefighting training. The State also added or refined some of the definitions.

(i) Incorporation by reference.

(A) Ohio Administrative Code Chapter 3745: Ohio Environmental Protection Agency, Chapter 19: Open Burning Standards, Rule 3745-19-01: Definitions, Rule 3745-19-02: Relations to Other Prohibitions, Rule 3745-19-03: Open Burning in Restricted Areas with Appendix "Open Burning of Storm Debris Conditions", Rule 3745-19-04: Open Burning in Unrestricted Areas, and Rule 3745-19-05: Permission to Individuals and Notification to the Ohio EPA. The rules were effective on July 7, 2006.

(B) June 27, 2006, "Director's Final Findings and Orders", signed by Joseph P. Koncelik, Director, Ohio Environmental Protection Agency, adopting rules 3745-19-01, 3745-19-02, 3745-19-03, 3745-19-04, and 3745-19-05.

(144) The Ohio Environmental Protection Agency formally submitted revisions to Ohio's Administrative Code on August 7, 2007. These revisions consists of Rule 3745-21-17 which impacts sale, use, and manufacture of Portable Fuel Containers in the State of Ohio.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-21-17 "Portable fuel containers", adopted on June 11, 2007, effective on June 21, 2007.

(B) June 11, 2007, "Director's Final Findings and Orders", signed by Chris

Korleski, Director, Ohio Environmental Protection Agency.

(145) On September 14, 2004, Ohio submitted modifications to its Prevention of Significant Deterioration and non-attainment New Source Review rules as a revision to the State implementation plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-31-01, Definitions: (C), (D), (E), (J), (M), (N), (O), (P), (Q), (S), (T), (U), (V), (W), (X), (DD), (EE), (FF), (GG), (JJ), (MM), (NN), (QQ), (DDD), (EEE), (FFF), (JJJ), (KKK), (NNN), (UUU), (VVV), (WWW), (XXX), (YYY), (ZZZ), (CCCC), (DDDD), (EEEE), (FFFF), (GGGG), (HHHH), (III), (JJJJ), (KKKK), (LLLL), (MMMM), (OOOO), (PPPP), (QQQQ), (SSSS), (VVVV), (WWWW), (XXXX), (ZZZZ), (DDDDD), (EEEEE), (HHHHH), (KKKKK), (LLLLL), (PPPPP), (QQQQQ), (UUUUU), and (XXXXX), adopted on October 18, 2004, effective October 28, 2004.

(B) Ohio Administrative Code Rules 3745-31-01, Definitions: (III) and (SSS), 3745-31-10 "Air Stationary Source Obligations.", and 3745-31-22 "Nonattainment Provisions—Conditions for Approval", adopted on October 18, 2004, effective October 28, 2004 and revised by the November 15, 2005 letter from Joseph P. Koncelik to Thomas Skinner. This letter, included as Additional material in paragraph (145)(ii)(B) below, removes references to the Pollution Control Project (PCP) and Clean Unit provisions vacated by a June 24, 2005 DC Circuit Court of Appeals decision.

(C) Ohio Administrative Code Rules 3745-31-09 "Air permit to install completeness determinations, public participation and public notice.", 3745-31-13 "Attainment provisions—review of major stationary sources and major modifications, stationary source applicability and exemptions.", 3745-31-15 "Attainment provisions—Control Technology Review.", 3745-31-21 "Nonattainment provisions—review of major stationary sources and major modifications—stationary source applicability and exemptions.", 3745-31-24 "Nonattainment Provisions—Baseline for Determining Credit for Emission and Air Quality Offsets.", 3745-31-26 "Nonattainment Provisions—Offset Ratio Requirements.", and 3745-31-32

“Plantwide applicability limit (PAL).”, adopted on October 18, 2004, effective October 28, 2004.

(D) October 18, 2004, “Director’s Final Findings and Orders”, signed by Christopher Jones, Director, Ohio Environmental Protection Agency, adopting rules 3745-31-01, 3745-31-09, 3745-31-10, 3745-31-13, 3745-31-15, 3745-31-21, 3745-31-22, 3745-31-24, 3745-31-26, 3745-31-30, 3745-31-31, and 3745-31-32.

(ii) Additional material.

(A) Ohio Administrative Code Rule 3745-31-01, Definitions: (ZZZZZ) adopted on October 18, 2004, effective October 28, 2004.

(B) Letter dated November 15, 2005, from Ohio EPA Director Joseph P. Koncelik to Regional Administrator Thomas Skinner, titled Request for Approval of Ohio Administrative Code (“OAC”) Chapter 3745-31 NSR Reform Rule Changes into the State Implementation Plan (“SIP”).

(146) On September 4, 2008, and March 23, 2009, the Ohio Environmental Protection Agency submitted several volatile organic compound rules for approval into the Ohio State Implementation Plan. Only those paragraphs in 3745-21-09 that were revised in the September 4, 2008, and/or March 23, 2009, submittals have been incorporated into the SIP.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-21-01 “Definitions.”, adopted March 23, 2009, effective April 2, 2009.

(B) Ohio Administrative Code Rule 3745-21-02 “Ambient air quality standards and guidelines.”, adopted August 15, 2008, effective August 25, 2008.

(C) Ohio Administrative Code Rule 3745-21-03 “Methods of ambient air quality measurement.”, adopted August 15, 2008, effective August 25, 2008.

(D) Ohio Administrative Code Rule 3745-21-04 “Attainment dates and compliance time schedules.”, adopted March 23, 2009, effective April 2, 2009.

(E) Ohio Administrative Code Rule 3745-21-06 “Classification of Regions.”, adopted August 15, 2008, effective August 25, 2008.

(F) Ohio Administrative Code Rule 3745-21-08 “Control of carbon monoxide emissions from stationary sources.”, adopted August 15, 2008, effective August 25, 2008.

(G) Ohio Administrative Code Rule 3745-21-09 “Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities”: (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (O), (P), (R), (S), (T), (U)(1)(a), (U)(1)(b), (U)(1)(c), (U)(1)(d), (U)(1)(e), (U)(1)(f), (U)(1)(g), (U)(1)(i), (U)(2)(f), (U)(2)(j), (U)(2)(k), (U)(2)(l), (W), (X), (Y), (Z), (DD), (HH), (NN), (RR), (SS), (TT), (VV), (YY), (DDD), adopted March 23, 2009, effective April 2, 2009.

(H) Ohio Administrative Code Rule 3745-21-10 “Compliance test methods and procedures.”, adopted August 15, 2008, effective August 25, 2008.

(I) Ohio Administrative Code Rule 3745-21-12 “Control of volatile organic compound emissions from commercial bakery oven facilities.”, adopted August 15, 2008, effective August 25, 2008.

(J) Ohio Administrative Code Rule 3745-21-13 “Control of volatile organic compounds from reactors and distillation units employed in SOCMCI chemical production.”, adopted August 15, 2008, effective August 25, 2008.

(K) Ohio Administrative Code Rule 3745-21-14 “Control of Volatile organic compound emissions from process vents in batch operations.”, adopted March 23, 2009, effective April 2, 2009.

(L) Ohio Administrative Code Rule 3745-21-15 “Control of volatile organic compound emissions from wood furniture manufacturing operations.”, adopted August 15, 2008, effective August 25, 2008.

(M) Ohio Administrative Code Rule 3745-21-16 “Control of volatile organic compound emissions from industrial wastewater.”, adopted March 23, 2009, effective April 2, 2009.

(N) Ohio Administrative Code Rule 3745-21-18 “Commercial Motor Vehicle and Mobile Equipment Refinishing Operations.”, adopted March 23, 2009, effective April 2, 2009.

(O) Ohio Administrative Code Rule 3745-21-19 “Control of volatile organic compound emissions from aerospace manufacturing and rework facilities.”, adopted August 15, 2008, effective August 25, 2008.

(P) Ohio Administrative Code Rule 3745-21-20 “Control of volatile organic compound emissions from shipbuilding and ship repair operations.”, adopted

August 15, 2008, effective August 25, 2008.

(Q) Ohio Administrative Code Rule 3745-21-21 "Storage of volatile organic liquids in fixed roof tanks and external floating roof tanks.", adopted March 23, 2009, effective April 2, 2009.

(R) Ohio Administrative Code Rule 3745-21-22 "Lithographic and letterpress printing.", adopted March 23, 2009, effective April 2, 2009.

(S) Ohio Administrative Code Rule 3745-21-23 "Industrial cleaning solvents.", adopted March 23, 2009, effective April 2, 2009.

(T) Ohio Administrative Code Rule 3745-21-24 "Flat wood paneling coatings.", adopted March 23, 2009, effective April 2, 2009.

(U) August 15, 2008, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(V) March 23, 2009, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(147) On October 5, 2007, Ohio submitted revisions to Ohio Administrative Code Chapter 3745-112, Rules 3745-112-01 through 3745-112-08. The revisions regulate the volatile organic compounds content of consumer products.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-112-01 "Definitions.", Rule 3745-112-02 "Applicability.", Rule 3745-112-03 "Standards.", Rule 3745-112-04 "Exemptions.", Rule 3745-112-05 "Administrative requirements.", Rule 3745-112-06 "Reporting requirements.", Rule 3745-112-07 "Variances.", and Rule 3745-112-08 "Test methods.", adopted September 5, 2007, effective on September 15, 2007.

(B) September 5, 2007, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(148) On March 17, 2009, Ohio submitted revisions to Ohio Administrative Code Chapter 3745-15, Rules 3745-15-01 and 3745-15-05. The revisions pertain to general provisions of OAC Chapter 3745.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-15-01 "Definitions." and Rule 3745-

15-05 "De minimis" air contaminant source exemption." The rules were adopted on January 12, 2009, and became effective on January 22, 2009.

(B) January 12, 2009, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(149) On October 9, 2000, February 6, 2001, August 3, 2001, and June 24, 2003, Ohio submitted revisions to Ohio Administrative Code (OAC) Chapter 3745-21 to address a variety of changes to its Carbon Monoxide and Volatile Organic Compounds regulations. The pertinent provisions are in OAC 3745-21-09; for other rules in these submittals, later versions have been addressed in separate rulemaking (see paragraph 146 of this section).

(i) Incorporation by reference.

(A) The following paragraphs of OAC 3745-21-09, entitled "Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities," as adopted by Ohio on October 25, 2002, effective on November 5, 2002:

(1) Paragraphs (A)(4), (B)(3)(a), (B)(3)(d), (B)(3)(e), (B)(3)(f), (B)(3)(h), (B)(3)(j), (B)(3)(l), (B)(4)(a), (B)(4)(b), (C)(4), (H)(1), (H)(3), (O)(5)(b), (O)(6), (R)(4), (U)(2)(h), (Y)(1)(a)(i), (AA)(1)(b), (AA)(1)(c), (FF)(1), (II)(2), (II)(3), (II)(4), (KK)(1), (NN), (OO), (PP)(2), (UU)(3), (DDD), and Appendix A.

(2) Within paragraph (U), the undesignated paragraph following (U)(2)(e).

(B) October 25, 2002, "Director's Final Findings and Orders", signed by Christopher Jones, Director, Ohio Environmental Protection Agency.

(ii) Additional Information. The following permits to install authorizing exemptions under OAC Rule 3745-21-09(U)(2)(f) were issued by Ohio during the time period when the State had unilateral authority to issue them.

(A) Permit To Install issued by the State Of Ohio to Chase Industries, Inc, Cincinnati, OH, on June 24, 1998, for emissions unit K002, pursuant to application number 14-4578.

(B) Permit To Install issued by the State Of Ohio to CAE Ransohoff, Inc., Union, OH, on March 5, 1997, for emissions units K001 and K002, pursuant to application number 14-4268.

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(C) Permit To Install issued by the State Of Ohio to Phoenix Presentations, Inc., Butler County, OH, on January 21, 1999, for emissions units R001, R002, and R003, pursuant to application number 14-4612.

(D) Permit To Install issued by the State Of Ohio to CTL Aerospace, Inc., Cincinnati, OH, on August 19, 1998, for emissions unit R005, pursuant to application number 14-4572.

(E) Permit To Install issued by the State Of Ohio to Hamilton Fixture, Hamilton, OH, on April 24, 1996, for emissions unit R006, pursuant to application number 14-4014.

(F) Permit To Install issued by the State Of Ohio to Lt. Moses Willard, Inc., Milford, OH, on December 23, 1997, for emissions units K001 and K002, pursuant to application number 14-4220.

(G) Permit To Install issued by the State Of Ohio to WHM Equipment Co., Cincinnati, OH, on May 28, 1997, for emissions unit K001, pursuant to application number 14-4348.

(H) Permit To Install issued by the State Of Ohio to Panel-Fab, Inc., Cincinnati, OH, on June 12, 1996, for emissions unit K001, pursuant to application number 14-4027.

(I) Permit To Install issued by the State Of Ohio to Cincinnati Fan & Ventilator, Mason, OH, on June 15, 1995, for emissions unit K003, pursuant to application number 14-3774.

(J) Permit To Install issued by the State Of Ohio to Honda of America Manufacturing, Inc., Marysville, OH, on December 24, 1997, for emissions units R003, and R103, pursuant to application number 01-6743.

(K) Permit To Install issued by the State Of Ohio to Durr Ecoclean, Inc. (formerly Henry Filters, Inc.), Bowling Green, OH, on June 26, 1996, for emissions unit K001 pursuant to application number 03-9510.

(L) Permit To Install issued by the State Of Ohio to Honda of America Manufacturing, Inc., East Liberty, OH, on April 17, 1996, for emissions units K009 and K013, pursuant to application number 05-7923.

