Title 40
Protection of Environment

Part 52 (§§ 52.01 to 52.1018)

Revised as of July 1, 2016

Containing a codification of documents of general applicability and future effect

As of July 1, 2016

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# Table of Contents

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explanation</td>
</tr>
</tbody>
</table>

**Title 40:**

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter I—Environmental Protection Agency (Continued)</td>
</tr>
</tbody>
</table>

**Finding Aids:**

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table of CFR Titles and Chapters</td>
</tr>
<tr>
<td>Alphabetical List of Agencies Appearing in the CFR</td>
</tr>
<tr>
<td>List of CFR Sections Affected</td>
</tr>
</tbody>
</table>
Cite this Code: CFR

To cite the regulations in this volume use title, part and section number. Thus, 40 CFR 52.01 refers to title 40, part 52, section 01.
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Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16..............................................................as of January 1
Title 17 through Title 27 .................................................................as of April 1
Title 28 through Title 41 ..............................................................as of July 1
Title 42 through Title 50.............................................................as of October 1

The appropriate revision date is printed on the cover of each volume.

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Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

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OLIVER A. POTTS,
Director,
Office of the Federal Register.
July 1, 2016.
Title 40—Protection of Environment is composed of thirty-seven volumes. The parts in these volumes are arranged in the following order: Parts 1–49, parts 50–51, part 52 (52.01–52.1018), part 52 (52.1019–52.2019), part 52 (52.2020–end of part 52), parts 53–59, part 60 (60.1–60.499), part 60 (60.500–end of part 60, sections), part 60 (Appendices), parts 61–62, part 63 (63.1–63.599), part 63 (63.600–63.1199), part 63 (63.1200–63.1439), part 63 (63.1440–63.6175), part 63 (63.6580–63.8830), part 63 (63.8980–end of part 63), parts 64–71, parts 72–79, part 80, part 81, parts 82–86, parts 87–95, parts 96–99, parts 100–135, parts 136–149, parts 150–189, parts 190–239, parts 260–265, parts 266–299, parts 300–399, parts 400–424, parts 425–699, parts 700–722, parts 723–789, parts 790–999, parts 1000–1059, and part 1060 to end. The contents of these volumes represent all current regulations codified under this title of the CFR as of July 1, 2016.

Chapter I—Environmental Protection Agency appears in all thirty-seven volumes. Regulations issued by the Council on Environmental Quality, including an Index to Parts 1500 through 1508, appear in the volume containing parts 1060 to end. The OMB control numbers for title 40 appear in §9.1 of this chapter.

For this volume, Bonnie Fritts was Chief Editor. The Code of Federal Regulations publication program is under the direction of John Hyrum Martinez, assisted by Stephen J. Frattini.
Title 40—Protection of Environment

(This book contains part 52, §§ 52.01 to 52.1018)
CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)


SUBCHAPTER C—AIR PROGRAMS (CONTINUED)

<table>
<thead>
<tr>
<th>Part</th>
<th>Approval and promulgation of implementation plans</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>52</td>
<td>......................................................................</td>
<td>5</td>
</tr>
</tbody>
</table>
PART 52—APPROVAL AND PRO-MULGATION OF IMPLEMENTATION PLANS

Subpart A—General Provisions

Sec. 52.01 Definitions. 52.02 Introduction. 52.04 Classification of regions. 52.05 Public availability of emission data. 52.06 Legal authority. 52.07 Control strategies. 52.08 Rules and regulations. 52.09 Compliance schedules. 52.10 Review of new sources and modifications. 52.11 Prevention of air pollution emergency episodes. 52.12 Source surveillance. 52.13 Air quality surveillance; resources; intergovernmental cooperation. 52.14 State ambient air quality standards. 52.15 Public availability of plans. 52.16 Submission to Administrator. 52.17 Severability of provisions. 52.18 Abbreviations. 52.19 Attainment dates for national standards. 52.20 Prevention of significant deterioration of air quality. 52.21 Violation and enforcement. 52.22 Statutory restriction on new sources. 52.23 Visibility monitoring strategy. 52.24 Protection of visibility from sources in attainment areas. 52.25 Protection of visibility from sources in nonattainment areas. 52.26 Visibility long-term strategies. 52.27 Criteria for limiting application of sanctions under section 110(m) of the Clean Air Act on a statewide basis. 52.28 Selection of sequence of mandatory sanctions for findings made pursuant to section 179 of the Clean Air Act. 52.29 Sanctions following findings of SIP inadequacy. 52.30 Compliance certifications. 52.31 Action on petitions submitted under section 129 relating to emissions of nitrogen oxides. 52.32 What are the requirements of the Federal Implementation Plans (FIPs) for the Clean Air Interstate Rule (CAIR) relating to emissions of nitrogen oxides? 52.33 Significant Deterioration requirements to sources that emit greenhouse gases? 52.34 What are the requirements of the Federal Implementation Plans (FIPs) under the Transport Rule (TR) relating to emissions of nitrogen oxides? 52.35 What are the requirements of the Federal Implementation Plans (FIPs) for the Transport Rule (TR) relating to emissions of sulfur dioxide? 52.36 What are the requirements of the Federal Implementation Plans (FIPs) for the Transport Rule (TR) relating to emissions of sulfur dioxide? 52.37 What are the requirements of the Federal Implementation Plans (FIPs) to issue permits under the Prevention of Significant Deterioration requirements to sources that emit greenhouse gases? 52.38 What are the requirements of the Federal Implementation Plans (FIPs) under the Transport Rule (TR) relating to emissions of nitrogen oxides? 52.39 What are the requirements of the Federal Implementation Plans (FIPs) for the Transport Rule (TR) relating to emissions of sulfur dioxide? 52.40 State Ambient Air Quality Standards. 52.41 Public availability of plans. 52.42 Submission to Administrator. 52.43 Severability of provisions. 52.44 Abbreviations. 52.45 Acceptance for filing of petitions for reconsideration of final action. 52.46 Action on petitions submitted under section 126 relating to emissions of nitrogen oxides. 52.47 Action on petitions submitted under section 126 relating to emissions of sulfur dioxide. 52.48 What are the requirements of the Federal Implementation Plans (FIPs) to issue permits under the Prevention of Significant Deterioration requirements to sources that emit greenhouse gases? 52.49 What are the requirements of the Federal Implementation Plans (FIPs) under the Transport Rule (TR) relating to emissions of nitrogen oxides? 52.50 What are the requirements of the Federal Implementation Plans (FIPs) for the Transport Rule (TR) relating to emissions of sulfur dioxide? 52.51 State Ambient Air Quality Standards. 52.52 Public availability of plans. 52.53 Submission to Administrator. 52.54 Severability of provisions. 52.55 Abbreviations. 52.56 Action on petitions submitted under section 126 relating to emissions of nitrogen oxides. 52.57 Action on petitions submitted under section 126 relating to emissions of sulfur dioxide. 52.58 What are the requirements of the Federal Implementation Plans (FIPs) to issue permits under the Prevention of Significant Deterioration requirements to sources that emit greenhouse gases? 52.59 What are the requirements of the Federal Implementation Plans (FIPs) under the Transport Rule (TR) relating to emissions of nitrogen oxides? 52.60 What are the requirements of the Federal Implementation Plans (FIPs) for the Transport Rule (TR) relating to emissions of sulfur dioxide? 52.61 State Ambient Air Quality Standards. 52.62 Public availability of plans. 52.63 Submission to Administrator. 52.64 Severability of provisions. 52.65 Abbreviations. 52.66 Action on petitions submitted under section 126 relating to emissions of nitrogen oxides. 52.67 Action on petitions submitted under section 126 relating to emissions of sulfur dioxide. 52.68 What are the requirements of the Federal Implementation Plans (FIPs) to issue permits under the Prevention of Significant Deterioration requirements to sources that emit greenhouse gases? 52.69 What are the requirements of the Federal Implementation Plans (FIPs) under the Transport Rule (TR) relating to emissions of nitrogen oxides? 52.70 What are the requirements of the Federal Implementation Plans (FIPs) for the Transport Rule (TR) relating to emissions of sulfur dioxide? 52.71 State Ambient Air Quality Standards. 52.72 Public availability of plans. 52.73 Submission to Administrator. 52.74 Severability of provisions. 52.75 Abbreviations. 52.76 Action on petitions submitted under section 126 relating to emissions of nitrogen oxides. 52.77 Action on petitions submitted under section 126 relating to emissions of sulfur dioxide. 52.78 What are the requirements of the Federal Implementation Plans (FIPs) to issue permits under the Prevention of Significant Deterioration requirements to sources that emit greenhouse gases? 52.79 What are the requirements of the Federal Implementation Plans (FIPs) under the Transport Rule (TR) relating to emissions of nitrogen oxides? 52.80 What are the requirements of the Federal Implementation Plans (FIPs) for the Transport Rule (TR) relating to emissions of sulfur dioxide? 52.81 State Ambient Air Quality Standards. 52.82 Public availability of plans. 52.83 Submission to Administrator. 52.84 Severability of provisions. 52.85 Abbreviations. 52.86 Action on petitions submitted under section 126 relating to emissions of nitrogen oxides. 52.87 Action on petitions submitted under section 126 relating to emissions of sulfur dioxide. 52.88 What are the requirements of the Federal Implementation Plans (FIPs) to issue permits under the Prevention of Significant Deterioration requirements to sources that emit greenhouse gases? 52.89 What are the requirements of the Federal Implementation Plans (FIPs) under the Transport Rule (TR) relating to emissions of nitrogen oxides? 52.90 What are the requirements of the Federal Implementation Plans (FIPs) for the Transport Rule (TR) relating to emissions of sulfur dioxide? 52.91 State Ambient Air Quality Standards. 52.92 Public availability of plans. 52.93 Submission to Administrator. 52.94 Severability of provisions. 52.95 Abbreviations. 52.96 Action on petitions submitted under section 126 relating to emissions of nitrogen oxides. 52.97 Action on petitions submitted under section 126 relating to emissions of sulfur dioxide. 52.98 What are the requirements of the Federal Implementation Plans (FIPs) to issue permits under the Prevention of Significant Deterioration requirements to sources that emit greenhouse gases? 52.99 What are the requirements of the Federal Implementation Plans (FIPs) under the Transport Rule (TR) relating to emissions of nitrogen oxides? 52.100 What are the requirements of the Federal Implementation Plans (FIPs) for the Transport Rule (TR) relating to emissions of sulfur dioxide?
52.126 Control strategy and regulations: Particulate matter.

52.127 Commitment to promulgate and implement reasonably available control measures for the agricultural fields and aprons.

52.128 Rule for unpaved parking lots, unpaved roads and vacant lots.

52.129 Review of new sources and modifications.

52.130 Source surveillance.

52.131 Control Strategy and regulations: Fine Particle Matter.

52.132 [Reserved]

52.133 Rules and regulations.

52.134 Compliance schedules.

52.135 Resources.

52.136 Control strategy for ozone: Oxides of nitrogen.

52.137 [Reserved]

52.138 Conformity procedures.

52.139 [Reserved]

52.140 Monitoring transportation trends.

52.141 [Reserved]


52.143 Significant deterioration of air quality.

52.144 Visibility protection.

52.145 Operating permits.

Subpart E—Arkansas

52.170 Identification of plan.

52.171 Classification of regions.

52.172 Approval status.

52.173 Visibility protection.

52.174 Control strategy and regulations: Ozone.

52.175-52.180 [Reserved]

52.181 Significant deterioration of air quality.

52.183 Small business assistance program.

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

52.200 Original identification of plan section.

Subpart F—California

52.220 Identification of plan—part.

52.220a Identification of plan—in part.

52.221 Classifications of regions.

52.222 Negative declarations.

52.223 Approval status.

52.224 General requirements.

52.225 Legal authority.

52.226 Control strategy and regulations: Particulate matter, San Joaquin Valley and Mountain Counties Intrastate Regions.

52.227 Control strategy and regulations: Particulate matter, Metropolitan Los Angeles Intrastate Region.

52.228 Regulations: Particulate matter, Southeast Desert Intrastate Region.

52.229 Control strategy and regulations: Photocatalytic oxidants (hydrocarbons), Metropolitan Los Angeles Intrastate Region.

