

**Environmental Protection Agency**

**§ 52.1771**

**EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS—Continued**

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.	9/21/2009	5/7/2014, 79 FR 26149	Addressing prong 4 of section 110(a)(2)(D)(i) only..	

[64 FR 27467, May 20, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1770, 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).

EFFECTIVE DATE NOTE: At 79 FR 36657, June 30, 2014, § 52.1770(c) is amended under Table 1, at Subchapter 2D Air Pollution Control Requirements, Section .0400 Ambient Air Quality Standards by revising the entries for “.0409,” and “.0410”, effective July 30, 2014.

For the convenience of the user, the revised text is set forth as follows:

**§ 52.1770 Identification of plan**

\* \* \* \* \*

(c) \* \* \*

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Subchapter 2D Air Pollution Control Requirements</b>				
* * *	* * *	* * *	* * *	* * *
<b>Section .0400 Ambient Air Quality Standards</b>				
* * *	* * *	* * *	* * *	* * *
Section .0409 .....	Particulate Matter .....	1/1/2010	6/30/2014 [Insert <b>Federal Register</b> citation].	
Section .0410 .....	PM <sub>2.5</sub> Particulate Matter ...	1/1/2010	6/30/2014 [Insert <b>Federal Register</b> citation].	

**§ 52.1771 Classification of regions.**

The North Carolina plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Western Mountain Intrastate .....	I	III	III	III	III
Eastern Mountain Intrastate .....	I	III	III	III	III
Metropolitan Charlotte Interstate .....	I	II	III	III	I
Northern Piedmont Intrastate .....	I	III	III	III	III
Eastern Piedmont Intrastate .....	I	III	III	III	III
Northern Coastal Intrastate .....	I	III	III	III	III
Southern Coastal Intrastate .....	II	III	III	III	III
Sandhills Intrastate .....	II	III	III	III	III

**§ 52.1772****40 CFR Ch. I (7–1–14 Edition)**

[37 FR 10884, May 31, 1972]

**§ 52.1772 Approval status.**

(a) With the exceptions set forth in this subpart, the Administrator approves North Carolina's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of part D, title 1, of the Clean Air Act as amended in 1977.

(b) New Source review permits issued pursuant to section 173 of the Clean Air Act will not be deemed valid by EPA unless the provisions of Section V of the Emission Offset (Interpretative Rule) published on January 16, 1979 (44 FR 3274) are met.

[45 FR 26043, Apr. 17, 1980, as amended at 75 FR 82558, Dec. 30, 2010; 76 FR 64244, Oct. 18, 2011; 79 FR 30051, May 27, 2014]

**§ 52.1773 Conditional approval.**

(a) Conditional Approval—Submittal from the State of North Carolina, through the Department of Environment and Natural Resources (NC DENR), Division of Air Quality, dated December 12, 2007, to address the Clean Air Act (CAA) infrastructure requirements for the 1997 ozone National Ambient Air Quality Standards. On January 11, 2012, NC DENR supplemented their December 12, 2007, submission with a commitment to address the requirements of CAA section 110(a)(2)(E)(ii) of the CAA which requires state compliance with section 128 of the CAA. EPA is conditionally approving North Carolina's submittal with respect to CAA section 110(a)(2)(E)(ii).

(b) North Carolina submitted a letter to EPA on July 10, 2012, with a commitment to address the State Implementation Plan deficiencies regarding requirements of Clean Air Act sections 110(a)(2)(C) and 110(a)(2)(J) as they both relate to Prevention of Significant Deterioration (PSD) infrastructure requirements for the 1997 annual and 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards. EPA is conditionally approving North Carolina's commitment to address outstanding requirements promulgated in

the New Source Review (NSR) PM<sub>2.5</sub> Rule related to the PM<sub>2.5</sub> standard for their PSD program and committing to providing the necessary SIP revision to address these NSR PM<sub>2.5</sub> Rule requirements. If North Carolina fails to submit these revisions by October 16, 2013, the conditional approval will automatically become a disapproval on that date and EPA will issue a finding of disapproval.

(c) North Carolina submitted a commitment letter to EPA on July 10, 2012, requesting conditional approval of outstanding requirements related to the NSR PM<sub>2.5</sub> Rule. In this letter, North Carolina provided a schedule as to how it will address outstanding requirements related to the NSR PM<sub>2.5</sub> Rule (including PM<sub>2.5</sub> PSD Increment-SILS-SMC, as it relates to PM<sub>2.5</sub> increments to meet the prong 3 requirements of section 110(a)(2)(D)(i)). EPA conditionally approved the NSR PM<sub>2.5</sub> Rule submission for North Carolina on October 16, 2012, (77 FR 63234). If the North Carolina fails to submit these revisions by October 16, 2013, the conditional approval will automatically become a disapproval on that date and EPA will issue a finding of disapproval.

[77 FR 5706, Feb. 6, 2012, as amended at 77 FR 63240, Oct. 16, 2012; 78 FR 18244, Mar. 26, 2013]

**§ 52.1774 [Reserved]****§ 52.1775 Rules and regulations.**

Paragraph (g) of regulation 2D.0535 is disapproved because its automatic exemption for excess emissions during startup and shutdown is inconsistent with the Clean Air Act.

[51 FR 32075, Sept. 9, 1986]

**§ 52.1776 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 North Carolina on December 17, 2007, 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