(M) Permit To Install issued by the State Of Ohio to American Trim, LLC (formerly Stolle Corporation, Stolle Products Division), Sidney, OH, on

September 13, 1995, K045, pursuant to application number 05-7329.

(N) Permit To Install issued by the State Of Ohio to American Trim, LLC (formerly Stolle Products), Sidney, OH, on December 3, 1998, for emissions unit K048, pursuant to application number 05-9516.

(O) Permit To Install issued by the State Of Ohio to Hawkline Nevada, LLC (formerly Trinity Industries, Inc.), Plant 101, Mt. Orab, OH, on February 28, 1996, for emissions unit K001, pursuant to application number 07-407.

(P) Permit To Install issued by the State Of Ohio to American Trim, LLC (formerly Superior Metal Products), Lima, OH, on July 23, 1997, for emissions unit K002, pursuant to application number 03-0397.

(150) On August 22, 2008, Ohio submitted revisions to

Ohio Administrative Code Chapter 3745-17, Rules 3745-17-01 through 3745-112-14. The revisions contain particulate matter standards in the State of Ohio necessary to attain and maintain the 2006 24-hour  $PM_{2.5}$ , annual  $PM_{2.5}$  and 24-hour  $PM_{10}$  NAAQS.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-17-01 Definitions: (A) and (B), Rule 3745-17-02 Ambient air quality standards, Rule 3745-17-04 Compliance time schedules, Rule 3745-17-07 Control of visible particulate emissions from stationary sources, Rule 3745-17-08 Restriction of emission of fugitive dust, Rule 3745-17-09 Restrictions on particulate emissions and odors from incinerators, Rule 3745-17-10 Restrictions on particulate emissions from fuel burning equipment, Rule 3745-17-12 Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county, Rule 3745-17-13 Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county, and Rule 3745-17-14 Contingency plan requirements for Cuyahoga and Jefferson counties. The rules became effective on February 1, 2008.

(B) January 22, 2008, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(ii) Additional Information.

(A) Ohio Administrative Code Rule 3745-17-01 Definitions: (C), effective on February 1, 2008.

(151) On September 10, 2009, Ohio EPA submitted amendments to the OAC with the intent to consolidate Ohio's Ambient Air Quality Standards into a single rule to provide greater accessibility for the regulated community and to the citizens of Ohio. EPA is approving the request because the revisions clarify the state's rules and thus better serve the purpose of providing for meeting these standards.

(i) Incorporation by reference.

(A) Paragraph (A) of Ohio Administrative Code Rule 3745-17-03, "Measurement methods and procedures.", effective April 18, 2009.

(B) Ohio Administrative Code Rule 3745-17-14 "Contingency plan requirements for Cuyahoga and Jefferson counties.", effective April 18, 2009.

(C) Ohio Administrative Code Rule 3745-18-03 "Attainment dates and compliance time schedules.", effective April 18, 2009.

(D) Ohio Administrative Code Rule 3745-23-01 "Definitions.", effective April 18, 2009.

(E) Ohio Administrative Code Rule 3745-23-02 "Methods of measurement.", effective April 18, 2009.

(F) Ohio Administrative Code Rule 3745-25-01 "Definitions.", effective April 18, 2009.

(G) Ohio Administrative Code Rule 3745-25-02 "Ambient air quality standards.", effective April 18, 2009.

(H) Ohio Administrative Code Rule 3745-25-03 "Air pollution emergencies and episode criteria.", effective August 21, 2009.

(I) Ohio Administrative Code Rule 3745-25-04 "Air pollution emergency emission control action programs.", effective April 18, 2009.

(J) Ohio Administrative Code Rule 3745-25-05 "Air pollution emergency orders.", effective April 18, 2009.

(K) April 8, 2009, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(L) August 11, 2009, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(152) On March 9, 2010, the Ohio Environmental Protection Agency (Ohio EPA) submitted revisions to its previously approved offset lithographic and letterpress printing volatile organic compound (VOC) rule for approval into its state implementation plan (SIP). This submittal revises certain compliance dates and record-keeping requirements.

(i) *Incorporation by reference.*

(A) Ohio Administrative Code Rule 3745-21-22 "Control of volatile organic compound emissions from offset lithographic printing and letterpress printing facilities.", effective February 10, 2010.

(B) January 29, 2010, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio EPA.

(153) On November 10, 2010, the Ohio Environmental Protection Agency (Ohio EPA) submitted new rule OAC 3745-21-25 "Control of VOC Emissions from Reinforced Plastic Composites Production Operations" for approval into its state implementation plan.

(i) *Incorporation by reference.*

(A) Ohio Administrative Code Rule 3745-21-25 "Control of VOC Emissions from Reinforced Plastic Composites Production Operations," effective November 11, 2010.

(B) November 1, 2010, "Director's Final Findings and Orders," signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(ii) *Additional material.* (A) An October 25, 2010, letter from Robert F. Hodanbosi, Chief Division of Air Pollution Control of the Ohio Environmental Protection Agency to Susan Hedman, Regional Administrator, containing documentation of noninterference, under section 110(l) of the Clean Air Act, of the less stringent applicability cutoff for sheet mold compound machines.

(154) On April 7, 2008, the Ohio Environmental Protection Agency (Ohio EPA) submitted revised rule "Control of emissions of organic materials from stationary sources (*i.e.*, emissions that are not regulated by rule 3745-21-09, 3745-21-12, 3745-21-13, 3745-21-14, 3745-21-15, 3745-21-16, or 3745-21-18 of the Administrative Code)." On February 8, 2008, the previously existing rule 3745-21-07 was rescinded by Ohio EPA.

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(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-21-07 "Control of emissions of organic materials from stationary sources (*i.e.*, emissions that are not regulated by rule 3745-21-09, 3745-21-12, 3745-21-13, 3745-21-14, 3745-21-15, 3745-21-16, or 3745-21-18 of the Administrative Code)," effective February 18, 2008.

(B) February 18, 2008, "Director's Final Findings and Orders", signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(ii) Additional material.

(A) An October 25, 2010, letter from Robert F. Hodanbosi, Chief Division of Air Pollution Control of the Ohio Environmental Protection Agency to Susan Hedman, Regional Administrator, containing documentation of noninterference, under section 110(1) of the Clean Air Act, of the less stringent applicability cutoff for sheet mold compound machines.

(155) On March 11, 2011, the Ohio Environmental Protection Agency submitted Ohio's regional haze plan addressing the first implementation period of the regional haze rule requirements. This plan includes a long-term strategy with emission limits for mandating emission reductions equivalent to the reductions from implement best available retrofit technology and with emission reductions to provide Ohio's contribution toward achievement of reasonable progress goals at Class I areas affected by Ohio. The plan specifically satisfies BART requirements for non-EGUs, most notably by providing new, tighter emission limits for the P.H. Glatfelter facility in Ross County, Ohio. The plan establishes a combined daily sulfur dioxide emission limit of 24,930 pounds per day for boiler #7 and #8. The plan also includes permit number P0103673 that will impose these emission limitations on P.H. Glatfelter Company.

(i) Incorporation by reference.

(A) Permit-to-Install Number P0103673, issued to P.H. Glatfelter Company—Chillicothe Facility by the Ohio Environmental Protection Agency, signed by Scott J. Nally and effective on March 7, 2011.

(156) On April 24, 2006, Ohio EPA submitted two permanent exemptions from the Permit to Install program and

six Permit-by-Rule provisions for approval into its SIP. On July 18, 2008, Ohio EPA submitted provisions for a Permit to Install and Operate (PTIO) program and a general permit program for approval into its SIP. The changes to Ohio's SIP involve the modification of various parts of OAC 3745-31, the removal of OAC 3745-35, and the addition of OAC 3745-31-29 to enable the issuance of federally enforceable general PTIs and general PTIOs. On June 30, 2008, the state regulations to implement the PTIO program became effective and OAC 3745-35 was rescinded.

(i) Incorporation by reference.

(A) Paragraph (A) of Ohio Administrative Code Rule 3745-15-03, "Submission of emission information," effective June 30, 2008.

(B) Ohio Administrative Code Rule 3745-31-01, "Definitions," effective December 14, 2007, except for paragraphs (I), (LLL)(2)(a)(ix), (LLL)(2)(a)(xxi), (LLL)(4)(t), and (QQQ)(1)(b).

(C) Ohio Administrative Code Rule 3745-31-02, "Applicability, requirements, and obligations," effective June 30, 2008.

(D) Ohio Administrative Code Rule 3745-31-03, "Exemptions," effective June 30, 2008.

(E) Ohio Administrative Code Rule 3745-31-04, "Applications," effective June 30, 2008.

(F) Ohio Administrative Code Rule 3745-31-05, "Criteria for decision by the director," effective June 30, 2008, except for paragraph (A)(3)(a)(ii).

(G) Ohio Administrative Code Rule 3745-31-06, "Completeness determinations, processing requirements, public participation, public notice, and issuance," effective June 30, 2008, except for paragraph (H)(2)(d).

(H) Ohio Administrative Code Rule 3745-31-07, "Termination, revocation, expiration, renewal, revision and transfer," effective June 30, 2008.

(I) Ohio Administrative Code Rule 3745-31-08, "Registration status permit-to-operate," effective June 30, 2008.

(J) Ohio Administrative Code Rule 3745-31-09, "Variances on operation," effective June 30, 2008.

(K) Ohio Administrative Code Rule 3745-31-10, "NSR projects at existing emissions units at a major stationary source," effective June 30, 2008.

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(L) Ohio Administrative Code Rule 3745-31-20, “Attainment provisions—innovative control technology.”, effective June 30, 2008.

(M) Ohio Administrative Code Rule 3745-31-22, “Nonattainment provisions—conditions for approval.”, effective June 30, 2008.

(N) Ohio Administrative Code Rule 3745-31-29, “General permit-to-install and general PTIO.”, effective June 30, 2008.

(O) Ohio Administrative Code Rule 3745-31-32, “Plantwide applicability limit (PAL).”, effective June 30, 2008.

(P) June 2, 2008, “Director’s Final Findings and Orders”, signed by Chris Korleski, Director, Ohio EPA.

(157) On February 23, 2012, Ohio submitted revisions to Ohio Administrative Code Chapter 3745-17, Rule 3745-17-11. The revisions contain particulate matter restriction for industrial sources in the State of Ohio necessary to attain and maintain the 2006 24-hour  $PM_{2.5}$ , annual  $PM_{2.5}$ , and 24-hour  $PM_{10}$  NAAQS.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-17-11 “Restrictions on particulate emissions from industrial processes”, effective December 23, 2011.

(B) December 13, 2011, “Director’s Final Findings and Orders”, signed by Scott J. Nally, Director, Ohio Environmental Protection Agency.

(158) On June 1, 2011, the Ohio Environmental Protection Agency (Ohio EPA) submitted several volatile organic compound (VOC) rules for approval into the Ohio State Implementation Plan. These rules include the source categories covered by the Control Technique Guideline (CTG) documents issued in 2008, as well as several other miscellaneous rule revisions.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-21-01 “Definitions.”, effective May 12, 2011.

(B) Ohio Administrative Code Rule 3745-21-09 “Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities.”, effective

May 12, 2011, except for paragraph (U)(1)(h).

(C) Ohio Administrative Code Rule 3745-21-21 “Storage of volatile organic liquids in fixed roof tanks and external floating roof tanks.”, effective May 12, 2011.

(D) Ohio Administrative Code Rule 3745-21-23 “Control of volatile organic compound emissions from industrial solvent cleaning operations.”, effective May 12, 2011.

(E) Ohio Administrative Code Rule 3745-21-24 “Flat wood paneling coatings.”, effective May 12, 2011.

(F) Ohio Administrative Code Rule 3745-21-27 “Boat manufacturing.”, effective May 12, 2011.

(G) Ohio Administrative Code Rule 3745-21-28 “Miscellaneous industrial adhesives and sealants”, effective May 12, 2011.

(H) Ohio Administrative Code Rule 3745-21-29 “Control of volatile organic compound emissions from automobile and light-duty truck assembly coating operations, heavier vehicle assembly coating operations, and cleaning operations associated with these coating operations.”, effective May 12, 2011.

(I) Ohio Administrative Code Rule 3745-72-02 “Definitions.”, effective May 12, 2011.

(J) Ohio Administrative Code Rule 3745-72-05 “Liability.”, effective May 12, 2011.

(K) Ohio Administrative Code Rule 3745-72-06 “Defenses.”, effective May 12, 2011.

(L) May 2, 2011, “Director’s Final Findings and Orders,” signed by Scott J. Nally, Director, Ohio Environmental Protection Agency.

[37 FR 10886, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1870, 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).

**§ 52.1871 Classification of regions.**

The Ohio plan was evaluated on the basis of the following classifications:

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Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Greater Metropolitan Cleveland Intrastate .....	I	I	III	III	I
Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate .....	I	III	III	III	III
Mansfield-Marion Intrastate .....	II	II	III	III	III
Metropolitan Cincinnati Interstate .....	I	II	III	III	I
Metropolitan Columbus Intrastate .....	I	III	III	III	I
Metropolitan Dayton Intrastate .....	I	II	III	III	I
Metropolitan Toledo Interstate .....	I	I	III	III	I
Northwest Ohio Intrastate .....	II	I	III	III	III
Northwest Pennsylvania-Youngstown Interstate .....	I	II	III	III	III
Parkersburg (West Virginia)-Marietta (Ohio) Interstate .....	I	II	III	III	III
Sandusky Intrastate .....	III	III	III	III	III
Steubenville-Weirton-Wheeling Interstate .....	I	I	III	III	III
Wilmington-Chillicothe-Logan Intrastate .....	III	III	III	III	III
Zanesville-Cambridge Intrastate .....	II	IA	III	III	III

[37 FR 10886, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 45 FR 72146, Oct. 31, 1980]

**§ 52.1872 [Reserved]**

**§ 52.1873 Approval status.**

(a) With the exceptions set forth in this subpart the Administrator approves Ohio's plan for the attainment and maintenance of the National Ambient Air Quality Standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all the requirements of Part D, Title 1 of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by January 1, 1981 for the sources covered by CTGs between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(b)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in this subpart apply to stationary sources of greenhouse gas (GHGs) emissions, the Administrator approves that application only to the extent that GHGs are "subject to regulation", as provided in this paragraph (b), and the Administrator takes no action on that application to the extent that GHGs are not "subject to regulation."