52.230 Control strategy and regulations: Nitrogen dioxide.

52.231 Regulations: Sulfur oxides.

52.232 Part D conditional approval.

52.233 Review of new sources and modifications.

52.234 Source surveillance.

52.235 Control strategy for ozone: Oxides of nitrogen.

52.236 Rules and regulations.

52.237 Part D disapproval.

52.238 Commitment to undertake rulemaking.

52.239 Alternate compliance plans.

52.240 Compliance schedules.

52.241 Inspection and maintenance program.

52.242 Disapproved rules and regulations.

52.243 Interim approval of the Carbon Monoxide plan for the South Coast.

52.244 Motor vehicle emissions budgets.

52.245 New Source Review rules.

52.246 Control of dry cleaning solvent vapor losses.

52.247 Control Strategy and regulations: Fine Particle Matter.

52.248-52.251 [Reserved]

52.252 Control of degreasing operations.

52.253 Metal surface coating thinner and reducer.

52.254 Organic solvent usage.

52.255 Gasoline transfer vapor control.

52.256 Control of evaporative losses from the filling of vehicular tanks.

52.257-52.262 [Reserved]

52.263 Priority treatment for buses and carpools—Los Angeles Region.

52.264-52.268 [Reserved]

52.269 Control strategy and regulations: Photocatalytic oxidants (hydrocarbons) and carbon monoxide.

52.270 Significant deterioration of air quality.

52.271 Malfunction, startup, and shutdown regulations.

52.272 Research operations exemptions.

52.273 Open burning.

52.274 California air pollution emergency plan.

52.275 Particulate matter control.

52.276 Sulfur content of fuels.

52.277 Oxides of nitrogen, combustion gas concentration limitations.

52.278 Oxides of nitrogen control.

52.279 Food processing facilities.

52.280 Fuel burning equipment.

52.281 Visibility protection.
Environmental Protection Agency

Subpart G—Colorado

52.282 Control strategy and regulations: Ozone.
52.283 Interstate Transport.

Subpart G—Colorado

52.320 Identification of plan.
52.321 Classification of regions.
52.322 Extensions.
52.323 Approval status.
52.324 Legal authority.
52.325 [Reserved]
52.326 Area-wide nitrogen oxides (NO\textsubscript{X}) exemptions.
52.327-52.328 [Reserved]
52.329 Rules and regulations.
52.330 Control strategy: Total suspended particulates.
52.331 Committal SIP for the Colorado Group II PM\textsubscript{10} areas.
52.332 Control strategy: Particulate matter.
52.333-52.342 [Reserved]
52.334 Significant deterioration of air quality.
52.344 Visibility protection.
52.345 Stack height regulations.
52.346 Air quality monitoring requirements.
52.347 [Reserved]
52.348 Emission inventories.
52.349 Control strategy: Carbon monoxide.
52.350 Control strategy: Ozone.
52.351 United States Postal Service substitute Clean Fuel Fleet Program.
52.352 Interstate transport.
52.353 Section 110(a)(2) infrastructure requirements.
52.354 Original identification of plan.

Subpart H—Connecticut

52.369 [Reserved]
52.370 Identification of plan.
52.371 Classification of regions.
52.372 Extensions.
52.373 Approval status.
52.374 Attainment dates for national standards.
52.375 Certification of no sources.
52.376 Control strategy: Carbon monoxide.
52.377 Control strategy: Ozone.
52.378 Control strategy: PM\textsubscript{10}
52.379 Control strategy: PM\textsubscript{2.5}
52.380 Rules and regulations.
52.381 Requirements for State implementation plan revisions relating to new motor vehicles.
52.382 Significant deterioration of air quality.
52.383 Stack height review.
52.384 Emission inventories.
52.385 EPA-approved Connecticut regulations.
52.386 Section 110(a)(2) infrastructure requirements.
52.387 Interstate Transport for the 1997 8-hour ozone and PM\textsubscript{2.5} NAAQS.

Subpart I—District of Columbia

52.420 Identification of plan.
52.421 Classification of regions.
52.422 Approval status.
52.423 Base year emissions inventory.
52.424 Conditional approval.
52.425 Determinations of attainment.
52.426 Control Strategy plans for attainment and rate-of-progress: ozone.
52.427 Control strategy: Particulate matter.
52.428-52.429 [Reserved]
52.430 Photochemical assessment monitoring stations (PAMS) program.
52.431 [Reserved]
52.432 Significant deterioration of air quality.
52.433 [Reserved]
52.440 Interstate pollutant transport provisions: What are the FIP requirements for decreases in emissions of nitrogen oxides?
52.441 Interstate pollutant transport provisions: What are the FIP requirements for decreases in emissions of sulfur dioxide?
52.460 Small business stationary source technical and environmental compliance assistance program.
52.465 Original identification of plan section.

Subpart J—Florida

52.470 Identification of plan.
52.471 Classification of regions.
52.472 Approval status.
52.473 [Reserved]
52.474 Base Year Emissions Inventory.
52.475 Determinations of attainment.
52.476 Control strategy: ozone.
52.477 Control strategy: Particulate matter.
52.478 Rules and Regulations.
52.479 [Reserved]
52.480 Photochemical assessment monitoring stations (PAMS) program.
52.481-52.483 [Reserved]
52.484 Interstate pollutant transport provisions: What are the FIP requirements for decreases in emissions of nitrogen oxides?
52.485 Interstate pollutant transport provisions: What are the FIP requirements for decreases in emissions of sulfur dioxide?
52.486-52.498 [Reserved]
52.499 Significant deterioration of air quality.
52.510 Small business assistance program.
52.515 Original identification of plan section.

Subpart K—Georgia

52.519 [Reserved]
52.520 Identification of plan.
52.521 Classification of regions.
52.522 Approval status.
52.523 Control strategy: Ozone.
Pt. 52

52.524 Compliance schedule.
52.525 General requirements.
52.526 Legal authority.
52.527 [Reserved]
52.528 Control strategy: Sulfur oxides and particulate matter.
52.529 [Reserved]
52.530 Significant deterioration of air quality.
52.531 Classification of regions.
52.532 Source surveillance.
52.533 Control strategy: General.
52.534 Original identification of plan section.
52.536 Compliance schedules.
52.537 Determination of attainment.
52.538 Control strategy: Sulfur oxides and particulate matter.
52.539 Economic feasibility considerations.
52.540 Visibility protection.
52.541 Significant deterioration of air quality.
52.542 Control strategy: Ozone.
52.543 Control strategy: Particulate matter.
52.544 Control strategy: Nitrogen dioxide.
52.545 Control strategy: Carbon monoxide.
52.546 Compliance schedules.
52.547 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

Subpart L—Georgia

52.569 [Reserved]
52.570 Identification of plan.
52.571 Classification of regions.
52.572 Approval status.
52.573 Control strategy: General.
52.574–52.576 [Reserved]
52.577 Compliance schedules.
52.578 Determination of attainment.
52.579 Control strategy: Sulfur oxides and particulate matter.
52.580 Economic feasibility considerations.
52.581 Visibility protection.
52.582 Significant deterioration of air quality.
52.583 Control strategy: Ozone.
52.584 Additional rules and regulations.
52.585 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?
52.586 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?
52.589 Original identification of plan section.

Subpart M—Hawaii

52.620 Identification of plan.
52.621 Classification of regions.
52.622 Original identification of plan.
52.623 Approval status.
52.624 General requirements.
52.625 Legal authority.
52.626 Compliance schedules.
52.627–52.629 [Reserved]
52.630 Visibility protection.
52.631 Significant deterioration of air quality.
52.632 Particulate matter (PM-10) Group III SIP.

Subpart N—Idaho

52.670 Identification of plan.
52.671 Classification of regions.
52.672 Approval of plans.
52.673 Approval status.
52.674 [Reserved]
52.675 Control strategy: Sulfur oxides—Eastern Idaho Intrastate Air Quality Control Region.
52.676 [Reserved]
52.677 Original identification of plan section.
52.678–52.680 [Reserved]
52.681 Permits to construct and tier II operating permits.
52.682 [Reserved]
52.683 Significant deterioration of air quality.
52.684–52.689 [Reserved]
52.690 Visibility protection.
52.691 Extensions.

Subpart O—Illinois

52.719 [Reserved]
52.720 Identification of plan.
52.721 Classification of regions.
52.722 Approval status.
52.723 [Reserved]
52.724 Control strategy: Sulfur dioxide.
52.725 Control strategy: Particulates.
52.726 Control strategy: Ozone.
52.727 [Reserved]
52.728 Control strategy: Nitrogen dioxide.
52.729 Control strategy: Carbon monoxide.
52.730 Compliance schedules.
52.731 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?
52.732 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?
52.733–52.735 [Reserved]
52.736 Review of new sources and modifications.
52.737 Operating permits.
52.738 Significant deterioration of air quality.
52.739 Permit fees.
52.740 Interstate pollution.
52.741 Control strategy: Ozone control measures for Cook, DuPage, Kane, Lake, McHenry and Will Counties.
52.742 Incorporation by reference.
52.743 Continuous monitoring.
52.744 Small business stationary source technical and environmental compliance assistance program.
52.745 Section 110(a)(2) infrastructure requirements.
52.746 Control strategy: Lead (Pb).

Subpart P—Indiana

52.769 Identification of plan—conditional approval.
52.770 Identification of plan.
52.771 Classification of regions.
52.772 [Reserved]
Environmental Protection Agency

52.773 Approval status.
52.774 Determination of attainment.
52.775 Legal authority.
52.776 Control strategy: Particulate matter.
52.777 Control strategy: Photochemical oxidants (hydrocarbons).
52.778 Compliance schedules.
52.779 [Reserved]
52.780 Review of new sources and modifications.
52.781 Rules and regulations.
52.782 Request for 18-month extension.
52.783 [Reserved]
52.784 Transportation and land use controls.
52.785 Control strategy: Carbon monoxide.
52.786 Inspection and maintenance program.
52.787 Gasoline transfer vapor control.
52.788 Operating permits.
52.789 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?
52.790 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?
52.791 Visibility protection.
52.792 [Reserved]
52.793 Significant deterioration of air quality.
52.794 Source surveillance.
52.795 Control strategy: Sulfur dioxide.
52.796 Industrial continuous emission monitoring.
52.797 Control strategy: Lead.
52.798 Small business stationary source technical and environmental compliance assistance program.
52.799 Transportation conformity.
52.800 Original identification of plan section.

Subpart Q—Iowa

52.820 Identification of plan.
52.821 Classification of regions.
52.822 Approval status.
52.823 PM\textsubscript{10} State Implementation Plan Development in Group II Areas.
52.824 Original identification of plan section.
52.825 Compliance schedules.
52.826-52.827 [Reserved]
52.828 Enforcement.
52.829-52.832 [Reserved]
52.833 Significant deterioration of air quality.
52.834 Control strategy: Sulfur dioxide.
52.840 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?
52.841 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?
52.842 Visibility protection.

Subpart R—Kansas

52.869 [Reserved]
52.870 Identification of plan.
52.871 Classification of regions.
52.872 Operating permits.
52.873 Approval status.
52.874 Legal authority.
52.875 Original identification of plan section.
52.876 Compliance schedules.
52.877-52.880 [Reserved]
52.881 PM\textsubscript{10} State implementation plan development in group II areas.
52.882 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?
52.883 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?
52.884 Significant deterioration of air quality.

Subpart S—Kentucky

52.919 [Reserved]
52.920 Identification of plan.
52.921 Classification of regions.
52.922 [Reserved]
52.923 Approval status.
52.924 Legal authority.
52.925 General requirements.
52.926 Attainment dates for national standards.
52.927 Compliance schedule.
52.928 Control strategy: Sulfur oxides.
52.929 Determination of attainment.
52.930 Control strategy: Ozone.
52.931 Significant deterioration of air quality.
52.932 Rules and regulations.
52.933 Control strategy: Sulfur oxides and particulate matter.
52.934 [Reserved]
52.935 PM\textsubscript{10} State implementation plan development in group II areas.
52.936 Visibility protection.
52.937 Review of new sources and modifications.
52.938 General conformity.
52.939 Original identification of plan section.
52.940 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?
52.941 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

Subpart T—Louisiana

52.970 Identification of plan.
52.971 Classification of regions.
52.972-52.974 [Reserved]
52.975 Redesignations and maintenance plans; ozone.
§ 52.01 Definitions.