(2) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

(i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO<sub>2</sub>e or more; or

(ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO<sub>2</sub>e or more; and,

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (b)(2) of this section, the pollutant GHGs shall also be subject to regulation:

(i) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO<sub>2</sub>e; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO<sub>2</sub>e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO<sub>2</sub>e or more.

(4) For purposes of this paragraph (b)—

(i) the term greenhouse gas shall mean the air pollutant defined in 40 CFR 86.1818-12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(ii) The term tpy CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e) shall represent an amount of GHGs emitted, and shall be computed as follows:

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(A) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of 40 CFR part 98—Global Warming Potentials.

(B) Sum the resultant value from paragraph (b)(4)(ii)(A) of this section for each gas to compute a tpy CO<sub>2</sub>e.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 3745-31-01(III)(4) of Ohio's Administrative Code) and a significant net emissions increase (as defined in paragraphs 3745-31-01, paragraphs (SSS) and (LLLLL)(1) of Ohio's Administrative Code) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO<sub>2</sub>e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and "significant" is defined as 75,000 tpy CO<sub>2</sub>e instead of applying the value in paragraph 3745-31-01(LLLLL)(2) of Ohio's Administrative Code.

[75 FR 82559, Dec. 30, 2010]

**§ 52.1874 [Reserved]**

**§ 52.1875 Attainment dates for achieving the sulfur dioxide secondary standard.**

The attainment date for achieving the sulfur dioxide (SO<sub>2</sub>) secondary national ambient air quality standard (NAAQS) is August 27, 1979 except as follows. The following sources are required to achieve the secondary SO<sub>2</sub> NAAQS by June 17, 1980: Youngstown Sheet & Tube Co.; PPG Industries, Inc.; Wheeling-Pittsburgh Steel Corp.; Pittsburgh-Canfield Corporation; The Timken Company; The Sun Oil Co.; Sheller-Globe Corp.; The B.F. Goodrich Company; Phillips Petroleum Co.; Shell Oil Co.; Federal Paper Board Co.; The Firestone Tire & Rubber Co.; Republic Steel Corp.; Chase Bag Co.; White-Westinghouse Corp.; U.S. Steel Corp.; Interlake, Inc.; Austin Power Co.; Diamond Crystal Salt Co.; The Goodyear Tire & Rubber Co.; The Gulf Oil Co.; The Standard Oil Co.; Champion International Corp.; Koppers Co., Inc.; General Motors Corp.; E.I. duPont de Nemours and Co.; Coulton Chemical Corp.; Allied Chemical Corp.; Specialty

Chemical Division; The Hoover Co.; Aluminum Co. of America; Ohio Greenhouse Asso.; Armco Steel Corp.; Buckeye Power, Inc.; Cincinnati Gas and Electric; Cleveland Electric Illuminating Co.; Columbus and Southern Ohio Electric; Dayton Power and Light Co.; Duquesne Light Co.; Ohio Edison Co.; Ohio Electric Co.; Pennsylvania Power Co.; Toledo Edison Co.; Ohio Edison Co.; RCA Rubber Co. The Ashland Oil Company is subject to a secondary SO<sub>2</sub> NAAQS attainment date of September 14, 1982. The following sources located in Summit County are required to achieve the secondary SO<sub>2</sub> NAAQS by January 4, 1983: Diamond Crystal Salt; Firestone Tire & Rubber Co.; General Tire & Rubber Co.; General Tire & Rubber; B.F. Goodrich Co.; Goodyear Aerospace Corp.; Goodyear Tire & Rubber Co.; Chrysler Corp.; PPG Industries Inc.; Seiberling Tire & Rubber; Terex Division of General Motors Corp.; Midwest Rubber Reclaiming; Kittinger Supply Co. The boiler of PPG Industries, Inc. located in Summit County must achieve attainment of the secondary SO<sub>2</sub> NAAQS by August 25, 1983. The Portsmouth Gaseous Diffusion Plant in Pike County is required to attain the secondary SO<sub>2</sub> NAAQS by November 5, 1984. The Ohio Power Company Galvin Plant located in Gallia County is required to attain the secondary SO<sub>2</sub> NAAQS by August 25, 1985.

[61 FR 16062, Apr. 11, 1996]

**§ 52.1876 Control strategy: Nitrogen dioxide.**

(a) The condition to EPA's approval of the oxides of nitrogen State Implementation Plan (SIP) codified at 40 CFR 52.1870(c)(128) is satisfied by Ohio's November 26, 2003, submittal of the change to the flow control date in the oxides of nitrogen budget trading SIP.

(b) [Reserved]

[69 FR 13234, Mar. 22, 2004]

**§ 52.1877 Control strategy: Photochemical oxidants (hydrocarbons).**

(a) The requirements of Subpart G of this chapter are not met because the Ohio plan does not provide for the attainment and maintenance of the national standard for photochemical

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oxidants (hydrocarbons) in the Metropolitan Cincinnati interstate region by May 31, 1975.

(b) The requirements of § 52.14 are not met by Rule 3745-21-09(N)(3) (a) and (e); Rule 3745-21-09(Z)(1)(a); Rule 3745-21-10, Section G; and Rule 3745-21-10, Section H, because these Ohio Rules do not provide for attainment and maintenance of the photochemical oxidant (hydrocarbon) standards throughout Ohio.

(1) USEPA is disapproving new exemptions for the use of cutback asphalt [(Rule 3745-21-09(N)(3) (a) and (e)], because Ohio did not provide documentation regarding the temperature ranges in the additional two months that the State permits the use of cutback asphalts, and a lack of training is not sufficient reason for the 1000 gallons exemptions.

(2) USEPA is disapproving Section V [Rule 3745-21-09(V)], because it contains an alternative leak testing procedure for gasoline tank trucks which USEPA finds to be unapprovable.

(3) USEPA is disapproving exclusion of the external floating roof (crude oil) storage tanks from the secondary seal requirement [Rule 3745-21-09(Z)(1)(a)], because Ohio has not demonstrated that the relaxation would not interfere with the timely attainment and maintenance of the NAAQS for ozone.

(4) USEPA is disapproving compliance test method Section G, [Rule 3745-21-10] as an alternative leak testing procedure for gasoline tank trucks, because such action on Section G, is consistent with USEPA's action on Rule 3745-21-09(V), which USEPA finds to be unapprovable.

(5) USEPA is disapproving compliance test method Section H, [Rule 3745-21-10], which involves a pressure test of only the vapor recovery lines and associated equipment. Compliance test method Section H is inconsistent with USEPA's control technique guidances and with tank truck certification regulations that are in effect in 19 other States. In addition, OEPA has presented no acceptable evidence demonstrating why this rule constitutes RACT.

[38 FR 30974, Nov. 8, 1973, as amended at 39 FR 13542, Apr. 15, 1974; 51 FR 40676, Nov. 7, 1986; 54 FR 1940, Jan. 18, 1989]

§ 52.1878 [Reserved]

§ 52.1879 Review of new sources and modifications.

(a) The requirements of sections 172, 173, 182, and 189 for permitting of major new sources and major modifications in nonattainment areas for ozone, particulate matter, sulfur dioxide, and carbon monoxide are not met, because Ohio's regulations exempt source categories which may not be exempted and because the State has not adopted the new permitting requirements of the Clean Air Act Amendments of 1990 in a clear or enforceable manner.

(b) [Reserved]

(c) The requirements of § 51.161 of this chapter are not met because the State failed to submit procedures providing for public comment on review of new or modified stationary sources.

(d) Regulation providing for public comment. (1) For purposes of this paragraph, *Director* shall mean the *Director of the Ohio Environmental Protection Agency*.

(2) Prior to approval or disapproval of the construction or modification of a stationary source, the Director shall:

(i) Make a preliminary determination whether construction or modification of the stationary source should be approved, approved with conditions or disapproved;

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

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

(3) A copy of the notice required pursuant to this paragraph shall be sent to

the Administrator through the appropriate regional office and to all other State and local air pollution control agencies having jurisdiction within the region where the stationary source will be constructed or modified.

(4) Public comments submitted in writing within 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

(e) Approval—EPA is approving requests submitted by the State of Ohio on March 18, November 1, and November 15, 1994, for exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts the following counties in Ohio from the NO<sub>x</sub> related general and transportation conformity provisions and nonattainment area NSR for new sources and modifications that are major for NO<sub>x</sub>: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull. This approval also exempts the following counties in Ohio from the NO<sub>x</sub> related general conformity provisions; nonattainment area NSR for new sources and modifications that are major for NO<sub>x</sub>; NO<sub>x</sub> RACT; and a demonstration of compliance with the enhanced I/M performance standard for NO<sub>x</sub>: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

(f) Approval—USEPA is approving two exemption requests submitted by the Ohio Environmental Protection Agency on September 20, 1993, and November 8, 1993, for the Toledo and Dayton ozone nonattainment areas, respectively, from the requirements contained in Section 182(f) of the Clean Air Act. This approval exempts the Lucas, Wood, Clark, Greene, Miami, and Montgomery Counties from the requirements to implement reasonably available control technology (RACT) for major sources of nitrogen oxides (NO<sub>x</sub>), nonattainment area new source review (NSR) for new sources and modifications that are major for NO<sub>x</sub>, and the NO<sub>x</sub>-related requirements of the general and transportation conformity provisions. For the Dayton ozone nonattainment area, the Dayton local area has opted for an enhanced inspection and maintenance (I/M) programs. Upon

final approval of this exemption, the Clark, Greene, Miami, and Montgomery Counties shall not be required to demonstrate compliance with the enhanced I/M performance standard for NO<sub>x</sub>. If a violation of the ozone NAAQS is monitored in the Toledo or Dayton area(s), the exemptions from the requirements of Section 182(f) of the Act in the applicable area(s) shall no longer apply.

(g) Approval—EPA is approving an exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts Butler, Clermont, Hamilton, and Warren counties in Ohio from nonattainment NSR for new sources and modifications that are major for NO<sub>x</sub>.

[39 FR 13542, Apr. 15, 1974, as amended at 45 FR 72122, Oct. 31, 1980; 45 FR 82927, Dec. 17, 1980; 51 FR 40677, Nov. 7, 1986; 58 FR 47214, Sept. 8, 1993; 59 FR 48395, Sept. 21, 1994; 60 FR 3766, Jan. 19, 1995; 60 FR 36060, July 13, 1995; 65 FR 37899, June 19, 2000]

**§ 52.1880 Control strategy: Particulate matter.**

(a) The requirements of subpart G of this chapter are not met because the Ohio plan does not provide for attainment and maintenance of the secondary standards for particulate matter in the Greater Metropolitan Cleveland Intrastate Region and the Ohio portions of the Northwest Pennsylvania-Youngstown and the Steubenville-Weirton-Wheeling Interstate Regions.

(b) In Pickaway County, Columbus and Southern Ohio Electric Company, or any subsequent owner or operator of the Picway Generating Station, shall not operate simultaneously Units 3 and 4 (boilers 7 and 8) at any time. These units will terminate operation no later than October 1, 1980.

(c) Ohio Regulation EP-12 (open burning) is disapproved insofar as EP-12-03(D)(1) and EP-12-04(D)(1) allow open burning of hazardous or toxic materials.

(d)–(f) [Reserved]

(g) The B.F. Goodrich Chemical Plant State Implementation Plan revision is being disapproved because it is not supported by an adequate attainment demonstration and therefore does not meet the requirements of § 51.13(e).

(h) *Approval*. On January 4, 1989, the State of Ohio submitted a committal SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers (PM<sub>10</sub>) for Ohio's Group II areas. The Group II areas of concern are in Belmont, Butler, Columbiana, Franklin, Hamilton, Lorraine, Mahoning, Montgomery, Richland, Sandusky, Scioto, Seneca, Stark, Summit, Trumbull, and Wyandot Counties. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM<sub>10</sub> at 52 FR 24681.

(i) Part D—Disapproval—Ohio's Part D TSP plan for the Middletown area is disapproved. Although USEPA is disapproving the plan, the emission limitations and other requirements in the federally approved SIP remain in effect. See § 52.1870(c)(27).

(j) *Approval*—EPA is approving the PM<sub>10</sub> maintenance plan for Cuyahoga and Jefferson Counties that Ohio submitted on May 22, 2000, and July 13, 2000.

(k) *Determinations of Attainment*. EPA has determined, as of November 20, 2009, the Parkerburg-Marietta, WV-OH and the Wheeling, WV-OH PM<sub>2.5</sub> nonattainment areas have attained the 1997 PM<sub>2.5</sub> NAAQS. These determinations, in accordance with 40 CFR 52.1004(c), suspend the requirements for these areas to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas continue to meet the 1997 PM<sub>2.5</sub> NAAQS.

(l) *Disapproval*. EPA is disapproving the portions of Ohio's Infrastructure SIP for the 2006 24-hour PM<sub>2.5</sub> NAAQS addressing interstate transport, specifically with respect to section 110(a)(2)(D)(i)(I).

(m) *Determination of Attainment*. EPA has determined, as of September 7, 2011, that based upon 2007–2009 air quality data, the Huntington-Ashland, West Virginia-Kentucky-Ohio, nonattainment Area has attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to submit an attainment

demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

(n) *Determination of Attainment*. EPA has determined, as of September 14, 2011, that based on 2007 to 2009 ambient air quality data, the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton nonattainment areas have attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for these areas to submit attainment demonstrations, associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas continue to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

(o) *Determination of Attainment*. EPA has determined, as of September 29, 2011, that based upon 2007–2009 air quality data, the Cincinnati-Hamilton, Ohio-Kentucky-Indiana nonattainment Area has attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

(p) *Approval*—The 1997 annual PM<sub>2.5</sub> maintenance plans for the following areas have been approved:

(1) The Cincinnati-Hamilton nonattainment area (Butler, Clermont, Hamilton, and Warren Counties), as submitted on January 25, 2011. The maintenance plan establishes 2015 motor vehicle emissions budgets for the Cincinnati-Hamilton area of 1,678.60 tpy for primary PM<sub>2.5</sub> and 35,723.83 tpy for NO<sub>x</sub> and 2021 motor vehicle emissions budgets of 1,241.19 tpy for primary PM<sub>2.5</sub> and 21,747.71 tpy for NO<sub>x</sub>.

(2) The Ohio portion of the Huntington-Ashland nonattainment area

(Lawrence and Scioto Counties and portions of Adams and Gallia Counties). The maintenance plan establishes a determination of insignificance for both NO<sub>x</sub> and primary PM<sub>2.5</sub> for conformity purposes.

(q) Approval—The 1997 annual PM<sub>2.5</sub> comprehensive emissions inventories for the following areas have been approved:

(1) Ohio's 2005 NO<sub>x</sub>, directly emitted PM<sub>2.5</sub>, and SO<sub>2</sub> emissions inventory satisfies the emission inventory requirements of section 172(c)(3) for the Cincinnati-Hamilton area.

(2) Ohio's 2005 and 2008 NO<sub>x</sub>, directly emitted PM<sub>2.5</sub>, and SO<sub>2</sub> emissions inventory requirements of section 172(c)(3) for the Huntington-Ashland area.

(r) *Determination of Attainment.* EPA has determined, as of *May 14, 2012*, that based on 2008 to 2010 ambient air quality data, the Steubenville-Weirton non-attainment area has attained the 24-hour 2006 PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 24-hour 2006 PM<sub>2.5</sub> NAAQS.

[39 FR 13542, Apr. 15, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1880, 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).

EDITORIAL NOTE: At 76 FR 80260, Dec. 23, 2011, § 52.1880 was amended by adding (p) and (q); however, the amendment could not be incorporated because (p) and (q) already exist.

**§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).**

(a) USEPA is approving, disapproving or taking no action on various portions of the Ohio sulfur dioxide control plan as noticed below. The disapproved portions of the Ohio plan do not meet the requirements of § 51.13 of this chapter in that they do not provide for attainment and maintenance of the national standards for sulfur oxides (sulfur dioxide). (Where USEPA has approved the

State's sulfur dioxide plan, those regulations supersede the federal sulfur dioxide plan contained in paragraph (b) of this section and § 52.1882.)

(1) Approval—USEPA approves the following OAC Rule: 3745–18–01 Definitions, 3745–18–02 Ambient Air Quality Standards-Sulfur Dioxide, 3745–18–05 Ambient and Meteorological Monitoring Requirements, 3745–18–06 General Emission Limit Provisions.

(2) Approval—USEPA approves the Ohio Rules 3745–18–03 Attainment Dates and Compliance Time Schedules except for those provisions listed in § 52.1881(a)(5).

(3) Approval—USEPA approves the Ohio Rules 3745–18–04 Emission Measurement Methods except for those provisions listed in § 52.1881(a)(6).

(4) Notwithstanding the portions of Ohio's sulfur dioxide rules identified in this section that EPA has either disapproved or taken no action on, EPA has approved a complete plan addressing all counties in the State of Ohio. EPA has approved the following rules, supplemented by any additional approved rules specified in 40 CFR 52.1870:

(i) Rules as effective in Ohio on December 28, 1979: OAC 3745–18–04(A), (B), (C), (D)(1), (D)(4), (E)(1), and (H) (measurement methods), OAC 3745–18–05 (ambient monitoring), OAC 3745–18–09 (Ashland County), OAC 3745–18–13 (Belmont), OAC 3745–18–14 (Brown), OAC 3745–18–16 (Carroll), OAC 3745–18–19 (Clermont)—except for one paragraph approved later (CG&E Beckjord), OAC 3745–18–20 (Clinton), OAC 3745–18–21 (Columbiana), OAC 3745–18–23 (Crawford), OAC 3745–18–25 (Darke), OAC 3745–18–26 (Defiance), OAC 3745–18–27 (Delaware), OAC 3745–18–30 (Fayette), OAC 3745–18–32 (Fulton), OAC 3745–18–36 (Guernsey), OAC 3745–18–39 (Hardin), OAC 3745–18–40 (Harrison), OAC 3745–18–41 (Henry), OAC 3745–18–42 (Highland), OAC 3745–18–43 (Hocking), OAC 3745–18–44 (Holmes), OAC 3745–18–45 (Huron), OAC 3745–18–46 (Jackson), OAC 3745–18–48 (Knox), OAC 3745–18–51 (Licking), OAC 3745–18–52 (Logan), OAC 3745–18–55 (Madison), OAC 3745–18–58 (Medina), OAC 3745–18–59 (Meigs), OAC 3745–18–60 (Mercer), OAC 3745–18–62 (Monroe), OAC 3745–18–64 (Morgan)—except for one paragraph approved later (OP Muskingum River), OAC 3745–18–65

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(Morrow), OAC 3745-18-67 (Noble), OAC 3745-18-70 (Perry), OAC 3745-18-73 (Portage), OAC 3745-18-74 (Preble), OAC 3745-18-75 (Putnam), OAC 3745-18-86 (Union), OAC 3745-18-88 (Vinton), OAC 3745-18-89 (Warren), OAC 3745-18-92 (Williams), and OAC 3745-18-94 (Wyandot);

(ii) Rules as effective in Ohio on October 1, 1982: OAC 3745-18-64 (B) (OP Muskingum River in Morgan County);

(iii) Rules as effective in Ohio on May 11, 1987: OAC 3745-18-19(B) (CG&E Beckjord);

(iv) Rules as effective in Ohio on October 31, 1991: OAC 3745-18-04 (D)(7), (D)(8)(a) to (D)(8)(e), (E)(5), (E)(6)(a), (E)(6)(b), (F), and (I) (measurement methods);

(v) Rules as effective in Ohio on July 25, 1996: OAC 3745-18-47 (Jefferson);

(vi) Rules as effective in Ohio on March 21, 2000: OAC 3745-18-04(D)(8), (D)(9), and (E)(7) (measurement methods), OAC 3745-18-22 (Coshocton), OAC 3745-18-33 (Gallia), and OAC 3745-18-71 (Pickaway);

(vii) Rules as effective in Ohio on September 1, 2003: OAC 3745-18-04(F) and (J) (measurement methods), and OAC 3745-18-56 (Mahoning);

(viii) Rules as effective in Ohio on January 23, 2006: OAC 3745-18-01 (definitions), OAC 3745-18-02 (air quality standards), OAC 3745-18-03 (compliance dates), OAC 3745-18-06 (general provisions), OAC 3745-18-07 (Adams), OAC 3745-18-10 (Ashtabula), OAC 3745-18-11 (Athens), OAC 3745-18-12 (Auglaize), OAC 3745-18-17 (Champaign), OAC 3745-18-18 (Clark), OAC 3745-18-28 (Erie), OAC 3745-18-29 (Fairfield), OAC 3745-18-31 (Franklin), OAC 3745-18-34 (Geauga), OAC 3745-18-35 (Greene), OAC 3745-18-37 (Hamilton), OAC 3745-18-38 (Hancock), OAC 3745-18-49 (Lake), OAC 3745-18-50 (Lawrence), OAC 3745-18-53 (Lorain), OAC 3745-18-57 (Marion), OAC 3745-18-61 (Miami), OAC 3745-18-63 (Montgomery), OAC 3745-18-66 (Muskingum), OAC 3745-18-68 (Ottawa), OAC 3745-18-69 (Paulding), OAC 3745-18-72 (Pike), OAC 3745-18-76 (Richland), OAC 3745-18-77 (Ross), OAC 3745-18-78 (Sandusky), OAC 3745-18-79 (Scioto), OAC 3745-18-80 (Seneca), OAC 3745-18-81 (Shelby), OAC 3745-18-83 (Summit), OAC 3745-18-84 (Trumbull), OAC 3745-18-85 (Tuscarawas), OAC 3745-18-87 (Van

Wert), OAC 3745-18-90 (Washington), OAC 3745-18-91 (Wayne), and OAC 3745-18-93 (Wood);

(ix) Rules as effective in Ohio on March 27, 2006: OAC 3745-18-08 (Allen), OAC 3745-18-15 (Butler), OAC 3745-18-24 (Cuyahoga), and OAC 3745-18-54 (Lucas); and

(x) Rule as effective in Ohio on December 8, 2007: OAC 3745-18-82 (Stark).

(5) Disapproval—USEPA disapproves the Ohio Rule 3745-18-03(A), Attainment Dates and also disapproves Ohio Rule 3745-18-03(C)(3) Compliance Time Schedules for all sources electing to comply with the regulations by utilizing complying fuels.

(6) No Action—USEPA is neither approving nor disapproving the following Ohio Rule pending further review: 3745-18-04(D)(2), 3745-18-04(D)(3), 3745-18-04(E)(2), 3745-18-04(E)(3) and, 3745-18-04(E)(4) Emission Measurement Methods.

(7)–(8) [Reserved]

(9) No Action—USEPA takes no action on the 30-day averaging provisions contained in the Toledo Edison Company's Bay Shore Station State Implementation Plan revision until a general review of 30-day averaging is complete.

(10) Approval—USEPA approves Condition #3 of the permits for the Coulton Chemical Plant in Toledo and the E.I. duPont de Nemours and Company plant in Miami, Ohio. This condition requires the installation and operation of continuous emission monitors for sulfur dioxide.

(11) *Approval.* USEPA approves Ohio's Good Engineering Stack Height Regulations as contained in Ohio Administrative Code Chapter 3745-16-01 and 02. These rules were adopted by the State on February 12, 1986 and were effective on March 5, 1986.

(12) In a letter dated June 25, 1992, Ohio submitted a maintenance plan for sulfur dioxide in Morgan and Washington Counties.

(13) In a letter dated October 26, 1995, Ohio submitted a maintenance plan for sulfur dioxide in Lake and Jefferson Counties.

(14) On March 20, 2000, the Ohio Environmental Protection Agency submitted maintenance plans for Coshocton, Gallia and Lorain Counties.

(15) On September 27, 2003, Ohio submitted maintenance plans for sulfur dioxide in Cuyahoga County and Lucas County.

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

(1) *Definitions.* All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or parts 51, 52, or 60 of this chapter.

(i) *By-product coke oven gas* means the gas produced during the production of metallurgical coke in slot-type, by-product coke batteries.

(ii) *Flue gas desulfurization* means any pollution control process which treats stationary source combustion flue gas to remove sulfur oxides.

(iii) *Fossil fuel* means natural gas, refinery fuel gas, coke oven gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

(iv) *Fossil fuel-fired steam generating unit* means a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

(v) *Heat input* means the total gross calorific value (where gross calorific value is measured by ASTM Method D2015-66, D240-64, or D1826-64) of all fossil and non-fossil fuels burned. Where two or more fossil fuel-fired steam generating units are vented to the same stack the heat input shall be the aggregate of all units vented to the stack.

(vi) *Owner or operator* means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emissions of any air pollutant for which a national standard is in effect.

(vii) *Primary zinc smelter* means any installation engaged in the production, or any intermediate process in the production, of zinc or zinc oxide from the zinc sulfide ore concentrates through the use of pyrometallurgical techniques.

(viii) *Process* means any source operation including any equipment, devices, or contrivances and all appurtenances thereto, for changing any material whatever or for storage or handling of any materials, the use of which

may cause the discharges within a structure, building, or shop shall be considered as a single process for purposes of this regulation.

(ix) *Process weight* means the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight unless they become part of the product. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for the number of hours in a given period of time by the number of hours in that period. For fluid catalytic cracking units, process weight shall mean the total weight of material introduced as fresh feed to the cracking unit. For sulfuric acid production units, the nitrogen in the air feed shall not be included in the calculation of process weight.

(x) *Run* means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice as determined by the Administrator.

(xi) *Source operation* means the last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (b) is not primarily an air pollution abatement operation.

(xii) *Stack* means any chimney, flue, vent, roof monitor, conduit or duct arranged to vent emissions to the ambient air.

(xiii) *Sulfur recovery plant* means any plant that recovers elemental sulfur from any gas stream.

(xiv) *Sulfuric acid production unit* means any facility producing sulfuric acid by the contact process by burning

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elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge.

(xv) *Total rated capacity* means the sum of the rated capacities of all fuel-burning equipment connected to a common stack. The rated capacity shall be the maximum guaranteed by the equipment manufacturer or the maximum normally achieved during use as determined by the Administrator, whichever is greater.