All terms used in this part but not defined herein shall have the meaning given them in the Clean Air Act and in parts 51 and 60 of this chapter:

(a) The term stationary source means any building, structure, facility, or installation which emits or may emit an air pollutant for which a national standard is in effect.

(b) The term commenced means that an owner or operator has undertaken a continuous program of construction or modification.

(c) The term construction means fabrication, erection, or installation.

(d) The phrases modification or modified source mean any physical change in, or change in the method of operation of, a stationary source which increases the emission rate of any pollutant for which a national standard has been promulgated under part 50 of this chapter or which results in the emission of any such pollutant not previously emitted, except that:

(1) Routine maintenance, repair, and replacement shall not be considered a physical change, and

(2) The following shall not be considered a change in the method of operation:

(i) An increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(ii) An increase in the hours of operation;

(iii) Use of an alternative fuel or raw material, if prior to the effective date of a paragraph in this part which imposes conditions on or limits modifications, the source is designed to accommodate such alternative use.

(e) The term startup means the setting in operation of a source for any purpose.

(f) [Reserved]

(g) The term 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 fuels burned.

(h) The term 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, whichever is greater.


§ 52.02 Introduction.

(a) This part sets forth the Administrator’s approval and disapproval of State plans and the Administrator’s promulgation of such plans or portions thereof. Approval of a plan or any portion thereof is based upon a determination by the Administrator that such plan or portion meets the requirements of section 110 of the Act and the provisions of part 51 of this chapter.

(b) Any plan or portion thereof promulgated by the Administrator substitutes for a State plan or portion thereof disapproved by the Administrator or not submitted by a State, or supplements a State plan or portion thereof. The promulgated provisions, together with any portions of a State plan approved by the Administrator, constitute the applicable plan for purposes of the Act.
§ 52.04 Classification of regions.

Each subpart sets forth the priority classification, by pollutant, for each region in the State. Each plan for each region was evaluated according to the requirements of part 51 of this chapter applicable to regions of that priority.

§ 52.04 Classification of regions.

Each subpart sets forth the priority classification, by pollutant, for each region in the State. Each plan for each region was evaluated according to the requirements of part 51 of this chapter applicable to regions of that priority.
§ 52.05 Public availability of emission data.

Each subpart sets forth the Administrator’s disapproval of plan procedures for making emission data available to the public after correlation with applicable emission limitations, and includes the promulgation of requirements that sources report emission data to the Administrator for correlation and public disclosure.

§ 52.06 Legal authority.

(a) The Administrator’s determination of the absence or inadequacy of legal authority required to be included in the plan is set forth in each subpart. This includes the legal authority of local agencies and State governmental agencies other than an air pollution control agency if such other agencies are assigned responsibility for carrying out a plan or portion thereof.

(b) No legal authority as such is promulgated by the Administrator. Where required regulatory provisions are not included in the plan by the State because of inadequate legal authority, substitute provisions are promulgated by the Administrator.

§ 52.07 Control strategies.

(a) Each subpart specifies in what respects the control strategies are approved or disapproved. Where emission limitations with a future effective date are employed to carry out a control strategy, approval of the control strategy and the implementing regulations does not supersede the requirements of subpart N of this chapter relating to compliance schedules for individual sources or categories of sources. Compliance schedules for individual sources or categories of sources must require such sources to comply with applicable requirements of the plan as expeditiously as practicable, where the requirement is part of a control strategy designed to attain a primary standard, or within a reasonable time, where the requirement is part of a control strategy designed to attain a secondary standard. All sources must be required to comply with applicable requirements of the plan no later than the date specified in this part for attainment of the national standard which the requirement is intended to implement.

(b) A control strategy may be disapproved as inadequate because it is not sufficiently comprehensive, although all regulations provided to carry out the strategy may themselves be approved. In this case, regulations for carrying out necessary additional measures are promulgated in the subpart.

(c) Where a control strategy is adequate to attain and maintain a national standard but one or more of the regulations to carry it out is not adopted or not enforceable by the State, the control strategy is approved and the necessary regulations are promulgated by the Administrator.

(d) Where a control strategy is adequate to attain and maintain air quality better than that provided for by a national standard but one or more of the regulations to carry it out is not adopted or not enforceable by the State, the control strategy is approved and substitute regulations necessary to attain and maintain the national standard are promulgated.

§ 52.08 Rules and regulations.

Each subpart identifies the regulations, including emission limitations, which are disapproved by the Administrator, and includes the regulations which the Administrator promulgates.

§ 52.09 Compliance schedules.

(a) In each subpart, compliance schedules disapproved by the Administrator are identified, and compliance schedules promulgated by the Administrator are set forth.

(b) Individual source compliance schedules submitted with certain plans have not yet been evaluated, and are not approved or disapproved.

(c) The Administrator’s approval or promulgation of any compliance schedule shall not affect the responsibility of the owner or operator to comply with any applicable emission limitation on and after the date for final...
§ 52.10 Review of new sources and modifications.

In any plan where the review procedure for new sources and source modifications does not meet the requirements of subpart I of this chapter, provisions are promulgated which enable the Administrator to obtain the necessary information and to prevent construction or modification.

[37 FR 10846, May 31, 1972, as amended at 38 FR 30877, Nov. 8, 1973]

§ 52.11 Prevention of air pollution emergency episodes.

(a) Each subpart identifies portions of the air pollution emergency episode contingency plan which are disapproved, and sets forth the Administrator’s promulgation of substitute provisions.

(b) No provisions are promulgated to replace any disapproved air quality monitoring or communications portions of a contingency plan, but detailed critiques of such portions are provided to the State.

(c) Where a State plan does not provide for public announcement regarding air pollution emergency episodes or where the State fails to give any such public announcement, the Administrator will issue a public announcement that an episode stage has been reached. When making such an announcement, the Administrator will be guided by the suggested episode criteria and emission control actions suggested in Appendix L of part 51 of this chapter or those in the approved plan.


§ 52.12 Source surveillance.

(a) Each subpart identifies the plan provisions for source surveillance which are disapproved, and sets forth the Administrator’s promulgation of necessary provisions for requiring sources to maintain records, make reports, and submit information.

(b) No provisions are promulgated for any disapproved State or local agency procedures for testing, inspection, investigation, or detection, but detailed critiques of such portions are provided to the State.

(c) For purposes of Federal enforcement, the following test procedures and methods shall be used, provided that for the purpose of establishing whether or not a person has violated or is in violation of any provision of the plan, nothing in this part shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed:

(1) Sources subject to plan provisions which do not specify a test procedure and sources subject to provisions promulgated by the Administrator will be tested by means of the appropriate procedures and methods prescribed in part 60 of this chapter unless otherwise specified in this part.

(2) Sources subject to approved provisions of a plan wherein a test procedure is specified will be tested by the specified procedure.


§ 52.13 Air quality surveillance; resources; intergovernmental cooperation.

Disapproved portions of the plan related to the air quality surveillance system, resources, and intergovernmental cooperation are identified in each subpart, and detailed critiques of such portions are provided to the State. No provisions are promulgated by the Administrator.

§ 52.14 State ambient air quality standards.

Any ambient air quality standard submitted with a plan which is less stringent than a national standard is not considered part of the plan.

§ 52.15 Public availability of plans.

Each State shall make available for public inspection at least one copy of
the plan in at least one city in each region to which such plan is applicable. All such copies shall be kept current.

§ 52.16 Submission to Administrator.

(a) All requests, reports, applications, submissions, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency. For any submission pursuant to this part that is also a submission of a plan or plan revision pursuant to 40 CFR part 51, the submission shall conform to the requirements of appendix V to 40 CFR part 51, rather than the requirements of this paragraph.

(b) The Regional Offices are as follows:

(1) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. EPA Region 1, 5 Post Office Square—Suite 100, Boston, MA 02109–3912.

(2) New York, New Jersey, Puerto Rico, and Virgin Islands. EPA Region 2, 290 Broadway, New York, NY 10007–1866.

(3) Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, and West Virginia. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103–2029.

(4) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia 30303.

(5) Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604–3507.

(6) Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. EPA Region 6, Fountain Place, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202–2733.

(7) Iowa, Kansas, Missouri, and Nebraska. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.

(8) Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. EPA, Region 8, 1595 Wynkoop Street, Denver, CO 80202–1129.

(9) Arizona, California, Hawaii, Nevada, American Samoa, Commonwealth of the Northern Mariana Islands, and Guam. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.


§ 52.17 Severability of provisions.

The provisions promulgated in this part and the various applications thereof are distinct and severable. If any provision of this part or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of such provision to other persons or circumstances which can be given effect without the invalid provision or application.

[37 FR 19808, Sept. 22, 1972]

§ 52.18 Abbreviations.

Abbreviations used in this part shall be those set forth in part 60 of this chapter.

[38 FR 12698, May 14, 1973]

§ 52.20 Attainment dates for national standards.

Each subpart contains a section which specifies the latest dates by which national standards are to be attained in each region in the State. An attainment date which only refers to a month and a year (such as July 1975) shall be construed to mean the last day of the month in question. However, the specification of attainment dates for national standards does not relieve any State from the provisions of subpart N of this chapter which require all sources and categories of sources to comply with applicable requirements of the plan—

(a) As expeditiously as practicable where the requirement is part of a control strategy designed to attain a primary standard, and

(b) Within a reasonable time where the requirement is part of a control strategy designed to attain a secondary standard.

§ 52.21 Prevention of significant deterioration of air quality.

(a)(1) Plan disapproval. The provisions of this section are applicable to any State implementation plan which has been disapproved with respect to prevention of significant deterioration of air quality in any portion of any State where the existing air quality is better than the national ambient air quality standards. Specific disapprovals are listed where applicable, in subparts B through DDD and FFF of this part. The provisions of this section have been incorporated by reference into the applicable implementation plans for various States, as provided in subparts B through DDD and FFF of this part. Where this section is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. No disapproval with respect to a State’s failure to prevent significant deterioration of air quality shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portions of plans approved or promulgated under this part.

(2) Applicability procedures. (i) The requirements of this section apply to the construction of any new major stationary source (as defined in paragraph (b)(1) of this section) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under sections 107(d)(1)(A)(ii) or (iii) of the Act.

(ii) The requirements of paragraphs (j) through (r) of this section apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as this section otherwise provides.

(iii) No new major stationary source or major modification to which the requirements of paragraphs (j) through (r)(5) of this section apply shall begin actual construction without a permit that states that the major stationary source or major modification will meet those requirements. The Administrator has authority to issue any such permit.

(iv) The requirements of the program will be applied in accordance with the principles set out in paragraphs (a)(2)(iv)(a) through (f) of this section.

(b) Except as otherwise provided in paragraphs (a)(2)(v) and (vi) of this section, and consistent with the definition of major modification contained in paragraph (b)(2) of this section, a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases—a significant emissions increase (as defined in paragraph (b)(40) of this section), and a significant net emissions increase (as defined in paragraphs (b)(3) and (b)(23) of this section). The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (i.e., the first step of the process) will occur depends upon the type of emissions units being modified, according to paragraphs (a)(2)(iv)(c) through (f) of this section. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (i.e., the second step of the process) is contained in the definition in paragraph (b)(3) of this section. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(c) Actual-to-projected-actual applicability test for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions (as defined in paragraph (b)(41) of this section) and the baseline actual emissions (as defined in paragraphs (b)(48)(i) and (ii) of this section), for each existing emissions unit, equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).

(d) Actual-to-potential test for projects that only involve construction of a new
emissions unit(s). A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit (as defined in paragraph (b)(4) of this section) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in paragraph (b)(4)(iii) of this section) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).

c) [Reserved]

d) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (a)(2)(iv)(c) through (d) of this section as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).