(2) *Test methods and procedures.* Unless specified below, the test methods and procedures used for determining compliance with the applicable paragraphs of §52.1881(b) shall be those prescribed in part 60 of this chapter. Compliance tests shall be conducted under such conditions as the Administrator shall specify based on representative performance of the affected facility. Notification and recordkeeping procedures shall be those prescribed in §60.7 of this chapter. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. A compliance test shall consist of at least three runs.

(i) The test methods and procedures used for determining compliance for any sulfur recovery plant subject to applicable paragraph, of §52.1881(b) shall be those prescribed in §60.46 of this chapter with the exception that the maximum amount of sulfur dioxide sampled by Method 6 shall not exceed 50 percent of the stoichiometric amount of hydrogen peroxide absorbent.

(ii) The test methods and procedures used for determining compliance for any sulfuric acid production unit, or any primary zinc smelter subject to the applicable paragraphs of §52.1881(b) shall be those prescribed in §60.85 of this chapter.

(iii) The test methods and procedure used to determine the compliance of any stack venting any fossil fuel-fired steam generating units subject to the applicable paragraphs of §52.1881(b) shall be those prescribed in §60.46 of this chapter.

(3) *Severability.* If any provision of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity

shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

(4) *Submission of information.* The submission of any information required under §52.1882 shall be made to the Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn, Chicago, Illinois, 60604, Attention Air Compliance Section.

(5) For purposes of this regulation, stack and boiler identification numbers used in this paragraph were derived from correspondence submitted to the U.S. EPA by the affected owners or operators, and may be found in the record supporting this rulemaking.

(6) This paragraph contains no applicable provisions in the following counties of Ohio: Ashland, Brown, Carroll, Champaign, Clinton, Darke, Defiance, Fayette, Fulton, Geauga, Guernsey, Hardin, Harrison, Highland, Hocking, Holmes, Jackson, Knox, Logan, Madison, Monroe, Morrow, Noble, Perry, Portage, Preble, Putnam, Shelby, Union, Van Wert, Warren, Williams, and Wyandot, nor does it apply to facilities equal to or less than 10 million BTU per hour total aggregate rated capacity of all units at a facility.

(7) In Franklin County, no owner or operator of the following types of facilities unless otherwise specified in this paragraph, shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating unit between  $10.0$  and  $50.0 \times 10^6$  BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL = 8.088Q_m - 0.4307$$

where  $Q_m$  is the total rated capacity of heat input in million BTU per hour and  $EL$  is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) equal to or greater than  $50.0 \times 10^6$  BTU per hour total rated capacity of heat input, the emission limitation shall be 1.50 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The present or any subsequent owner or operator of the Columbus State Institution in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 3.80 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The present or any subsequent owner or operator of the Columbus State Hospital in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.10 pounds of sulfur dioxide per million BTU actual heat input.

(v) The present or any subsequent owner or operator of Ross Laboratory in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.80 pounds of sulfur dioxide per million BTU actual heat input.

(vi) The present or any subsequent owner or operator of the Rickenbacker Air Force Base in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 2.20 pounds of sulfur dioxide per million BTU actual heat input.

(vii) The present or any subsequent owner or operator of the Capital City Products facility in Franklin County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 3.10 pounds of sulfur dioxide per million BTU actual heat input.

(viii) The present or any subsequent owner or operator of the Westinghouse Electric facility in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 2.20 pounds of sulfur dioxide per million BTU actual heat input.

(ix) (A) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant in Franklin County, Ohio shall not cause or permit the emission of sulfur diox-

ide from any stack at this facility in excess of 1.06 pounds of sulfur dioxide per million BTU actual heat input.

(B) In lieu of meeting § 52.1881(b)(27)(ix)(A), the present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant may elect to comply with the alternate emission limitation and operating conditions specified below.

(1) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall not cause or permit the emission of sulfur dioxide from any stack in excess of 3.65 pounds of sulfur dioxide per million BTU actual heat input provided that such stacks be greater than or equal to 44.5 meters in height and that the combined maximum boiler design capacity be limited to 177 million BTU per hour by installation of a lock-out system on the boiler coal-feeders. The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall keep a permanent log on the lock-out system and record any problems with the system in the log. This log shall be available for inspection by the EPA. This log shall be in lieu of the reporting and monitoring requirements of § 52.1882(g).

(2) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall be permitted to operate its five boilers (#1, 2, 3, 5a or 5b) in only one of the following three configurations at any given time:

(i) Any two of boilers 1, 2, or 3 on; the remaining three boilers off.

(ii) Boilers 5a and 5b on; boilers 1, 2, and 3 off.

(iii) Boiler 5b and any one of boilers 1, 2, or 3 on; the remaining three boilers off.

(3) In the event that the Naval Weapons Industrial Reserve Plant elects to comply with the alternate emission limitation and operating configurations in § 52.1881(b)(27)(ix)(B) (1) and (2) and vents its boilers through stacks great on the boiler coal-feeders such that the combined maximum boiler design capacity is limited to 177 MMBTU/hr, all such action shall be taken within 30 weeks of (the effective date of promulgation). The Administrator must be notified in writing that all

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such action was taken within five working days of its completion.

(x) No owner or operator of any primary zinc smelter shall cause or permit the emission of sulfur dioxide from the plant in excess of the amount prescribed by the following equation:

$$Y=0.564X^{0.85}$$

where  $X$  is the total sulfur feed expressed as elemental sulfur in the smelter input stream in lbs/hour and  $Y$  is the allowable sulfur dioxide emission rate in lbs/hour from all stacks combined.

(xi) Except as provided in paragraph (b)(27)(x) of this section, no owner or operator of any process equipment shall cause or permit the emission from any stack into the atmosphere of any process gas stream containing sulfur dioxide in excess of 2.40 pounds of sulfur dioxide per ton of actual process weight input.

(8) In Sandusky County: (i) The Martin Marietta Company or any subsequent owner or operator of the Martin Marietta facilities in Sandusky County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 15.42 pounds of sulfur dioxide per ton of actual process weight input.

(ii) [Reserved]

(9) In Stark County, no owner or operator of the following types of facilities, unless otherwise specified in this paragraph, shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and 60.0 million BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL=18.48Q_m-0.4886$$

where  $Q_m$  is the total rated capacity of heat input in million BTU per hour and  $EL$  is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating units equal to or greater than 60 million BTU per hour total rated capacity of heat input: 2.50 pounds of sulfur dioxide per million BTU actual heat input.

(iii) Republic Steel Corporation or any subsequent owner or operator of the Massillon facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam generating unit stack at the Massillon facility in excess of 4.40 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The present or any subsequent owner or operator of the Massillon State Hospital facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 5.20 pounds of sulfur dioxide per million BTU actual heat input.

(v) The present or any subsequent owner or operator of the Grief Board Company facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.50 pound of sulfur dioxide per million BTU actual heat input.

(vi) The present or subsequent owner or operator of the Timken Company facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam-generating unit(s) stack at this facility in excess of the rates specified below:

(A) 3.08 pounds of sulfur dioxide per million BTU actual heat input for the stack common to the fossil fuel-fired steam-generating units B001 and B002 at the Canton plant.

(B) 0.93 pounds of sulfur dioxide per million BTU actual heat input for the fossil fuel-fired steam-generating unit B003 at the Canton plant.

(C) 0.0 pounds of sulfur dioxide per million BTU actual heat input for the fossil fuel-fired steam-generating units B003 and B004 at the Gambrinus Plant.

(D) 0.67 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units at the Gambrinus Plant unless otherwise specified in this paragraph.

(vii) No owner or operator of any by-product coke oven operating in Stark County, Ohio shall cause or permit the combustion of by-product coke oven gas containing a total sulfur content expressed as hydrogen sulfide in excess of 350 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven

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gas or the emission of sulfur dioxide from any stack in excess of 1.70 pounds of sulfur dioxide per million BTU actual heat input.

(viii) No owner or operator of any process equipment in Stark County, Ohio shall cause or permit the emission of sulfur dioxide from any stack in excess of 80.0 pounds of sulfur dioxide per ton of actual process weight input.

(ix) The Ashland Oil Company, or any subsequent owner or operator of the Ashland Oil Company facilities in Stark County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the emission limitations listed below:

(A) 0.025 pounds of sulfur dioxide per million BTU actual heat input for units 4-0-B-3, 4-2-B-1, 4-2-B-2, and 4-27-B-1.

(B) 1.00 pounds of sulfur dioxide per million BTU actual heat input for all process heaters and fossil fuel-fired steam-generating units unless otherwise specified in this paragraph.

(C) 0.62 pounds of sulfur dioxide per 1,000 pounds of charging stack for catalytic cracking units.

(D) 2.00 pounds of sulfur dioxide per 100 pounds of sulfur processed for sulfur recovery plants.

(E) Only two of the following three units may be operated simultaneously: 4-16-B-1, 4-16-B-2, and 4-16-B-12.

(x) The present or any subsequent owner or operator of the Hoover Co. in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide in excess of 8.0 pounds of sulfur dioxide per million BTU actual heat input for the coal-fired boiler and 0.4 pounds of sulfur dioxide per million BTU actual heat input for the gas-fired boiler.

(10) In Summit County, no owner or operator of the following types of facilities, unless otherwise specified in this subparagraph, shall cause or permit emissions of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and 300 million BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL=17.55 Q_m - 0.3933$$

where  $Q_m$  is the total rated capacity of heat input in million BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) equal to or greater than 300 million BTU per hour total rated capacity of heat input, 1.80 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The present or any subsequent owner or operator of the Diamond Crystal facility in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from coal-fired boilers at this facility in excess of 4.72 pounds of sulfur dioxide per million BTU of actual heat input or the emission of sulfur dioxide from oil-fired boilers at this facility in excess of 0.30 pound of sulfur dioxide per million BTU of actual heat input.

(iv) The present or any subsequent owner or operator of the Kittinger Supply Co. (formerly known as Akwell Industries) facility in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from oil-fired—oilers at this facility in excess of 0.80 pound of sulfur dioxide per million BTU of actual heat input or the emission of sulfur dioxide from coal-fired boilers at this facility in excess of 2.38 pounds of sulfur dioxide per million BTU of actual heat input.

(v) The present or subsequent owner or operator of the Ohio Brass Company facilities in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.20 pounds of sulfur dioxide per million BTU actual heat input.

(vi) The present or subsequent owner or operator of the Seiberling Rubber Co. facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 1.46 pounds of sulfur dioxide per million BTU actual heat input.

(vii) The present or subsequent owner or operator of the Firestone Tire & Rubber Co. facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

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(A) 1.76 pounds of sulfur dioxide per million BTU of actual heat input from boiler 21 when oil fired and 2.87 pounds of sulfur dioxide per million BTU of actual heat input from boilers 22 and 23 when coal fired.

(B) In lieu of meeting paragraph (59)(vii)(A) of this paragraph (b), the Firestone Tire and Rubber Co. may elect to comply with the alternate emission limitation of 2.20 pounds of sulfur dioxide per million BTU of actual heat input from boilers 21, 22, and 23 when all are oil fired.

(C) Firestone Tire & Rubber Co. or any subsequent owner or operator of the Firestone Tire & Rubber facilities located in Summit County, Ohio, shall operate no more than two of the boilers, 21, 22, or 23 simultaneously whether complying with either §52.1881 (b) (59) (vii) (A) or §52.1881 (b) (59) (vii) (B).

(viii) The present or subsequent owner or operator of the B. F. Goodrich Co. facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

(A) 0.51 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 31.

(B) 7.0 pounds of sulfur dioxide per million BTU actual heat input for coal-fired Boilers #27 and #32.

(C) The B. F. Goodrich Co. or any subsequent owner or operator of the B. F. Goodrich facilities in Summit County, Ohio, shall not operate boiler 27 simultaneously with boiler 32.

(ix) The Goodyear Tire & Rubber Co. or any subsequent owner or operator of the Goodyear facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack in excess of the rates specified below:

(A) 4.47 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating unit B001 located at plant I.

(B) 0.50 pound of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units B002 and B003 located at plant I.

(C) 160 pounds of sulfur dioxide per 1,000 pounds of sulfur processed, for the sulfur recovery unit(s).

(D) for Plant II boilers:

(1) 2.24 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boilers A and B exiting through stack 4.

(2) 2.24 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boiler C exiting through stack 5.

(3) 2.24 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boiler D exiting through stack 6.

(E) In lieu of meeting paragraph (59)(ix)(D) of this paragraph (b), The Goodyear Tire and Rubber Company may elect to comply with the alternate emission limitations and operating conditions specified below for Plant II boilers, provided the General Tire and Rubber Company or any subsequent owner or operator of the General Tire facilities in Summit County, Ohio complies with §52.1881(b)(xviii)(D):

(1) The Goodyear Tire and Rubber Company shall not cause or permit the emission of sulfur dioxide from any stack in excess of the rates specified below:

(i) 4.64 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boilers A, B, and C exiting through stack 4.

(ii) 4.64 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boiler D exiting through stack 6.

(2) The Goodyear Tire and Rubber Company shall operate no more than three of the boilers A, B, C, or D simultaneously.

(3) The Goodyear Tire and Rubber Company shall not operate boiler D simultaneously with boilers A and B.

(x) The present or any subsequent owner or operator of the Tecumseh Company facilities in Summit County, Ohio shall not cause or permit sulfur dioxide emissions from fossil fuel-fired steam generating unit(s) in excess of the rates specified below:

(A) 1.70 pounds sulfur dioxide per million BTU actual heat input for coal-fired units, and

(B) 0.70 pound sulfur dioxide per million BTU actual heat input for oil-fired unit(s).

(xi) The Ohio Edison or any subsequent owner or operator of the Ohio Edison Company's Beech Street power station in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the

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Beech Street plant in excess of 0.00 pounds of sulfur dioxide per million BTU actual heat input.

(xii) The Ohio Edison Co. or any subsequent owner or operator of the Ohio Edison Co.'s Gorge plant in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Gorge plant in excess of 4.07 pounds of sulfur dioxide per million BTU actual heat input.

(xiii) No owner or operator of any process equipment, unless otherwise specified in this paragraph, shall cause or permit the emission of sulfur dioxide from any stack containing sulfur dioxide in excess of 17.0 pounds of sulfur dioxide per ton of actual process weight input.

(xiv) PPG Industries or any subsequent owner or operator of the PPG Industries facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.00 pounds of sulfur dioxide per million BTU actual heat input for each coal-fired unit.

(xv) PPG Industries, or any subsequent owner or operator of the PPG Industries, Inc., Columbia Cement Plant, located in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack in excess of 0.0 pounds of sulfur dioxide per ton actual process weight input for the kilns.

(xvi) The present or any subsequent owner or operator of the Midwest Rubber Co. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess 1.80 pounds of sulfur dioxide per million BTU actual heat input.

(xvii) The present or any subsequent owner or operator of the Terex Division of General Motors Corp. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.85 pounds of sulfur dioxide per million BTU actual heat input.

(xviii) The present or any subsequent owner or operator of the General Tire & Rubber Co. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this

facility in excess of the rates specified below:

(A) 0.46 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 1 when exiting through stack S-35.

(B) 0.46 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 2 when exiting through stack S-36.

(C) 0.46 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 3 when exiting through stack S-37.

(D) In lieu of meeting paragraph (59)(xviii) (A), (B), and (C) of this paragraph (b), The General Tire and Rubber Company may elect to comply with the alternate emission limitations and operating conditions specified below, provided the Goodyear Tire and Rubber Company or any owner or operator of the Goodyear Tire and Rubber Plant II facilities in Summit County, Ohio, complies with § 52.1881(b)(ix)(E):

(I) The General Tire and Rubber Company shall not cause or permit the emission of sulfur dioxide from any stack in excess 2.47 pounds of sulfur dioxide per million BTU actual heat input for oil-fired boilers 1, 2, and 3 when exiting through one-175 foot stack consistent with section 123 of the Clean Air Act, as amended.

(ix) The present or any subsequent owner or operator of the Goodyear Aerospace Co. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at AB boilerhouse of this facility in excess of 1.10 pounds of sulfur dioxide per million BTU of actual heat input or the emission of sulfur dioxide from any stack at D boilerhouse of the facility in excess of 1.83 pounds of sulfur dioxide per million BTU of actual heat input.

(xx) The present or any subsequent owner or operator of the B. F. Goodrich Chemical Co. in Summit County, Ohio, shall not cause the emission of sulfur dioxide from any stack at this facility in excess of 5.22 pounds of sulfur dioxide per million BTU actual heat input.

(xxi) The present or any subsequent owner or operator of the Chrysler Corp. in Summit County, Ohio, shall not cause or permit the emission of sulfur

dioxide from any stack at this facility in excess of the rates specified below:

(A) 0.86 pound of sulfur dioxide per million BTU actual heat input for boiler No. B001.

(B) 1.19 pounds of sulfur dioxide per million BTU actual heat input for boilers Nos. B002 and B003.

[39 FR 13542, Apr. 15, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1881, 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).

**§ 52.1882 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?**

(a)(1) The owner and operator of each source and each unit located in the State of Ohio and for which requirements are set forth under the TR NO<sub>x</sub> Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Ohio's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(a), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of Ohio's SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NO<sub>x</sub> Annual allowances under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO<sub>x</sub> Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

(b)(1) The owner and operator of each source and each unit located in the State of Ohio and for which requirements are set forth under the TR NO<sub>x</sub> Ozone Season Trading Program in sub-

part BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Ohio's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(b), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, if, at the time of the approval of Ohio's SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NO<sub>x</sub> Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO<sub>x</sub> Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48372, Aug. 8, 2011]

**§ 52.1883 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?**

(a) The owner and operator of each source and each unit located in the State of Ohio and for which requirements are set forth under the TR SO<sub>2</sub> Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Ohio's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Ohio's SIP revision described in paragraph (a) of this section, the Administrator has already

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started recording any allocations of TR SO<sub>2</sub> Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO<sub>2</sub> Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48372, Aug. 8, 2011]

**§ 52.1884 Significant deterioration of air quality.**

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 (b) through (w) are hereby incorporated and made a part of the applicable state plan for the State of Ohio.

(c) All application and other information required pursuant to § 52.21 of this part from sources located or to be located in the state of Ohio shall be submitted to the state agency, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216, rather than to EPA's Region 5 office.

[45 FR 52741, Aug. 7, 1980, and 46 FR 9584, Jan. 29, 1981; 75 FR 55276, Sept. 10, 2010]

**§ 52.1885 Control strategy: Ozone.**

(a) *Part D—Approval.* The following portions of the Ohio plan are approved:

(1) The ozone portions of rules 01, 02, 03, 04 (except the portion disapproved below), 05, 06, 07, 08, 09 (except the portions conditionally approved below) and 10 of Chapter 3745–21 of the Ohio Administrative Code.

(2) The Attainment Demonstrations for the following urban areas: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown.

(3) The Reasonable Further Progress Demonstration for the following areas: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown.

(4) The ozone nonattainment area plan for the rural nonattainment areas.

(5) [Reserved]

(6) Approval—On June 10, 1997, Ohio submitted revisions to the maintenance plans for the Toledo area (including Lucas and Wood counties), the Cleveland/Akron/Lorain area (including Lorain, Cuyahoga, Lake, Ashtabula, Geauga, Medina, Summit and Portage counties), and the Dayton-Springfield area (including Montgomery, Clark, Greene, and Miami counties). The revisions consist of an allocation of a portion of the safety margin in each area to the transportation conformity mobile source budget for that area. The mobile source budgets for transportation conformity purposes for Toledo are now: 35.85 tons per day of volatile organic compound emissions for the year 2005 and 35.19 tons per day of oxides of nitrogen emissions for the year 2005. The mobile source budgets for transportation conformity purposes for Cleveland-Akron-Lorain are now: 82.7 tons per day of volatile organic compound emissions for the year 2006 and 104.4 tons per day of oxides of nitrogen emissions for the year 2006. For the Dayton-Springfield area, the oxides of nitrogen mobile source budget remains the same and the mobile source budget for volatile organic compounds is now 34.1 tons per day.

(7) Approval—On October 20, 1997, Ohio submitted a revision to the maintenance plan for the Jefferson County area. The revision consists of an allocation of a portion of the safety margin in the area to the transportation conformity mobile source budget for that area. The mobile source budget for transportation conformity purposes for Jefferson County are now: 5.1 tons per day of volatile organic compound emissions for the year 2005 and 4.4 tons per day of oxides of nitrogen emissions for the year 2005.

(8) Approval—On April 27, 1998, Ohio submitted a revision to remove the air quality triggers from the ozone maintenance plans for the following areas in Ohio: Canton (Stark County), Cleveland (Lorain, Cuyahoga, Lake, Ashtabula, Geauga, Medina, Summit and Portage Counties), Columbus (Franklin, Delaware and Licking Counties),

Steubenville (Jefferson County), Toledo (Lucas and Wood Counties), Youngstown (Mahoning and Trumbull Counties) as well as Clinton County, Columbiana County, and Preble County.

(9) Approval—On March 13, 1998, Ohio submitted a revision to the maintenance plan for the Columbus area. The revision consists of establishing a new out year for the area's emissions budget. The new out year emissions projections include reductions from point and area sources; the revision also defines new safety margins according to the difference between the areas 1990 baseline inventory and the out year projection. Additionally, the revision consists of allocating a portion of the Columbus area's safety margins to the transportation conformity mobile source emissions budget. The mobile source budgets for transportation conformity purposes for the Columbus area are now: 67.99 tons per day of volatile organic compound emissions for the year 2010 and 70.99 tons per day of oxides of nitrogen emissions for the year 2010.

(10) Approval—On April 27, 1998, Ohio submitted a revision to remove the air quality triggers from the ozone maintenance plan for the Dayton-Springfield, Ohio Area (Miami, Montgomery, Clark, and Greene Counties).

(11) Approval—On March 18, 1999, Ohio submitted a revision to the maintenance plan for the Stark County (Canton) area. The revision consists of allocating a portion of the Stark County area's safety margins to the transportation conformity mobile source emissions budgets. The mobile source budgets for transportation conformity purposes for the Stark County area are now: 17.34 tons per day of volatile organic compound emissions for the year 2005 and 13.00 tons per day of oxides of nitrogen emissions for the year 2005.

(12) Approval—On June 1, 1999, Ohio submitted a revision to the ozone maintenance plan for the Dayton/Springfield area. The revision consists of revising the point source growth estimates and allocating 5.5 tons per day of VOCs to the transportation conformity mobile source emissions budget. The mobile source VOC budget for transportation conformity purposes for

the Dayton/Springfield area is now: 39.6 tons per day of volatile organic compound emissions for the year 2005. The approval also corrects a typographical error in the maintenance plan point and area source numbers for 2005.

(13) Approval—On August 19, 1999, Ohio submitted a revision to the ozone maintenance plan for the Columbiana County area. The revision consists of allocating a portion of the Columbiana County area's NO<sub>x</sub> safety margin to the transportation conformity mobile source emissions budget. The mobile source emissions budgets for transportation conformity purposes for the Columbiana County area are now: 5.65 tons per day of volatile organic compound emissions for the year 2005 and 5.55 tons per day of oxides of nitrogen emissions for the year 2005. This approval only changes the NO<sub>x</sub> transportation conformity emission budget for Columbiana County.

(14) Approval—EPA is approving the 1-hour ozone maintenance plan for the Ohio portion of the Cincinnati-Hamilton area submitted by Ohio on May 20, 2005. The approved maintenance plan establishes 2015 mobile source budgets for the Ohio portion of the area (Butler, Clermont, Hamilton, and Warren Counties) for the purposes of transportation conformity. These budgets are 26.2 tons per day for volatile organic compounds and 39.5 tons per day for nitrogen oxides for the year 2015.

(15) Approval—On May 31, 2001, Ohio submitted a revision to the ozone maintenance plan for the Cleveland/Akron/Lorain area. The revision consists of allocating a portion of the Cleveland/Akron/Lorain area's NO<sub>x</sub> safety margin to the transportation conformity mobile source emissions budget. The mobile source emissions budgets for transportation conformity purposes for the Cleveland/Akron/Lorain area are now: 92.7 tons per day of volatile organic compound emissions for the year 2006 and 104.4 tons per day of oxides of nitrogen emissions for the year 2006. This approval only changes the VOC transportation conformity emission budget for Cleveland/Akron/Lorain.

(16) Approval—On April 19, 2004, Ohio submitted a revision to the ozone

maintenance plan for the Cincinnati, Ohio area. The revision consists of allocating a portion of the area's NO<sub>x</sub> safety margin to the transportation conformity motor vehicle emissions budget. The motor vehicle emissions budget for NO<sub>x</sub> for the Cincinnati, Ohio area is now 62.3 tons per day for the year 2010. This approval only changes the NO<sub>x</sub> transportation conformity emission budget for Cincinnati, Ohio.

(17) Approval—On March 1, 2005, Ohio submitted a revision to the 1-hour ozone maintenance plan for Clinton County, Ohio. The revision consists of allocating a portion of the area's oxides of nitrogen (NO<sub>x</sub>) safety margin to the transportation conformity motor vehicle emissions budget. The motor vehicle emissions budget for NO<sub>x</sub> for the Clinton County, Ohio area is now 3.45 tons per day for the year 2006. This approval only changes the NO<sub>x</sub> transportation conformity emission budget for Clinton County, Ohio.

(b) The maintenance plans for the following counties are approved:

- (1) Preble County.
- (2) Columbiana County.
- (3) Jefferson County.
- (4) Montgomery, Greene, Miami, and Clark Counties. This plan includes implementation of Stage II vapor recovery and an enhanced vehicle inspection and maintenance program.
- (5) Lucas and Wood Counties.
- (6) Franklin, Delaware, and Licking Counties.
- (7) Stark County.
- (8) Mahoning and Trumbull Counties.
- (9) Clinton County.
- (10) Lorain, Cuyahoga, Lake, Ash-tabula, Geauga, Medina, Summit, and Portage Counties.
- (11) Butler, Clermont, Hamilton, and Warren Counties.

(c) *Disapproval.* USEPA disapproves the compliance schedule in revised rule 04(c)(18) of Chapter 3745–21 of the Ohio Administrative Code as it applies to facilities formerly covered by the compliance schedule in old rule 04(c)(1) of Chapter 3745–21. This disapproval in and of itself does not result in the growth restrictions of section 110(a)(2)(I).

(d) *Part D—No Action.* USEPA at this time takes no action on the vehicle inspection and maintenance (I/M) pro-

gram required for those non-attainment areas which have requested an extension to demonstrate ozone attainment.