(e) For any major stationary source for a PAL for a regulated NSR pollutant, the major stationary source shall comply with the requirements under paragraph (aa) of this section.

(f) Notwithstanding the stationary source size specified in paragraph (b)(1)(i) of this section, any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant; or

c) Any physical change that would occur at a stationary source not otherwise qualifying under paragraph (b)(1) of this section, as a major stationary source, if the changes would constitute a major stationary source by itself.

(ii) A major source that is major for volatile organic compounds or NOX shall be considered major for ozone.

(iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);
(b) Kraft pulp mills;
(c) Portland cement plants;
(d) Primary zinc smelters;
(e) Iron and steel mills;
(f) Primary aluminum ore reduction plants;
(g) Primary copper smelters;
(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
(i) Hydrofluoric, sulfuric, or nitric acid plants;
(j) Petroleum refineries;
(k) Lime plants;
(l) Phosphate rock processing plants;
(m) Coke oven batteries;
(n) Sulfur recovery plants;
(o) Carbon black plants (furnace process);
(p) Primary lead smelters;
(q) Fuel conversion plants;
Environmental Protection Agency

§ 52.21

(r) Sintering plants;
(s) Secondary metal production plants;
(t) Chemical process plants—The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(w) Taconite ore processing plants;
(x) Glass fiber processing plants;
(y) Charcoal production plants;
(z) Fossil fuel-fired steam electric plants of more that 250 million British thermal units per hour heat input, and
(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

(2)(i) Major modification means any physical change in or change in the method of operation of a major stationary source that would result in: a significant emissions increase (as defined in paragraph (b)(40) of this section) of a regulated NSR pollutant (as defined in paragraph (b)(50) of this section); and a significant net emissions increase of that pollutant from the major stationary source.

(ii) Any significant emissions increase (as defined at paragraph (b)(40) of this section) from any emissions units or net emissions increase (as defined in paragraph (b)(30) of this section) at a major stationary source that is significant for volatile organic compounds or NOx shall be considered significant for ozone.

(iii) A physical change or change in the method of operation shall not include:
a. Routine maintenance, repair and replacement. Routine maintenance, repair and replacement shall include, but not be limited to, any activity(s) that meets the requirements of the equipment replacement provisions contained in paragraph (cc) of this section;

NOTE TO PARAGRAPH (b)(2)(iii)(a): By court order on December 24, 2003, the second sentence of this paragraph (b)(2)(iii)(a) is stayed indefinitely. The stayed provisions will become effective immediately if the court terminates the stay. At that time, EPA will publish a document in the Federal Register advising the public of the termination of the stay.

(b) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plant pursuant to the Federal Power Act;
(c) Use of an alternative fuel by reason of an order or rule under section 125 of the Act;
(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
(e) Use of an alternative fuel or raw material by a stationary source which:
   (I) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or 40 CFR 51.166;
   (2) The source is approved to use under any permit issued under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or 40 CFR 51.166;
   (f) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or 40 CFR 51.166;
   (g) Any change in ownership at a stationary source.

(h) [Reserved]

(i) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

   (1) The State implementation plan for the State in which the project is located, and

   (2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
§52.21  

40 CFR Ch. I (7–1–16 Edition)  

(j) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pol-
lutant basis.

(k) The reactivation of a very clean coal-fired electric utility steam generating unit.

(iv) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under paragraph (aa) of this section for a PAL for that pollut-
ant. Instead, the definition at paragraph (aa)(2)(viii) of this section shall apply.

(v) Fugitive emissions shall not be included in determining for any of the purposes of this section whether a physical change in or change in the method of operation of a major stationary source is a major modification, unless the source belongs to one of the source categories listed in paragraph (b)(1)(iii) of this section.

3(i) Net emissions increase means, with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(a) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to paragraph (a)(2)(iv) of this section; and

(b) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline ac-
tual emissions for calculating increases and decreases under this para-
graph (b)(3)(i)(b) shall be determined as provided in paragraph (b)(48) of this section, except that paragraphs (b)(48)(1)(c) and (b)(48)(1)(d) of this section shall not apply.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

(a) The date five years before construc-
tion on the particular change commences; and

(b) The date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if:

(a) The Administrator or other re-
viewing authority has not relied on it in
issuing a permit for the source under
this section, which permit is in effect
when the increase in actual emissions
from the particular change occurs; and

(b) The increase or decrease in emissions did not occur at a Clean Unit ex-
cept as provided in paragraphs (x)(8) and (y)(10) of this section.

(c) As it pertains to an increase or de-
crease in fugitive emissions (to the ex-
tent quantifiable), it occurs at an emis-
sions unit that is part of one of the source categories listed in paragraph 
(b)(1)(iii) of this section or it occurs at
an emission unit that is located at a major stationary source that belongs
to one of the listed source cate-
gories.

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in cal-
culating the amount of maximum al-
lowable increases remaining available.

(v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(vi) A decrease in actual emissions is creditable only to the extent that:

(a) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(b) It is enforceable as a practical matter at and after the time that ac-
tual construction on the particular
change begins.

(c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular
change; and

(vii) [Reserved]

(viii) An increase that results from a physical change at a source occurs when the emissions unit on which construc-
tion occurred becomes oper-
ational and begins to emit a particular
pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(ix) Paragraph (b)(21)(ii) of this section shall not apply for determining creditable increases and decreases.

(4) Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(5) Stationary source means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.

(6) Building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same “Major Group” (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U. S. Government Printing Office stock numbers 4101-0066 and 005-005-00176-0, respectively).

(7) Emissions unit means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric utility steam generating unit as defined in paragraph (b)(31) of this section. For purposes of this section, there are two types of emissions units as described in paragraphs (b)(7)(i) and (ii) of this section.

(i) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.

(ii) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (b)(7)(i) of this section. A replacement unit, as defined in paragraph (b)(33) of this section, is an existing emissions unit.

(8) Construction means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

(9) Commence as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(ii) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(10) Necessary preconstruction approvals or permits means those permits or approvals required under Federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State Implementation Plan.

(11) Begin actual construction means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(12) Best available control technology means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under Act which would be emitted from any proposed major stationary source.
or major modification which the Administrator, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(13)(i) Baseline concentration means that ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which increments or other equivalent measures have been established and shall include:

(a) Actual emissions, as defined in paragraph (b)(21) of this section, from any major stationary source on which construction commenced after the major source baseline date; and
(b) Actual emissions increases and decreases, as defined in paragraph (b)(21) of this section, at any stationary source occurring after the minor source baseline date.

(14)(i) Major source baseline date means:
(a) In the case of PM_{10} and sulfur dioxide, January 6, 1975;
(b) In the case of nitrogen dioxide, February 8, 1988; and
(c) In the case of PM_{2.5}, October 20, 2010.

(ii) “Minor source baseline date” means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or to regulations approved pursuant to 40 CFR 51.166 submits a complete application under the relevant regulations. The trigger date is:
(a) In the case of PM_{10} and sulfur dioxide, August 7, 1977;
(b) In the case of nitrogen dioxide, February 8, 1988; and
(c) In the case of PM_{2.5}, October 20, 2011.

(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:
(a) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166; and
(b) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(iv) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that the Administrator shall rescind a minor source baseline
date where it can be shown, to the satisfaction of the Administrator, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM–10 emissions.

(15)(i) Baseline area means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: equal to or greater than 1 μg/m³ (annual average) for SO₂, NO₂, or PM₁₀; or equal or greater than 0.3 μg/m³ (annual average) for PM₂.₅.

(ii) Area redesignations under section 107(d)(1)(A)(ii) or (iii) of the Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

(a) Establishes a minor source baseline date; or

(b) Is subject to 40 CFR 52.21 and would be constructed in the same state as the state proposing the redesignation.

(iii) Any baseline area established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM–10 increments, except that such baseline area shall not remain in effect if the Administrator rescinds the corresponding minor source baseline date in accordance with paragraph (b)(14)(iv) of this section.

(16) Allowable emissions means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(i) The applicable standards as set forth in 40 CFR parts 60 and 61;

(ii) The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or

(iii) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(17) Federally enforceable means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR parts 60 and 61, requirements within any applicable State implementation plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR part 61, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the State implementation plan and expressly requires adherence to any permit issued under such program.

(18) Secondary emissions means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(i) Emissions from ships or trains coming to or from the new or modified stationary source; and

(ii) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(19) Innovative control technology means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.
(20) **Fugitive emissions** means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(21)(i) **Actual emissions** means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with paragraphs (b)(21)(ii) through (iv) of this section, except that this definition shall not apply for calculating whether a significant emissions increase has occurred or for establishing a PAL under paragraph (b)(50) of this section. Instead, paragraphs (b)(41) and (b)(48) of this section shall apply for those purposes.

(ii) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Administrator shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit’s actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(iii) The Administrator may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(iv) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(22) **Complete** means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application.

(23)(i) **Significant** means, in reference to a net emissions increase or the potential of a source to emit a regulated NSR pollutant that paragraph (b)(23)(i) of this section, does not list, any emissions rate.

(ii) Notwithstanding paragraph (b)(23)(i) of this section, **significant** means any emissions rate or any net emissions increase associated with a major stationary source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 μg/m³, (24-hour average).

(24) **Federal Land Manager** means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(25) **High terrain** means any area having an elevation 900 feet or more above the base of the stack of a source.

(26) **Low terrain** means any area other than high terrain.

(27) **Indian Reservation** means any federally recognized reservation established by Treaty, Agreement, executive order, or act of Congress.

(28) **Indian Governing Body** means the governing body of any tribe, band, or...
group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self government.

(29) **Adverse impact on visibility** means visibility impairment which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairment, and how these factors correlate with (1) times of visitor use of the Federal Class I area, and (2) the frequency and timing of natural conditions that reduce visibility.

(30) **Volatile organic compounds (VOC)** is as defined in §51.100(s) of this chapter.

(31) **Electric utility steam generating unit** means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(32) **Replacement unit** means an emissions unit for which all the criteria listed in paragraphs (b)(33)(i) through (iv) of this section are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

(i) The emissions unit is a reconstructed unit within the meaning of §60.15(b)(1) of this chapter, or the emissions unit completely takes the place of an existing emissions unit.

(ii) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

(iii) The replacement does not alter the basic design parameters (as discussed in paragraph (cc)(2) of this section) of the process unit.

(iv) The replaced emissions unit is permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

(33) **Clean coal technology** means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

(35) **Clean coal technology demonstration project** means a project using funds appropriated under the heading “Department of Energy-Clean Coal Technology”, up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

(36) **Temporary clean coal technology demonstration project** means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plans for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(37) (i) **Repowering** means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste.
reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(ii) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(iii) The Administrator shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under section 409 of the Clean Air Act.

(38) Reactivation of a very clean coal-fired electric utility steam generating unit means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(i) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the permitting authority’s emissions inventory at the time of enactment;

(ii) Was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(iii) Is equipped with low-NO\textsubscript{X} burners prior to the time of commencement of operations following reactivation; and

(iv) Is otherwise in compliance with the requirements of the Clean Air Act.

(39) Pollution prevention means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain “in-process recycling” practices), energy recovery, treatment, or disposal.

(40) Significant emissions increase means, for a regulated NSR pollutant, an increase in emissions that is significant (as defined in paragraph (b)(23) of this section) for that pollutant.

(41)(i) Projected actual emissions means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit’s design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(ii) In determining the projected actual emissions under paragraph (b)(41)(i) of this section (before beginning actual construction), the owner or operator of the major stationary source:

(a) Shall consider all relevant information, including but not limited to, historical operational data, the company’s own representations, the company’s expected business activity and the company’s highest projections of business activity, the company’s filings with the State or Federal regulatory authorities, and compliance plans under the approved State Implementation Plan; and

(b) Shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and

(c) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit’s emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under paragraph (b)(48) of this section and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

(d) In lieu of using the method set out in paragraphs (a)(41)(ii)(a) through (c) of this section, may elect to use the emissions unit’s potential to emit, in tons per year, as defined under paragraph (b)(4) of this section.