(e)–(q) [Reserved]

(r) Approval—USEPA is approving two exemption requests submitted by the Ohio Environmental Protection Agency on September 20, 1993, and November 8, 1993, for the Toledo and Dayton ozone nonattainment areas, respectively, from the requirements contained in Section 182(f) of the Clean Air Act. This approval exempts the Lucas, Wood, Clark, Greene, Miami, and Montgomery Counties from the requirements to implement reasonably available control technology (RACT) for major sources of nitrogen oxides (NO<sub>x</sub>), nonattainment area new source review (NSR) for new sources and modifications that are major for NO<sub>x</sub>, and the NO<sub>x</sub>-related requirements of the general and transportation conformity provisions. For the Dayton ozone non-attainment area, the Dayton local area has opted for an enhanced inspection and maintenance (I/M) program. Upon final approval of this exemption, the Clark, Greene, Miami, and Montgomery Counties shall not be required to demonstrate compliance with the enhanced I/M performance standard for NO<sub>x</sub>. If a violation of the ozone NAAQS is monitored in the Toledo or Dayton area(s), the exemptions from the requirements of Section 182(f) of the Act in the applicable area(s) shall no longer apply.

(s) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for the following ozone nonattainment areas: Toledo (Lucas and Wood Counties) and Dayton (Clark, Greene, Miami, and Montgomery Counties).

(t) [Reserved]

(u) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for the Columbus ozone nonattainment area (which includes the Counties of Delaware, Franklin, and Licking).

(v) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for the Canton

(Stark County); Cincinnati-Hamilton (Butler, Clermont, Hamilton and Warren Counties); Cleveland-Akron-Lorain (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit Counties); and Youngstown-Warren-Sharon (Mahoning and Trumbull Counties) areas.

(w) Determination—USEPA is determining that, as of May 7, 1996, the Cleveland-Akron-Lorain ozone nonattainment area (which includes the Counties of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit) have attained the ozone standard and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the area.

(x) Approval—EPA is approving requests submitted by the State of Ohio on March 18, November 1, and November 15, 1994, for exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts the following counties in Ohio from the NO<sub>x</sub> related general and transportation conformity provisions; nonattainment area NSR for new sources and modifications that are major for NO<sub>x</sub>: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull. This approval also exempts the following counties in Ohio from the NO<sub>x</sub> related general and transportation conformity provisions; nonattainment area NSR for new sources and modifications that are major for NO<sub>x</sub>; NO<sub>x</sub> RACT; and a demonstration of compliance with the enhanced I/M performance standard for NO<sub>x</sub>: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

(y) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for Clinton County.

(z) The 15 percent rate-of-progress requirement of section 182(b) of the Clean Air Act, as amended in 1990, is satisfied for the Ohio portion of the Cincinnati-Hamilton ozone nonattainment area.

(aa) [Reserved]

(bb) Ohio's November 7, 1996, request for a one-year attainment date extension for the Ohio portion of the Cin-

cinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Hamilton, Butler, Clermont and Warren Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1997.

(cc) Ohio's November 14, 1997, request for a one-year attainment date extension for the Ohio portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Hamilton, Butler, Clermont and Warren Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1998.

(dd) Determination—EPA is determining that, as of July 5, 2000, the Ohio portion of Cincinnati-Hamilton ozone nonattainment area (which includes the Counties of Butler, Clermont, Hamilton and Warren) 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.

(ee) Approval—EPA is approving an exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts Butler, Clermont, Hamilton, and Warren counties in Ohio from the NO<sub>x</sub> related general conformity provisions; the nitrogen oxides nonattainment NSR for new sources and modifications that are major for NO<sub>x</sub>; NO<sub>x</sub> RACT; and a demonstration of compliance with the enhanced automobile inspection and maintenance performance standard for NO<sub>x</sub>.

(ff) Approval—The 8-hour ozone maintenance plans for the following areas have been approved:

(1) Jefferson County, as submitted on July 31, 2006 and supplemented on October 3, 2006. The maintenance plan establishes 2009 motor vehicle emissions budgets (MVEBs) for Jefferson County of 2.63 tons per day (tpd) of volatile organic compounds (VOCs) and 4.10 tpd of oxides of nitrogen (NO<sub>x</sub>), and 2018 motor vehicle emission budgets of 1.37 tpd of VOCs and 1.67 tpd of NO<sub>x</sub>.

(2) Belmont County, as submitted on June 20, 2006, and supplemented on August 24, 2006, and December 4, 2006. The maintenance plan establishes 2009 MVEBs for Belmont County of 2.60 tpd

of VOC and 4.69 tpd of NO<sub>x</sub>, and 2018 MVEBs of 1.52 tpd of VOCs and 1.91 tpd of NO<sub>x</sub>.

(3) Allen County and Stark County, as submitted on June 20, 2006, and supplemented on August 24, 2006, and December 4, 2006. The maintenance plan establishes 2009 MVEBs for Allen County of 5.08 tpd of VOCs and 8.28 tpd of NO<sub>x</sub>, and 2018 MVEBs for Allen County of 2.89 tpd of VOCs and 3.47 tpd of NO<sub>x</sub>. For Stark County the 2009 MVEBs are 10.02 tpd of VOCs and 18.03 tpd of NO<sub>x</sub>, and the 2018 budgets are 5.37 tpd of VOC and 7.08 tpd of NO<sub>x</sub>.

(4) Washington County, as submitted on September 22, 2006, and supplemented on November 17, 2006. The maintenance plan establishes 2009 MVEBs for Washington County of 2.59 tpd of VOCs and 3.58 tpd of NO<sub>x</sub>, and 2018 MVEBs for Washington county of 1.67 tpd of VOCs and 1.76 tpd of NO<sub>x</sub>.

(5) Mahoning, Trumbull and Columbiana Counties, as submitted on February 15, 2007. The maintenance plan establishes 2009 and 2018 motor vehicle emission budgets for Mahoning, Trumbull and Columbiana Counties. The 2009 motor vehicle emission budgets are 19.58 tons per day for volatile organic compounds (VOC) and 33.71 tons per day for oxides of nitrogen (NO<sub>x</sub>). For 2018 the budgets are 10.36 tons per day for VOC and 13.29 tons per day for NO<sub>x</sub>.

(6) On December 22, 2006, and supplemented on March 9, 2007, the State of Ohio submitted a redesignation request and maintenance plan for the Toledo area, including Lucas and Wood Counties. The maintenance plan for this area establishes motor vehicle emission budgets (MVEB) for 2009 and 2018. The 2009 MVEBs are 18.99 tons/day of Volatile Organic Compounds (VOC) and 33.75 tons/day for Oxides of Nitrogen (NO<sub>x</sub>). The 2018 MVEBs are 11.20 tons/day of VOCs and 14.11 tons/day for NO<sub>x</sub>.

(7) The Dayton-Springfield area which includes Clark, Greene, Miami, and Montgomery Counties, as submitted on November 6, 2006, and supplemented on November 29, 2006, December 4, 2006, December 13, 2006, January 11, 2007, March 9, 2007, March 27, 2007, and May 31, 2007. The maintenance plan for this area establishes Motor Vehicle Emissions Budgets (MVEB) for 2005 and

2018. The 2005 MVEBs are 29.19 tpd of VOC and 63.88 tpd of NO<sub>x</sub>. The 2018 MVEBs are 14.73 tpd of VOCs and 21.42 tpd of NO<sub>x</sub>.

(8) Approval—On March 17, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Columbus area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the state submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2012 motor vehicle emissions budgets for the Columbus area are 54.86 tpd for VOC and 91.64 tpd for NO<sub>x</sub>. The 2020 motor vehicle emissions budgets for the area are 36.60 tpd for VOC and 46.61 tpd for NO<sub>x</sub>.

(9) Approval—On March 17, 2009, and April 24, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Cleveland-Akron-Lorain area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the state submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2012 motor vehicle emissions budgets for the Cleveland-Akron-Lorain area are 46.64 tpd for VOC and 95.89 tpd for NO<sub>x</sub>. The 2020 motor vehicle emissions budgets for the area are 31.48 tpd for VOC and 42.75 tpd for NO<sub>x</sub>.

(10) Approval—On December 14, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Ohio portion of the Cincinnati-Hamilton, OH-KY-IN area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2015 motor vehicle

emissions budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton, OH-KY-IN area are 31.73 tpd for VOC and 49.00 tpd for NO<sub>x</sub>. The 2020 motor vehicle emissions budgets for the Ohio and Indiana portions of the area are 28.82 tpd for VOC and 34.39 tpd for NO<sub>x</sub>.

(11) Approval—On July 6, 2010, the Ohio Environmental Protection Agency submitted a request to revise the maintenance plan for the Ohio portion of the Cincinnati-Hamilton, OH-KY-IN 8-hour ozone area. The submittal revises 2015 and 2020 NO<sub>x</sub> point source emissions projections for Butler County.

(12) Approval—On June 29, 2012, Ohio submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Ohio and Indiana portions of the Cincinnati-Hamilton, OH-KY-IN 8-hour ozone area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2015 motor vehicle emissions budgets for the Ohio and Indiana portions are 56.06 tpd VOC and 94.25 tpd NO<sub>x</sub>. The 2020 motor vehicle emissions budgets for the Ohio and Indiana portions of the area are 42.81 tpd VOC and 73.13 tpd for NO<sub>x</sub>.

(13) Approval—On October 30, 2012, and December 12, 2012, Ohio submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plans for the Cleveland-Akron-Lorain and Columbus, Ohio areas. The budgets are being revised with budgets developed with the MOVES2010a model. The 2012 motor vehicle emissions budgets for the Cleveland-Akron-Lorain, Ohio area are 81.54 tpd VOC and 189.27 tpd NO<sub>x</sub>. The 2020 motor vehicle emissions budgets for the Cleveland-Akron-Lorain, Ohio area are 43.17 tpd VOC and 108.36 tpd NO<sub>x</sub>. The 2012 motor vehicle emissions budgets for the Columbus, Ohio area are 93.99 tpd VOC and 188.85 tpd NO<sub>x</sub>. The 2020 motor vehicle emissions budgets for the Columbus, Ohio area are 50.34 tpd VOC and 99.12 tpd NO<sub>x</sub>.

(gg) Approval—EPA is approving requests submitted by the State of Ohio on April 4, 2005, and supplemented on May 20, 2005, February 14, 2006, May 9,

2006, October 6, 2006, and February 19, 2008, to discontinue the vehicle inspection and maintenance (I/M) program in the Cincinnati-Hamilton and Dayton-Springfield areas. The submittal also includes Ohio's demonstration that eliminating the I/M programs in the Cincinnati-Hamilton and Dayton-Springfield areas will not interfere with the attainment and maintenance of the ozone NAAQS and the fine particulate NAAQS and with the attainment and maintenance of other air quality standards and requirements of the CAA. We are further approving Ohio's request to modify the SIP such that I/M is no longer an active program in these areas and is instead a contingency measure in these areas' maintenance plans.

(hh) *8-hour Emissions Inventories*. (1) Approval—Ohio's 2002 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Columbus area under the 1997 8-hour ozone standard.

(2) Approval—Ohio's 2002 inventory satisfies the base year emissions inventory requirements of section 182(a)(1) of the Clean Air Act for the Cleveland-Akron-Lorain area under the 1997 8-hour ozone standard.

(ii) Approval—The 15 percent Volatile Organic Compound reasonable further progress plan for the Cleveland-Akron-Lorain 1-hour ozone area, submitted by Ohio on June 15, 2007, and February 22, 2008, satisfies the requirements of section 182(b)(1) of the Clean Air Act.

(3) Approval—Ohio's 2005 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Ohio portion of the Cincinnati-Hamilton, OH-KY-IN area under the 1997 8-hour ozone standard.

(jj) Approval—EPA is approving exemptions under section 182(f) from requirements for reasonably available control technology for oxides of nitrogen for the Cleveland-Akron-Lorain 8-hour ozone nonattainment area with respect to the 1997 ozone standards. This waiver was requested by Ohio on March 17, 2009.

(kk) *Disapproval*. EPA is disapproving the coating VOC content limit for high performance architectural aluminum coatings contained in paragraph

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(U)(1)(h) of chapter 3745–21–09 of the Ohio Administrative Code.

[45 FR 72142, Oct. 31, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1885, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EFFECTIVE DATE NOTES: 1. At 78 FR 28501, May 15, 2013, § 52.1885 was amended by adding paragraph (ff)(14), effective July 15, 2013. For the convenience of the user, the added text is set forth as follows:

**§ 52.1885 Control strategy: Ozone.**

\* \* \* \* \*

(ff) \* \* \*

(14) Approval—On December 7, 2012, Ohio submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Canton-Massillon, Ohio area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2009 motor vehicle emissions budgets for the Canton-Massillon, Ohio area are 19.17 tpd VOC and 28.36 tpd NO<sub>x</sub>. The 2018 motor vehicle emissions budgets for the Canton-Massillon, Ohio area are 9.02 tpd VOC and 11.37 tpd NO<sub>x</sub>.

\* \* \* \* \*

2. At 78 FR 34906, June 11, 2013, § 52.1885 was amended by adding paragraph (ff)(15), effective Aug. 12, 2013. For the convenience of the user, the added text is set forth as follows:

**§ 52.1885 Control strategy: Ozone.**

\* \* \* \* \*

(ff) \* \* \*

(15) Approval—On December 7, 2012, Ohio submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Ohio portion of the Wheeling area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2009 motor vehicle emissions budgets for the Ohio portion of the Wheeling area are 4.70 tpd VOC and 13.30 tpd NO<sub>x</sub>. The 2018 motor vehicle emissions budgets for the Ohio portion of the Wheeling area are 2.15 tpd VOC and 5.18 tpd NO<sub>x</sub>.