(42) [Reserved]
(43) Prevention of Significant Deterioration (PSD) program means the EPA-implemented major source preconstruction permit programs under this section or a major source preconstruction permit program that has been approved by the Administrator and incorporated into the State Implementation Plan pursuant to §51.166 of this chapter to implement the requirements of that section. Any permit issued under such a program is a major NSR permit.

(44) Continuous emissions monitoring system (CEMS) means all of the equipment that may be required to meet the data acquisition and availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

(45) Predictive emissions monitoring system (PEMS) means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O\textsubscript{2} or CO\textsubscript{2} concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

(46) Continuous parameter monitoring system (CPMS) means all of the equipment necessary to meet the data acquisition and availability requirements of this section, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O\textsubscript{2} or CO\textsubscript{2} concentrations), and to record average operational parameter value(s) on a continuous basis.

(47) Continuous emissions rate monitoring system (CERMS) means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

(48) Baseline actual emissions means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with paragraphs (b)(48)(i) through (iv) of this section.

(i) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Administrator shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

(c) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(d) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (b)(48)(i)(b) of this section.

(ii) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Administrator for a permit required under this section or by the reviewing authority for a permit required by a plan, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.
(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(c) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under part 63 of this chapter, the baseline actual emissions need only be adjusted if the State has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of §51.165(a)(3)(ii)(G) of this chapter.

(d) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(e) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraphs (b)(48)(ii)(b) and (c) of this section.

(iii) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit’s potential to emit.

(iv) For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph (b)(48)(i) of this section, for other existing emissions units in accordance with the procedures contained in paragraph (b)(48)(ii) of this section, and for a new emissions unit in accordance with the procedures contained in paragraph (b)(48)(iii) of this section.

(49) Subject to regulation means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in subchapter C of this chapter, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:

(i) Greenhouse gases (GHGs), the air pollutant defined in §86.1818–12(a) of this chapter as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation except as provided in paragraphs (b)(49)(iv) through (v) of this section and shall not be subject to regulation if the stationary source maintains its total source-wide emissions below the GHG PAL level, meets the requirements in paragraphs (aa)(1) through (15) of this section, and complies with the PAL permit containing the GHG PAL.

(ii) For purposes of paragraphs (b)(49)(iii) through (v) of this section, the term tpy CO₂ equivalent emissions (CO₂e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(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 part 98 of this chapter—Global Warming Potentials. For purposes of this paragraph, prior to
July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material). 

(b) Sum the resultant value from paragraph (b)(49)(i)(a) of this section for each gas to compute a tpy CO$_2$. 

(iii) The term emissions increase as used in paragraphs (b)(49)(iv) through (v) of this section shall mean that both a significant emissions increase (as calculated using the procedures in paragraph (a)(2)(iv) of this section) and a significant net emissions increase (as defined in paragraphs (b)(3) and (b)(23) of this section) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO$_2$, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and “significant” is defined as 75,000 tpy CO$_2$ instead of applying the value in paragraph (b)(23)(ii) of this section. 

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

(a) 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$_2$ or more; or 

(b) 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$_2$ or more; and. 

(50) Regulated NSR pollutant, for purposes of this section, means the following:

(i) Any pollutant for which a national ambient air quality standard has been promulgated. This includes, but is not limited to, the following:

(a) PM$_{2.5}$, PM$_{10}$ emissions and PM$_{2.5}$ emisions shall include gaseous emissions from a source or activity, which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM$_{2.5}$ and PM$_{10}$ in PSD permits. Compliance with emissions limitations for PM$_{2.5}$ and PM$_{10}$ issued prior to this date shall not be based on condensible particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensible particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensible particulate matter to be included. 

(b) Any pollutant identified under this paragraph (b)(50)(i)(b) as a constituent or precursor for a pollutant for which a national ambient air quality standard has been promulgated. Precursors identified by the Administrator for purposes of NSR are the following:

(1) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas. 

(2) Sulfur dioxide is a precursor to PM$_{2.5}$ in all attainment and unclassifiable areas. 

(3) Nitrogen oxides are presumed to be precursors to PM$_{2.5}$ in all attainment and unclassifiable areas, unless the State demonstrates to the Administrator’s satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area’s ambient PM$_{2.5}$ concentrations. 

(4) Volatile organic compounds are presumed not to be precursors to PM$_{2.5}$ in any attainment or unclassifiable area, unless the State demonstrates to the Administrator’s satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area’s ambient PM$_{2.5}$ concentrations.
(ii) Any pollutant that is subject to any standard promulgated under section 111 of the Act;

(iii) Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act;

(iv) Any pollutant that otherwise is subject to regulation under the Act as defined in paragraph (b)(49) of this section.

(v) Notwithstanding paragraphs (b)(50)(i) through (iv) of this section, the term regulated NSR pollutant shall not include any or all hazardous air pollutants either listed in section 112 of the Act, or added to the list pursuant to section 112(b)(2) of the Act, and which have not been delisted pursuant to section 112(b)(3) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

51. Reviewing authority means the State air pollution control agency, local agency, other State agency, Indian tribe, or other agency authorized by the Administrator to carry out a permit program under §51.165 and §51.166 of this chapter, or the Administrator in the case of EPA-implemented permit programs under this section.

52. Project means a physical change in, or change in the method of operation of, an existing major stationary source.

53. Lowest achievable emission rate (LAER) is as defined in §51.165(a)(1)(xiii) of this chapter.

54. Reasonably available control technology (RACT) is as defined in §51.100(o) of this chapter.

55(i) In general, process unit means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store an intermediate or a completed product. A single stationary source may contain more than one process unit, and a process unit may contain more than one emissions unit.

(ii) Pollution control equipment is not part of the process unit, unless it serves a dual function as both process and control equipment. Administrative and warehousing facilities are not part of the process unit.

(iii) For replacement cost purposes, components shared between two or more process units are proportionately allocated based on capacity.

(iv) The following list identifies the process units at specific categories of stationary sources.

(a) For a steam electric generating facility, the process unit consists of those portions of the plant that contribute directly to the production of electricity. For example, at a pulverized coal-fired facility, the process unit would generally be the combination of those systems from the coal receiving equipment through the emission stack (excluding post-combustion pollution controls), including the coal handling equipment, pulverizers or coal crushers, feedwater heaters, ash handling, boiler, burners, turbine-generator set, condenser, cooling tower, water treatment system, air preheaters, and operating control systems. Each separate generating unit is a separate process unit.

(b) For a petroleum refinery, there are several categories of process units: those that separate and/or distill petroleum feedstocks; those that change molecular structures; petroleum treating processes; auxiliary facilities, such as steam generators and hydrogen production units; and those that load, unload, blend or store intermediate or completed products.

(c) For an incinerator, the process unit would consist of components from the feed pit or refuse pit to the stack, including conveyors, combustion devices, heat exchangers and steam generators, quench tanks, and fans.

Note to Paragraph (b)(55): By a court order on December 24, 2003, this paragraph (b)(55) is stayed indefinitely. The stayed provisions will become effective immediately if the court terminates the stay. At that time, EPA will publish a document in the Federal Register advising the public of the termination of the stay.

56. Functionally equivalent component means a component that serves the same purpose as the replaced component.

Note to Paragraph (b)(56): By a court order on December 24, 2003, this paragraph (b)(56) is stayed indefinitely. The stayed provisions will become effective immediately if the court terminates the stay. At that time,
Environmental Protection Agency

EPA will publish a document in the FEDERAL REGISTER advising the public of the termination of the stay.

(57) Fixed capital cost means the capital needed to provide all the depreciable components. ‘Depreciable components’ refers to all components of fixed capital cost and is calculated by subtracting land and working capital from the total capital investment, as defined in paragraph (b)(58) of this section.

NOTE TO PARAGRAPH (b)(57): By a court order on December 24, 2003, this paragraph (b)(57) is stayed indefinitely. The stayed provisions will become effective immediately if the court terminates the stay. At that time, EPA will publish a document in the FEDERAL REGISTER advising the public of the termination of the stay.

(58) Total capital investment means the sum of the following: all costs required to purchase needed process equipment (purchased equipment costs); the costs of labor and materials for installing that equipment (direct installation costs); the costs of site preparation and buildings; other costs such as engineering, construction and field expenses, fees to contractors, startup and performance tests, and contingencies (indirect installation costs); land for the process equipment; and working capital for the process equipment.

NOTE TO PARAGRAPH (b)(58): By a court order on December 24, 2003, this paragraph (b)(58) is stayed indefinitely. The stayed provisions will become effective immediately if the court terminates the stay. At that time, EPA will publish a document in the FEDERAL REGISTER advising the public of the termination of the stay.

(c) Ambient air increments. In areas designated as Class I, II or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

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<th>Pollutant</th>
<th>Maximum allowable increase (micrograms per cubic meter)</th>
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<td>Annual arithmetic mean ..................................</td>
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<td>3-hr maximum .............................................</td>
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<td>PM$_2.5$:</td>
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<td>PM$_10$:</td>
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<td>Sulfur dioxide:</td>
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<td>Nitrogen dioxide:</td>
<td>Annual arithmetic mean ..................................</td>
</tr>
</tbody>
</table>

Class II Area

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Maximum allowable increase (micrograms per cubic meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PM$_2.5$:</td>
<td>Annual arithmetic mean ..................................</td>
</tr>
<tr>
<td>PM$_10$:</td>
<td>Annual arithmetic mean ..................................</td>
</tr>
<tr>
<td>Sulfur dioxide:</td>
<td>Annual arithmetic mean ..................................</td>
</tr>
<tr>
<td>Nitrogen dioxide:</td>
<td>Annual arithmetic mean ..................................</td>
</tr>
</tbody>
</table>

Class III Area

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Maximum allowable increase (micrograms per cubic meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PM$_2.5$:</td>
<td>Annual arithmetic mean ..................................</td>
</tr>
<tr>
<td>PM$_10$:</td>
<td>Annual arithmetic mean ..................................</td>
</tr>
<tr>
<td>Sulfur dioxide:</td>
<td>Annual arithmetic mean ..................................</td>
</tr>
<tr>
<td>Nitrogen dioxide:</td>
<td>Annual arithmetic mean ..................................</td>
</tr>
</tbody>
</table>

For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

(d) Ambient air ceilings. No concentration of a pollutant shall exceed:

(1) The concentration permitted under the national secondary ambient air quality standard, or

(2) The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

(e) Restrictions on area classifications.

(1) All of the following areas which were in existence on August 7, 1977, shall be Class I areas and may not be redesignated:

(i) International parks,

(ii) National wilderness areas which exceed 5,000 acres in size,

(iii) National memorial parks which exceed 5,000 acres in size, and

(iv) National parks which exceed 6,000 acres in size.
(2) Areas which were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this section.

(3) Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

(4) The following areas may be redesignated only as Class I or II:
   (i) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and
   (ii) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

(f) [Reserved]

(g) Redesignation. (1) All areas (except as otherwise provided under paragraph (e) of this section) are designated Class II as of December 5, 1974. Redesignation (except as otherwise precluded by paragraph (e) of this section) may be proposed by the respective States or Indian Governing Bodies, as provided below, subject to approval by the Administrator as a revision to the applicable State implementation plan.

(2) The State may submit to the Administrator a proposal to redesignate areas of the State Class I or Class II provided that:
   (i) At least one public hearing has been held in accordance with procedures established in §51.102 of this chapter;
   (ii) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;
   (iii) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;
   (iv) Prior to the issuance of notice respecting the redesignation of an area that includes any Federal lands, the State has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity (not in excess of 60 days) to confer with the State respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, the State shall have published a list of any inconsistency between such redesignation and such comments and recommendations (together with the reasons for making such redesignation against the recommendation of the Federal Land Manager); and
   (v) The State has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area to which paragraph (e) of this section refers may be redesignated as Class III if—
   (i) The redesignation would meet the requirements of paragraph (g)(2) of this section;
   (ii) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor of the State, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session (unless State law provides that the redesignation must be specifically approved by State legislation) and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;
   (iii) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and
(iv) Any permit application for any major stationary source or major modification, subject to review under paragraph (l) of this section, which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body. The appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III: Provided, That:

(i) The Indian Governing Body has followed procedures equivalent to those required of a State under paragraphs (g)(2), (g)(3)(iii), and (g)(3)(iv) of this section; and

(ii) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located and which border the Indian Reservation.