\* \* \* \* \*

3. At 78 FR 34910, June 11, 2013, § 52.1885 was amended by adding paragraph (ff)(16), effective Aug. 12, 2013. For the convenience of the user, the added text is set forth as follows:

**§ 52.1885 Control strategy: Ozone.**

\* \* \* \* \*

(ff) \* \* \*

(16) Approval—On January 11, 2013, Ohio submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Lima, Ohio area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2009 motor vehicle emissions budgets for the Lima, Ohio area are 5.39 tpd VOC and 10.65 tpd NO<sub>x</sub>. The 2018 motor vehicle emissions budgets for the Lima, Ohio area are 2.38 tpd VOC and 6.18 tpd NO<sub>x</sub>.

\* \* \* \* \*

**§ 52.1886 Visibility protection.**

(a) *Regional Haze.* The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Ohio on March 11, 2011, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO<sub>x</sub> and SO<sub>2</sub> from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(b) *Measures Addressing Limited Disapproval Associated With NO<sub>x</sub>.* The deficiencies associated with NO<sub>x</sub> identified in EPA’s limited disapproval of the regional haze plan submitted by Ohio on March 11, 2011, are satisfied § 52.1882.

(c) *Measures Addressing Limited Disapproval Associated With SO<sub>2</sub>.* The deficiencies associated with SO<sub>2</sub> identified in EPA’s limited disapproval of the regional haze plan submitted by Ohio on March 11, 2011, are satisfied by § 52.1883.

[77 FR 33658, June 7, 2012]

**§ 52.1887 Control strategy: Carbon monoxide.**

(a) Part D—Approval—The following portions of the Ohio plan are approved:

(1) The carbon monoxide portions of rules 01, 02, 03, 04 (except the portion disapproved in § 52.1877(c)), 05, 06, 07, 08, 09 (except the portions conditionally approved in § 52.1877(b)) and 10 of Chapter 3745–21 of the Ohio Administrative Code.

(2) The transportation control plans for the following urban areas: Akron

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(ozone component only), Canton, Cincinnati, Columbus, Dayton, Steubenville, Toledo (ozone component only), Cleveland.

(3) The carbon monoxide attainment and reasonable further progress demonstrations for the following urban areas: Cincinnati, Cleveland, Columbus and Youngstown.

(b) [Reserved]

(c) Part D—No Action—USEPA at this time takes no action on the carbon monoxide portions of the plan submitted for the urban areas of Akron and Toledo nor on the vehicle inspection and maintenance (I/M) program required for those nonattainment areas which have requested an extension to demonstrate carbon monoxide attainment.

(d) Disapproval—On June 9, 1982 (draft), and November 9, 1982 (final), the State of Ohio submitted a revised demonstration that attempts to show attainment by December 31, 1982, of the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) for the Cleveland urban area. Supplemental information was submitted on March 8, 1983, March 16, 1983, December 5, 1983, and May 9, 1985. The June 9, 1982, and March 8, 1983, submittals also requested that the 5-year extension for meeting the NAAQS requested on July 29, 1979, and granted by USEPA on October 31, 1980, and June 18, 1981, be rescinded for this area. The attainment demonstration and rescission request are disapproved by USEPA because they do not meet the requirements of § 51.10(b).

(e) Approval—On October 20, 2005, Ohio submitted a State Implementation Plan (SIP) revision of the Cuyahoga County carbon monoxide (CO) maintenance plan. The CO maintenance plan revision is an update to the current approved maintenance plan and continues to demonstrate maintenance of the CO National Ambient Air Quality Standard (NAAQS) for an additional 10 years. The maintenance plan revision is submitted as a limited maintenance plan for the Cuyahoga County, Ohio carbon monoxide area and provides an unlimited motor vehicle emissions budget as long as the ambient CO levels remain below the 7.65 parts per million design value specified

as the criterion for the limited maintenance plan.

[45 FR 72143, Oct. 31, 1980, as amended at 45 FR 72147, Oct. 31, 1980; 49 FR 22815, June 1, 1984; 51 FR 10391, Mar. 26, 1986; 54 FR 615, Jan. 9, 1989; 54 FR 12621, Mar. 28, 1989; 55 FR 17752, Apr. 27, 1990; 71 FR 31100, June 1, 2006]

### § 52.1888 Operating permits.

Emission limitations and related provisions which are established in Ohio operating permits as federally enforceable conditions in accordance with Rule 3745-35-07 shall be enforceable by USEPA and by any person under section 304 of the Clean Air Act. USEPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and will be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA's underlying regulations.

[60 FR 55202, Oct. 30, 1995]

### § 52.1889 Small business stationary source technical and environmental compliance assistance program.

The Ohio program, submitted as a requested revision to the Ohio State Implementation Plan on May 17, 1994, and May 4, 1995, satisfies the requirements of section 507 of the Clean Air Act.

[60 FR 42045, Aug. 15, 1995]

### § 52.1890 Removed control measures.

On the dates listed below, Ohio requested that the indicated control measures be removed from the Ohio State Implementation Plan (SIP).

(a) On February 21, 1997, the State of Ohio requested that the following rules and rule paragraphs be removed from the SIP because they have been amended or revoked by the State subsequent to their incorporation in the SIP: OAC 3745-21-02(C), OAC 3745-21-03(D), OAC 3745-21-05, OAC 3745-22-01, OAC 3745-22-02, OAC 3745-22-03, OAC 3745-22-04, OAC 3745-22-05, OAC 3745-22-06, OAC 3745-22-07, OAC 3745-22-08, OAC 3745-23-03, OAC 3745-23-04, OAC 3745-23-05, and OAC 3745-102-07.

(b) [Reserved]

(c) On April 11, 2005, the Ohio Environmental Protection Agency submitted a request to revise the State's plan controlling nitrogen oxide emissions from stationary sources in the State. The request included the results of the action taken by Ohio EPA to rescind OAC 3745–23–06, which affected emissions of oxides of nitrogen from combustion sources and nitric acid plants. This action was preceded by a negative declaration regarding nitric acid plants dated April 11, 1994, and rule approvals (NO<sub>x</sub> SIP Call, NSPS, budget trading program, etc.) affecting large fossil-fueled utility and industrial boilers. OAC 3745–23–06, Control of nitrogen oxide emissions from stationary sources, also known as AP–7–06 in its original form, is therefore removed from the Ohio SIP.

(d) On August 22, 2008, Ohio requested that Ohio Administrative Code 3745–17–05 “Non-degradation Policy.” be removed from the Ohio SIP. The rule was rescinded statewide on February 1, 2008.

[62 FR 47947, Sept. 12, 1997, as amended at 71 FR 76919, Dec. 22, 2006; 75 FR 65572, Oct. 26, 2010]

**§ 52.1891 Section 110(a)(2) infrastructure requirements.**

(a) *Approval.* In a December 5, 2007 submittal, supplemented on April 7, 2011, Ohio certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 8-hour ozone NAAQS.

(b) *Approval.* In a December 5, 2007 submittal, supplemented on April 7, 2011, Ohio certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 PM<sub>2.5</sub> NAAQS.

(c) *Approval and Disapproval*—In a September 4, 2009 submittal, supplemented on June 3, 2011, and July 5, 2012, Ohio certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2006 24-hour PM<sub>2.5</sub> NAAQS. We are not finalizing action on the visibility protection requirements of (D)(i)(II) or

the state board requirements of (E)(ii). We will address these requirements in a separate action. We are disapproving narrow portions of Ohio's infrastructure SIP submission addressing the relevant prevention of significant deterioration requirements of the 2008 NSR Rule (identifying PM<sub>2.5</sub> precursors, and the regulation of PM<sub>2.5</sub> and PM<sub>10</sub> condensables in permits) and the Phase 2 Rule (identification of NO<sub>x</sub> as a precursor to ozone) with respect to section 110(a)(2)(C), (D)(i)(II), and (J).

[76 FR 41086, July 13, 2011, as amended at 77 FR 65488, Oct. 29, 2012]

**§ 52.1892 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<sub>2.5</sub> nonattainment Area attained the 1997 annual PM<sub>2.5</sub> 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<sub>2.5</sub> 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 to 2009, EPA determined that the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton fine particle (PM<sub>2.5</sub>) nonattainment areas attained the 1997 annual PM<sub>2.5</sub> 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 Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton PM<sub>2.5</sub> nonattainment areas are 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-

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Indiana PM<sub>2.5</sub> nonattainment Area attained the 1997 annual PM<sub>2.5</sub> 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<sub>2.5</sub> nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(d) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Parkersburg-Marietta, WV-OH and Wheeling, WV-OH fine particle (PM<sub>2.5</sub>) nonattainment areas attained the 1997 annual PM<sub>2.5</sub> 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 areas' air quality as of the attainment date, whether the areas attained the standard. EPA also determined that the Parkersburg-Marietta, WV-OH and Wheeling, WV-OH PM<sub>2.5</sub> nonattainment areas are not subject to the consequences of failing to attain pursuant to section 179(d).

[76 FR 55544, Sept. 7, 2011, as amended at 76 FR 56643, Sept. 14, 2011; 76 FR 60376, Sept. 29, 2011; 76 FR 75467, Dec. 1, 2011]

### §52.1919 Identification of plan-conditional approval.

(a) The plan commitments listed below were submitted on the dates specified.

(1) [Reserved]

(2) On April 20, 1994, Ohio submitted Rule 3745-35-07, entitled "Federally Enforceable Limitations on Potential to Emit," and requested authority to issue such limitations as conditions in State operating permits. On June 16, 1994, Ohio submitted a commitment to revise Rule 3745-35-07 to clarify that the rule provides for USEPA objection to permits after issuance. The revisions are approved provided Ohio fulfills this commitment by October 25, 1995.

(i) Incorporation by reference.

(A) Rule 3745-35-07, adopted April 4, 1994, effective April 20, 1994.

(3) Conditional Approval—On August 17, 1995, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan. The submittal pertained to a plan for the implementation of the federal transportation conformity requirements at the State or local level in accordance with 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. This conditional approval is based, in part, on the State's commitment, submitted in a letter on April 1, 1996, to submit revised transportation conformity rules to incorporate the two amendments to the federal transportation conformity regulations. The State of Ohio committed to revise its transportation conformity rules by November 14, 1996. If the State ultimately fails to meet its commitment to meet these requirements within one year of final conditional approval, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval.

(i) Incorporation by reference. August 1, 1995, Ohio Administrative Code Chapter 3745-101, effective August 21, 1995.

(4) On March 1, 1996, Ohio submitted revisions to its Permit to Install rules as a revision to the State implementation plan. The request was supplemented on April 16, 1997, September 5, 1997, December 4, 1997, and April 21, 1998.

(i) Incorporation by reference.

(A) Rule 3745-31-01 through 3745-31-20, effective September 25, 1998.

(b) On October 9, 2000, the Ohio Environmental Protection Agency submitted a revision to Ohio Administrative Code (OAC) 3745-21-09(BBB). The revision removed a requirement that for the agerite resin D process, the VOC emissions from the vapor recovery system vents and neutralization and distillation system vents (except wash kettle or still feed condenser vents, stills vacuum jet tailpipe vents, and process emergency safety relief devices) be vented to an emissions control device that is designed and operated to achieve an emissions control

efficiency of at least 90 percent, by weight. In place of this deleted emissions control efficiency requirement, the revised paragraph now specifies a total annual VOC emissions limit of 1.0 ton from the recovery system and neutralization and distillation system vents. The revision lacked test procedures and record keeping requirements compatible with the revised emission limit. On March 1, 2010, Ohio submitted a commitment to revise OAC 3745-21-09(BBB) to include the necessary test procedures and record keeping requirements by September 16, 2011. When EPA determines the state has met its commitment, OAC 3745-21-09(BBB) will be incorporated by reference into the SIP.

[61 FR 24460, May 15, 1996, as amended at 61 FR 24705, May 16, 1996; 66 FR 51572, Oct. 10, 2001; 75 FR 50712, Aug. 17, 2010; 75 FR 65572, Oct. 26, 2010; 78 FR 19130, Mar. 29, 2013]

**Subpart LL—Oklahoma**

**§ 52.1920 Identification of plan.**

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Oklahoma under section 110 of the Clean Air Act, 42 U.S.C. 7410, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date on or before June 1, 2000, was approved

for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after June 1, 2000, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of June 1, 2000.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region 6 Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202-2733; Air and Radiation Docket (6102A), Room M1500, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) *EPA approved regulations.*

**EPA APPROVED OKLAHOMA REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Oklahoma Air Pollution Control Regulations</b>				
<b>Subchapter 5. Registration, Emissions Inventory and Annual Operating Fees</b>				
252:100-5-1 .....	Purpose .....	6/11/2001	11/26/2010, 75 FR 72695.	
<b>Regulation 1.4. Air Resources Management Permits Required</b>				
<b>Regulation 1.4.1 General Permit Requirements</b>				
1.4.1(a) .....	Scope and purpose .....	1 5/19/1983	8/25/1983, 48 FR 38635 .....	Minor sources only.
1.4.1(b) .....	General requirements .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Minor sources only.
1.4.1(c) .....	Necessity to obtain permit.	6/4/1990	7/23/1991, 56 FR 33715 .....	Minor sources only.
1.4.1(d) .....	Permit fees .....	1 5/19/1983	8/25/1983, 48 FR 38635 .....	Minor sources only.
<b>1.4.2 Construction Permit</b>				
1.4.2(a) .....	Standards required .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Minor sources only.
1.4.2(b) .....	Stack height limitation .....	6/11/1989	8/20/1990, 55 FR 33905 .....	Minor sources only.
1.4.2(c) .....	Permit applications .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Minor sources only.
1.4.2(d) .....	Action on applications .....	1 5/19/1983	8/25/1983, 48 FR 38635 .....	Minor sources only.