(5) The Administrator shall disapprove, within 90 days of submission, a proposed redesignation of any area only if he finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with paragraph (e) of this section. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

(6) If the Administrator disapproves any proposed redesignation, the State or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator.

(b) Stack heights. (1) The degree of emission limitation required for control of any air pollutant under this section shall not be affected in any manner by—

(i) So much of the stack height of any source as exceeds good engineering practice, or

(ii) Any other dispersion technique.

(2) Paragraph (h)(1) of this section shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before then.

(i) Exemptions. (1) The requirements of paragraphs (j) through (r) of this section shall not apply to a particular major stationary source or major modification, if:

(i) Construction commenced on the source or modification before August 7, 1977, The regulations at 40 CFR 52.21 as in effect before August 7, 1977, shall govern the review and permitting of any such source or modification; or

(ii) The source or modification was subject to the review requirements of 40 CFR 52.21(d)(1) as in effect before March 1, 1978, and the owner or operator:

(a) Obtained under 40 CFR 52.21 a final approval effective before March 1, 1978;

(b) Commenced construction before March 19, 1979; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or

(iii) The source or modification was subject to 40 CFR 52.21 as in effect before March 1, 1978, and the review of an application for approval for the stationary source or modification under 40 CFR 52.21 would have been completed by March 1, 1978, but for an extension of the public comment period pursuant to a request for such an extension. In such a case, the application shall continue to be processed, and granted or denied, under 40 CFR 52.21 as in effect prior to March 1, 1978; or

(iv) The source or modification was not subject to 40 CFR 52.21 as in effect before March 1, 1978, and the owner or operator:

(a) Obtained all final Federal, state and local preconstruction approvals or permits necessary under the applicable State Implementation Plan before March 1, 1978;

(b) Commenced construction before March 19, 1979; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or
(v) The source or modification was not subject to 40 CFR 52.21 as in effect on June 19, 1978 or under the partial stay of regulations published on February 5, 1980 (45 FR 7800), and the owner or operator:

(a) Obtained all final Federal, state and local preconstruction approvals or permits necessary under the applicable State Implementation Plan before August 7, 1980;

(b) Commenced construction within 18 months from August 7, 1980, or any earlier time required under the applicable State Implementation Plan; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or

(vi) The source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution, and the governor of the state in which the source or modification would be located requests that it be exempt from those requirements; or

(vii) The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum ore reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

(r) Sintering plants;

(s) Secondary metal production plants;

(t) Chemical process plants—The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(w) Taconite ore processing plants;

(x) Glass fiber processing plants;

(y) Charcoal production plants;

(z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act; or

(viii) The source is a portable stationary source which has previously received a permit under this section, and

(a) The owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary; and

(b) The emissions from the source would not exceed its allowable emissions; and

(c) The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and

(d) Reasonable notice is given to the Administrator prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Administrator not less than 10 days in advance of the proposed relocation unless a different time duration is previously approved by the Administrator.

(ix) The source or modification was not subject to §52.21, with respect to particulate matter, as in effect before July 31, 1987, and the owner or operator:

(a) Obtained all final Federal, State, and local preconstruction approvals or permits necessary under the applicable
Environmental Protection Agency

§ 52.21

State implementation plan before July 31, 1987:

(b) Commenced construction within 18 months after July 31, 1987, or any earlier time required under the State implementation plan; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable period of time.

(x) The source or modification was subject to 40 CFR 52.21, with respect to particulate matter, as in effect before July 31, 1987 and the owner or operator submitted an application for a permit under this section before that date, and the Administrator subsequently determines that the application as submitted was complete with respect to the particular matter requirements then in effect in the section. Instead, the requirements of paragraphs (j) through (r) of this section that were in effect before July 31, 1987 shall apply to such source or modification.

(2) The requirements of paragraphs (j) through (r) of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment under section 107 of the Act. Nonattainment designations for nonattainment under section 107 of the Act for purposes of determining the applicability of paragraphs (j) through (r) of this section to a major stationary source or modification from the application of best available control technology would be less than 50 tons per year.

(5) The Administrator may exempt a stationary source or modification from the requirements of paragraph (m) of this section, with respect to monitoring for a particular pollutant if:

(i) The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:

(a) Carbon monoxide—575 μg/m³, 8-hour average;

(b) Nitrogen dioxide—14 μg/m³, annual average;

(c) PM₁₀—0 μg/m³;

(d) Sulfur dioxide—13 μg/m³, 24-hour average;

(e) Hydrogen sulfide—0.2 μg/m³, 1-hour average;

(f) Ozone;

(g) Lead—0.1 μg/m³, 3-month average;

(h) Fluorides—0.25 μg/m³, 24-hour average;

(i) Total reduced sulfur—10 μg/m³, 1-hour average;

(j) Hydrogen sulfide—0.2 μg/m³, 1-hour average;

(k) Reduced sulfur compounds—10 μg/m³, 1-hour average; or

(l) The source or modification was subject to 40 CFR part 81, shall not be viewed as curtailment for a Class II area shall not apply to a major modification at a stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of best available control technology would be less than 50 tons per year.

(6) The requirements for best available control technology in paragraph (j) of this section and the requirements for air quality analyses in paragraph
(m)(1) of this section, shall not apply to a particular stationary source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submitted an application for a permit under those regulations before August 7, 1980, and the Administrator subsequently determines that the application as submitted before that date was complete. Instead, the requirements at 40 CFR 52.21(j) and (n) as in effect on June 19, 1978 apply to any such source or modification.

(7)(i) The requirements for air quality monitoring in paragraphs (m)(1) (ii) through (iv) of this section shall not apply to a particular source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submits an application for a permit under this section on or before June 8, 1981, and the Administrator subsequently determines that the application as submitted before that date was complete with respect to the requirements for such analyses at 40 CFR 52.21(m)(2) as in effect on June 19, 1978. Instead, the latter requirements shall apply to any such source or modification.

(ii) The requirements for air quality monitoring in paragraphs (m)(1) (ii) through (iv) of this section shall not apply to a particular source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submits an application for a permit under this section on or before June 1, 1988 and the Administrator subsequently determines that the application as submitted before that date was complete, except with respect to the requirements for monitoring particulate matter in paragraphs (m)(1) (i)–(iv).

(8)(i) At the discretion of the Administrator, the requirements for air quality monitoring of PM$_{10}$ in paragraphs (m)(1) (i)–(iv) of this section may not apply to a particular source or modification when the owner or operator of the source or modification submits an application for a permit under this section on or before June 1, 1988 and the Administrator subsequently determines that the application as submitted before that date was complete, except with respect to the requirements for monitoring particulate matter in paragraphs (m)(1) (i)–(iv).

(ii) The requirements for air quality monitoring of PM$_{10}$ in paragraphs (m)(1), (ii) and (iv) and (m)(3) of this section shall apply to a particular source or modification if the owner or operator of the source or modification submits an application for a permit under this section after June 1, 1988 and no later than December 1, 1988. The data shall have been gathered over at least the period from February 1, 1988 to the date the application becomes otherwise complete in accordance with the provisions set forth under paragraph (m)(1)(viii) of this section, except that if the Administrator determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than 4 months), the data that paragraph (m)(1)(iii) requires shall have been gathered over a shorter period.

(9) The requirements of paragraph (k)(1)(ii) of this section shall not apply to a stationary source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or modification submitted an application for a permit under this section before the provisions embodying the maximum allowable increase for nitrogen oxides if the provisions set forth under paragraph (m)(1)(viii) of this section, except that if the Administrator determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than 4 months), the data that paragraph (m)(1)(iii) requires shall have been gathered over a shorter period.

(10) The requirements in paragraph (k)(1)(ii) of this section shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM–10 if (i) the owner or operator of the source or modification submitted an application for a permit under this section on or before June 1, 1988 and the Administrator subsequently determines that the application as submitted before that date was complete, except with respect to the requirements in paragraphs (m)(1) (ii) through (iv), and (ii) the Administrator subsequently determined that the application as submitted before that date was complete, except with respect to the requirements for monitoring particulate matter in paragraphs (m)(1) (i)–(iv).
(k)(1)(ii) shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.

(11) The requirements of paragraph (k)(1) of this section shall not apply to a stationary source or modification with respect to the national ambient air quality standards for PM$_{2.5}$ in effect on March 18, 2013 if:

(i) The Administrator has determined a permit application subject to this section to be complete on or before December 14, 2012. Instead, the requirements in paragraph (k)(1) of this section shall apply with respect to the national ambient air quality standards for PM$_{2.5}$ in effect at the time the Administrator determined the permit application to be complete; or

(ii) The Administrator has first published before March 18, 2013 a public notice that a draft permit subject to this section has been prepared. Instead, the requirements in paragraph (k)(1) of this section shall apply with respect to the national ambient air quality standards for PM$_{2.5}$ in effect on the date the Administrator first published a public notice that a draft permit has been prepared.

(12) The requirements of paragraph (k)(1) of this section shall not apply to a permit application for a stationary source or modification with respect to the revised national ambient air quality standards for ozone published on October 26, 2015 if:

(i) The Administrator has determined the permit application subject to this section to be complete on or before October 1, 2015. Instead, the requirements in paragraph (k)(1) of this section shall apply with respect to the national ambient air quality standards for ozone in effect at the time the Administrator determined the permit application to be complete; or

(ii) The Administrator has first published before December 26, 2015 a public notice of a preliminary determination or draft permit for the permit application subject to this section. Instead, the requirements in paragraph (k)(1) of this section shall apply with respect to the national ambient air quality standards for ozone in effect on the date the Administrator first published a public notice of a preliminary determination or draft permit.

(j) Control technology review. (1) A major stationary source or major modification shall meet each applicable emissions limitation under the State Implementation Plan and each applicable emissions standard and standard of performance under 40 CFR parts 60 and 61.

(2) A new major stationary source shall apply best available control technology for each regulated NSR pollutant that it would have the potential to emit in significant amounts.

(3) A major modification shall apply best available control technology for each regulated NSR pollutant for which it would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

(4) For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of best available control technology for the source.

(k) Source impact analysis—(1) Required demonstration. The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

(i) Any national ambient air quality standard in any air quality control region; or

(ii) Any applicable maximum allowable increase over the baseline concentration in any area.

(2) [Reserved]
(1) **Air quality models.** (1) All estimates of ambient concentrations required under this paragraph shall be based on applicable air quality models, data bases, and other requirements specified in appendix W of part 51 of this chapter (Guideline on Air Quality Models).

(2) Where an air quality model specified in appendix W of part 51 of this chapter (Guideline on Air Quality Models) is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific state program. Written approval of the Administrator must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures developed in accordance with paragraph (q) of this section.

(m) **Air quality analysis—Preapplication analysis.** (1) Any application for a permit under this section shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

(a) For the source, each pollutant that it would have the potential to omit in a significant amount;

(b) For the modification, each pollutant for which it would result in a significant net emissions increase.

(ii) With respect to any such pollutant for which no National Ambient Air Quality Standard exists, the analysis shall contain such air quality monitoring data as the Administrator determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

(iii) With respect to any such pollutant (other than nonmethane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

(iv) In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that, if the Administrator determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period.

(v) For any application which becomes complete, except as to the requirements of paragraphs (m)(1) (iii) and (iv) of this section, between June 8, 1981, and February 9, 1982, the data that paragraph (m)(1)(iii) of this section, requires shall have been gathered over at least the period from February 9, 1981, to the date the application becomes otherwise complete, except that:

(a) If the source or modification would have been major for that pollutant under 40 CFR 52.21 as in effect on June 19, 1978, any monitoring data shall have been gathered over at least the period required by those regulations.

(b) If the Administrator determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four months), the data that paragraph (m)(1)(iii) of this section, requires shall have been gathered over at least that shorter period.

(c) If the monitoring data would relate exclusively to ozone and would not have been required under 40 CFR 52.21 as in effect on June 19, 1978, the Administrator may waive the otherwise applicable requirements of this paragraph (v) to the extent that the applicant shows that the monitoring data would be unrepresentative of air quality over a full year.

(vi) The owner or operator of a proposed stationary source or modification of volatile organic compounds who satisfies all conditions of 40 CFR part 51 Appendix S, section IV may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under paragraph (m)(1) of this section.

(vii) For any application that becomes complete, except as to the requirements of paragraphs (m)(1) (iii)
Environmental Protection Agency

§ 52.21

and (iv) pertaining to PM₁₀, after December 1, 1988 and no later than August 1, 1989 the data that paragraph (m)(1)(iii) requires shall have been gathered over at least the period from August 1, 1988 to the date the application becomes otherwise complete, except that if the Administrator determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than 4 months), the data that paragraph (m)(1)(iii) requires shall have been gathered over that shorter period.

(viii) With respect to any requirements for air quality monitoring of PM₁₀ under paragraphs (i)(11) (i) and (ii) of this section the owner or operator of the source or modification shall use a monitoring method approved by the Administrator and shall estimate the ambient concentrations of PM₁₀ using the data collected by such approved monitoring method in accordance with estimating procedures approved by the Administrator.

(2) Post-construction monitoring. The owner or operator of a major stationary source or major modification shall, after construction of the stationary source or modification, conduct such ambient monitoring as the Administrator determines is necessary to determine the effect emissions from the stationary source or modification may have, or are having, on air quality in any area.

(3) Operations of monitoring stations. The owner or operator of a major stationary source or major modification shall meet the requirements of Appendix B to part 58 of this chapter during the operation of monitoring stations for purposes of satisfying paragraph (m) of this section.

(n) Source information. The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this section.

(1) With respect to a source or modification to which paragraphs (j), (l), (n) and (p) of this section apply, such information shall include:

(i) A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

(ii) A detailed schedule for construction of the source or modification;

(iii) A detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine that best available control technology would be applied.

(2) Upon request of the Administrator, the owner or operator shall also provide information on:

(i) The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and

(ii) The air quality impacts, and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.

(o) Additional impact analyses. (1) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

(3) Visibility monitoring. The Administrator may require monitoring of visibility in any Federal class I area near the proposed new stationary source for major modification for such purposes and by such means as the Administrator deems necessary and appropriate.

(p) Sources impacting Federal Class I areas—additional requirements—(1) Notice to Federal land managers. The Administrator shall provide written notice for any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the...
§ 52.21

Federal land manager and the Federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within 60 days of such application and at least 60 days prior to any notice of the permit application for such permit to construct. Such notification shall include an analysis of the proposed source’s anticipated impacts on visibility in the Federal Class I area. The Administrator shall also provide the Federal land manager and such Federal officials with a copy of the preliminary determination required under paragraph (q) of this section, and shall make available to them any materials used in making that determination, promptly after the Administrator makes such determination. Finally, the Administrator shall also notify all affected Federal land managers within 30 days of receipt of any advance notice of any such permit application.

(2) Federal Land Manager. The Federal Land Manager and the Federal official charged with direct responsibility for management of such lands have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the Administrator, whether a proposed source or modification will have an adverse impact on such values.

(3) Visibility analysis. The Administrator shall consider any analysis performed by the Federal land manager, provided within 30 days of the notification required by paragraph (p)(1) of this section, that shows that a proposed stationery source or major modification may have an adverse impact on visibility in any Federal Class I area. Where the Administrator finds that such an analysis does not demonstrate to the satisfaction of the Administrator that an adverse impact on visibility will result in the Federal Class I area, the Administrator must, in the notice of public hearing on the permit application, either explain his decision or give notice as to where the explanation can be obtained.

(4) Denial—impact on air quality-related values. The Federal Land Manager of any such lands may demonstrate to the Administrator that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of those lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Administrator concurs with such demonstration, then he shall not issue the permit.

(5) Class I variances. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that the emissions from such source or modification would have no adverse impact on the air quality-related values of any such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Federal land manager concurs with such demonstration and he so certifies, the State may authorize the Administrator: Provided, That the applicable requirements of this section are otherwise met, to issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide, PM<sub>2.5</sub>, PM<sub>10</sub>, and nitrogen oxides would not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

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<thead>
<tr>
<th>Pollutant</th>
<th>Maximum allowable increase (micrograms per cubic meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PM&lt;sub&gt;2.5&lt;/sub&gt;</td>
<td></td>
</tr>
<tr>
<td>Annual arithmetic mean</td>
<td>4</td>
</tr>
<tr>
<td>24-hr maximum</td>
<td>9</td>
</tr>
<tr>
<td>PM&lt;sub&gt;10&lt;/sub&gt;</td>
<td></td>
</tr>
<tr>
<td>Annual arithmetic mean</td>
<td>17</td>
</tr>
<tr>
<td>24-hr maximum</td>
<td>30</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td></td>
</tr>
<tr>
<td>Annual arithmetic mean</td>
<td>20</td>
</tr>
<tr>
<td>24-hr maximum</td>
<td>91</td>
</tr>
<tr>
<td>3-hr maximum</td>
<td>325</td>
</tr>
<tr>
<td>Nitrogen dioxide</td>
<td></td>
</tr>
<tr>
<td>Annual arithmetic mean</td>
<td>25</td>
</tr>
</tbody>
</table>
(6) Sulfur dioxide variance by Governor with Federal Land Manager's concurrence. The owner or operator of a proposed source or modification which cannot be approved under paragraph (q)(4) of this section may demonstrate to the Governor that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four hours or less applicable to any Class I area and, in the case of Federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility). The Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such variance is granted, the Administrator shall issue a permit to such source or modification pursuant to the requirements of paragraph (q)(7) of this section: Provided, That the applicable requirements of this section are otherwise met.

(7) Variance by the Governor with the President's concurrence. In any case where the Governor recommends a variance in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may approve the Governor's recommendation if he finds that the variance is in the national interest. If the variance is approved, the Administrator shall issue a permit pursuant to the requirements of paragraph (q)(7) of this section: Provided, That the applicable requirements of this section are otherwise met.

(8) Emission limitations for Presidential or gubernatorial variance. In the case of a permit issued pursuant to paragraph (q) (5) or (6) of this section the source or modification shall comply with such emission limitations as may be necessary to assure that emissions of sulfur dioxide from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period:

<table>
<thead>
<tr>
<th>Period of exposure</th>
<th>Terrain areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Low</td>
</tr>
<tr>
<td>24-hr maximum</td>
<td>36</td>
</tr>
<tr>
<td>3-hr maximum</td>
<td>130</td>
</tr>
</tbody>
</table>

(q) Public participation. The Administrator shall follow the applicable procedures of 40 CFR part 124 in processing applications under this section. The Administrator shall follow the procedures at 40 CFR 52.21(r) as in effect on June 19, 1979, to the extent that the procedures of 40 CFR part 124 do not apply.

(r) Source obligation. (1) Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this section or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

(2) Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Administrator may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.
(3) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State implementation plan and any other requirements under local, State, or Federal law.

(4) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements or paragraphs (j) through (o) of this section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

(5) [Reserved]

(6) Except as otherwise provided in paragraph (r)(6)(vi)(b) of this section, the provisions of this paragraph (r)(6) apply with respect to any regulated NSR pollutant emitted from projects at existing emissions units at a major stationary source (other than projects at a source with a PAL) in circumstances where there is a reasonable possibility, within the meaning of paragraph (r)(6)(vi) of this section, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in paragraphs (b)(41)(i)(a) through (c) of this section for calculating projected actual emissions.

(i) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(a) A description of the project;

(b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(c) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (b)(41)(i)(c) of this section and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(ii) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (r)(6)(i) of this section to the Administrator. Nothing in this paragraph (r)(6)(ii) shall be construed to require the owner or operator of such a unit to obtain any determination from the Administrator before beginning actual construction.

(iii) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in paragraph (r)(6)(i)(b) of this section; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.

(iv) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the Administrator within 60 days after the end of each year during which records must be generated under paragraph (r)(6)(iii) of this section setting out the unit’s annual emissions during the calendar year that preceded submission of the report.

(v) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the Administrator if the annual emissions, in tons per year, from the project identified in paragraph (r)(6)(i) of this section, exceed the baseline actual emissions (as documented and maintained pursuant to paragraph (r)(6)(i)(c) of this section), by a significant amount (as defined in paragraph (b)(23) of this section) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph (r)(6)(i)(c) of this section.
Such report shall be submitted to the Administrator within 60 days after the end of such year. The report shall contain the following:

(a) The name, address and telephone number of the major stationary source;

(b) The annual emissions as calculated pursuant to paragraph (r)(6)(iii) of this section; and

(c) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

(vi) A “reasonable possibility” under paragraph (r)(6) of this section occurs when the owner or operator calculates the project to result in either:

(a) A projected actual emissions increase of at least 50 percent of the amount that is a “significant emissions increase,” as defined under paragraph (b)(40) of this section (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or

(b) A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (b)(41)(i)(c) of this section, sums to at least 50 percent of the amount that is a significant net emissions increase, for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only within the meaning of paragraph (r)(6)(vi)(b) of this section, and not also within the meaning of paragraph (r)(6)(vi)(a) of this section, then provisions (r)(6)(ii) through (v) do not apply to the project.

(7) The owner or operator of the source shall make the information required to be documented and maintained pursuant to paragraph (r)(6) of this section available for review upon a request for inspection by the Administrator or the general public pursuant to the requirements contained in §70.4(b)(3)(viii) of this chapter.

(s) Environmental impact statements. Whenever any proposed source or modification is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this section shall be coordinated with the broad environmental reviews under that Act and under section 309 of the Clean Air Act to the maximum extent feasible and reasonable.

(t) Disputed permits or redesignations. If any State affected by the redesignation of an area by an Indian Governing Body, or any Indian Governing Body of a tribe affected by the redesignation of an area by a State, disagrees with such redesignation, or if a permit is proposed to be issued for any major stationary source or major modification proposed for construction in any State which the Governor of an affected State or Indian Governing Body of an affected tribe determines will cause or contribute to a cumulative change in air quality in excess of that allowed in this part within the affected State or Indian Reservation, the Governor or Indian Governing Body may request the Administrator to enter into negotiations with the parties involved to resolve such dispute. If requested by any State or Indian Governing Body involved, the Administrator shall make a recommendation to resolve the dispute and protect the air quality related values of the lands involved. If the parties involved do not reach agreement, the Administrator shall resolve the dispute and his determination, or the results of agreements reached through other means, shall become part of the applicable State implementation plan and shall be enforceable as part of such plan. In resolving such disputes relating to area redesignation, the Administrator shall consider the extent to which the lands involved are of sufficient size to allow effective air quality management or have air quality related values of such an area.

(u) Delegation of authority. (1) The Administrator shall have the authority to delegate his responsibility for conducting source review pursuant to this section to the Administrator of any agency other than a Regional Office of
the Environmental Protection Agency, the following provisions shall apply:

(i) Where the delegate agency is not an air pollution control agency, it shall consult with the appropriate state, tribe, and local air pollution control agency prior to making any determination under this section. Similarly, where the delegate agency does not have continuing responsibility for managing land use, it shall consult with the appropriate state, tribe, and local agency primarily responsible for managing land use prior to making any determination under this section.

(ii) The delegate agency shall send a copy of any public comment notice required under paragraph (r) of this section to the Administrator through the appropriate Regional Office.

(3) In the case of a source or modification which proposes to construct in a class III area, emissions from which would cause or contribute to air quality exceeding the maximum allowable increase applicable if the area were designated a class II area, and where no standard under section 111 of the act has been promulgated for such source category, the Administrator must approve the determination of best available control technology as set forth in the permit.

(v) Innovative control technology. (1) An owner or operator of a proposed major stationary source or major modification may request the Administrator in writing no later than the close of the comment period under 40 CFR 124.10 to approve a system of innovative control technology.

(2) The Administrator shall, with the consent of the governor(s) of the affected state(s), determine that the source or modification may employ a system of innovative control technology, if:

(i) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety; or

(ii) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under paragraph (j)(2) of this section, by a date specified by the Administrator. Such date shall not be later than 4 years from the time of startup or 7 years from permit issuance;

(iii) The source or modification would meet the requirements of paragraphs (j) and (k) of this section, based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the Administrator;

(iv) The source or modification would not before the date specified by the Administrator:

(a) Cause or contribute to a violation of an applicable national ambient air quality standard; or

(b) Impact any area where an applicable increment is known to be violated; and

(v) All other applicable requirements including those for public participation have been met.

(vi) The provisions of paragraph (p) of this section (relating to Class I areas) have been satisfied with respect to all periods during the life of the source or modification.

(3) The Administrator shall withdraw any approval to employ a system of innovative control technology made under this section, if:

(i) The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or

(ii) The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or

(iii) The Administrator decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

(4) If a source or modification fails to meet the required level of continuous emission reduction within the specified time period or the approval is withdrawn in accordance with paragraph (v)(3) of this section, the Administrator may allow the source or modification up to an additional 3 years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

(w) Permit rescission. (1) Any permit issued under this section or a prior version of this section shall remain in
effect, unless and until it expires under paragraph (s) of this section or is rescinded.

(2) Any owner or operator of a stationary source or modification who holds a permit for the source or modification may request that the Administrator rescind the permit or a particular portion of the permit if the permit for the source or modification was issued:

(i) Under §52.21 as in effect on July 30, 1987 or any earlier version of this section;

(ii) Under §52.21 between July 1, 2011 and July 6, 2015 to a source that was classified as a major stationary source under paragraph (b)(1) of this section solely on the basis of potential emissions of greenhouse gases, which were defined as a regulated NSR pollutant through the application of paragraph (b)(49)(v)(a) of this section as in effect during this time period; or

(iii) Under §52.21 between July 1, 2011 and July 6, 2015 for a modification that was classified as a major modification under paragraph (b)(2) solely on the basis of an increase in emissions of greenhouse gases, which were defined as a regulated NSR pollutant through the application of paragraph (b)(49)(v)(b) of this section as in effect during this time period.

(3) The Administrator shall grant an application for rescission if the application shows that this section would not apply to the source or modification. As a result of a decision of the United States Supreme Court, this section does not apply to sources or modifications that meet only the applicability criteria in paragraph (b)(49)(v) of this section.

(4) If the Administrator rescinds a permit under this paragraph, the public shall be given adequate notice of the rescission. Publication of an announcement of rescission in a newspaper of general circulation in the affected region within 60 days of the rescission shall be considered adequate notice.

(aa) Actuals PALs. The provisions in paragraphs (aa)(1) through (15) of this section govern actuals PALs.

(i) Applicability. If the Administrator may approve the use of an actuals PAL, including for GHGs on either a mass basis or a CO₂e basis, for any existing major stationary source or any existing GHG-only source if the PAL meets the requirements in paragraphs (aa)(1) through (15) of this section. The term “PAL” shall mean “actuals PAL” throughout paragraph (aa) of this section.

(ii) Any physical change in or change in the method of operation of a major stationary source or a GHG-only source that maintains its total source-wide emissions below the PAL level, meets the requirements in paragraphs (aa)(1) through (15) of this section, and complies with the PAL permit:

(a) Is not a major modification for the PAL pollutant;

(b) Does not have to be approved through the PSD program;

(c) Is not subject to the provisions in paragraph (r)(4) of this section (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the major NSR program); and

(d) Does not make GHGs subject to regulation as defined by paragraph (b)(49) of this section.

(iii) Except as provided under paragraph (aa)(1)(ii)(c) of this section, a major stationary source or a GHG-only source shall continue to comply with all applicable Federal or State requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

(2) Definitions. For the purposes of this section, the definitions in paragraphs (aa)(2)(i) through (xi) of this section apply. When a term is not defined in these paragraphs, it shall have the meaning given in paragraph (b) of this section or in the Act.

(i) Actuals PAL for a major stationary source means a PAL based on the baseline actual emissions (as defined in paragraph (b)(48) of this section) of all emissions units (as defined in paragraph (b)(7) of this section) at the source, that emit or have the potential to emit the PAL pollutant. For a GHG-only source, actuals PAL means a PAL based on the baseline actual emissions (as defined in paragraph (aa)(2)(xiii) of this section) of all emissions units (as defined in paragraph (aa)(2)(xiv) of this section).
§ 52.21 40 CFR Ch. I (7–1–16 Edition)

section) at the source, that emit or have the potential to emit GHGs.

(ii) Allowable emissions means “allowable emissions” as defined in paragraph (b)(16) of this section, except as this definition is modified according to paragraphs (aa)(2)(ii)(a) and (b) of this section.

(a) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit’s potential to emit.

(b) An emissions unit’s potential to emit shall be determined using the definition in paragraph (b)(4) of this section, except that the words “or enforceable as a practical matter” should be added after “federally enforceable.”

(iii) Small emissions unit means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined by paragraph (b)(23) of this section or in the Act, whichever is lower. For a GHG PAL issued on a CO₂ basis, small emissions unit means an emissions unit that emits or has the potential to emit less than the amount of GHGs on a CO₂ basis defined as “significant” for the purposes of paragraph (b)(49)(iii) of this section at the time the PAL permit is being issued.

(iv) Major emissions unit means:

(a) Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or

(b) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Act for nonattainment areas. For example, in accordance with the definition of major stationary source in section 182(c) of the Act, an emissions unit would be a major emissions unit for VOC if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit 50 or more tons of VOC per year.

(c) For a GHG PAL issued on a CO₂ basis, any emissions unit that emits or has the potential to emit equal to or greater than the amount of GHGs on a CO₂ basis that would be sufficient for a new source to trigger permitting requirements under paragraph (b)(49) of this section at the time the PAL permit is being issued.

(v) Plantwide applicability limitation (PAL) means an emission limitation expressed on a mass basis in tons per year, or expressed in tons per year CO₂ or CO₂e for a CO₂e-based GHG emission limitation, for a pollutant at a major stationary source or GHG-only source, that is enforceable as a practical matter and established source-wide in accordance with paragraphs (aa)(1) through (15) of this section.

(vi) PAL effective date generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(vii) PAL effective period means the period beginning with the PAL effective date and ending 10 years later.

(viii) PAL major modification means, notwithstanding paragraphs (b)(2), (b)(3), and (b)(49) of this section (the definitions for major modification, net emissions increase, and subject to regulation), any physical change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(ix) PAL permit means the major NSR permit, the minor NSR permit, or the State operating permit under a program that is approved into the State Implementation Plan, or the title V permit issued by the Administrator that establishes a PAL for a major stationary source or a GHG-only source.

(x) PAL pollutant means the pollutant for which a PAL is established at a major stationary source or a GHG-only source. For a GHG-only source, the only available PAL pollutant is greenhouse gases.

(xi) Significant emissions unit means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in paragraph (b)(23) of this section or in the Act, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as
a major emissions unit as defined in paragraph (aa)(2)(iv) of this section. For a GHG PAL issued on a CO₂e basis, significant emissions unit means any emissions unit that emits or has the potential to emit GHGs on a CO₂e basis in amounts equal to or greater than the amount that would qualify the unit as small emissions unit as defined in paragraph (aa)(2)(iii) of this section, but less than the amount that would qualify the unit as a major emissions unit as defined in paragraph (aa)(2)(c) of this section.

(xii) GHG-only source means any existing stationary source that emits or has the potential to emit GHGs in the amount equal to or greater than the amount of GHGs on a mass basis that would be sufficient for a new source to trigger permitting requirements for GHGs under paragraph (b)(1) of this section and the amount of GHGs on a CO₂e basis that would be sufficient for a new source to trigger permitting requirements for GHGs under paragraph (b)(49) of this section at the time the PAL permit is being issued, but does not emit or have the potential to emit any other non-GHG regulated NSR pollutant at or above the applicable major source threshold. A GHG-only source may only obtain a PAL for GHG emissions under paragraph (aa) of this section.

(xiii) Baseline actual emissions for a GHG PAL means the average rate, in tons per year CO₂e or tons per year GHG, as applicable, at which the emissions unit actually emitted GHGs during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, except that the Administrator shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(c) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the stationary source must currently comply, had such stationary source been required to comply with such limitations during the consecutive 24-month period.

(d) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual GHG emissions and for adjusting this amount if required by paragraphs (aa)(2)(xiii)(b) and (c) of this section.

(xiv) Emissions unit with respect to GHGs means any part of a stationary source that emits or has the potential to emit GHGs. For purposes of this section, there are two types of emissions units as described in the following:

(a) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.

(b) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (aa)(2)(xiv)(a) of this section.

(xv) Minor source means any stationary source that does not meet the definition of major stationary source in paragraph (b)(1) of this section for any pollutant at the time the PAL is issued.

(3) Permit application requirements. As part of a permit application requesting a PAL, the owner or operator of a major stationary source or a GHG-only
source shall submit the following information to the Administrator for approval:

(i) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, Federal or State applicable requirements, emission limitations, or work practices apply to each unit.

(ii) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.

(iii) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by paragraph (aa)(13)(i) of this section.

(iv) As part of a permit application requesting a GHG PAL, the owner or operator of a major stationary source or a GHG-only source shall submit a statement by the source owner or operator that clarifies whether the source is an existing major source as defined in paragraph (b)(1)(i)(a) and (b) of this section or a GHG-only source as defined in paragraph (aa)(2)(xii) of this section.

(4) General requirements for establishing PALs. (i) The Administrator is allowed to establish a PAL at a major stationary source or a GHG-only source, provided that at a minimum, the requirements in paragraphs (aa)(4)(1)(a) through (g) of this section are met.

(a) The PAL shall impose an annual emission limitation expressed on a mass basis in tons per year, or expressed in tons per year CO$_2$e, that is enforceable as a practical matter, for the entire major stationary source or GHG-only source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source or GHG-only source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source or GHG-only source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(b) The PAL shall be established in a PAL permit that meets the public participation requirements in paragraph (aa)(5) of this section.

(c) The PAL permit shall contain all the requirements of paragraph (aa)(7) of this section.

(d) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source or GHG-only source.

(e) Each PAL shall regulate emissions of only one pollutant.

(f) Each PAL shall have a PAL effective period of 10 years.

(g) The owner or operator of the major stationary source or GHG-only source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs (aa)(12) through (14) of this section for each emissions unit under the PAL through the PAL effective period.

(ii) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under §51.165(a)(3)(ii) of this chapter unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

(5) Public participation requirements for PALs. PALs for existing major stationary sources or GHG-only sources shall be established, renewed, or increased through a procedure that is consistent with §§51.160 and 51.161 of this chapter. This includes the requirement that the Administrator provide the public with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public
comment. The Administrator must address all material comments before taking final action on the permit.

(6) Setting the 10-year actuals PAL level. (i) Except as provided in paragraph (aa)(6)(ii) and (iii) of this section, the plan shall provide that the actuals PAL level for a major stationary source or a GHG-only source shall be established as the sum of the baseline actual emissions (as defined in paragraph (b)(48) of this section or, for GHGs, paragraph (aa)(2)(xiii) of this section) of the PAL pollutant for each emissions unit at the source; plus an amount equal to the amount defined as “significant” on a CO\textsubscript{2}e basis for the purposes of paragraph (b)(49)(ii) at the time the PAL permit is being issued. When establishing the actuals PAL level for a CO\textsubscript{2}e-based PAL, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The reviewing authority shall specify a reduced PAL level(s) (in tons/yr) in the PAL permit to become effective on the future compliance date(s) of any applicable Federal or state regulatory requirement(s) that the reviewing authority is aware of prior to issuance of the PAL permit.

(ii) For newly constructed units (which do not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in paragraph (aa)(6)(i) of this section, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

(iii) For CO\textsubscript{2}e-based GHG PAL, the actuals PAL level shall be established as the sum of the GHGs baseline actual emissions (as defined in paragraph (aa)(2)(xiii) of this section) of GHGs for each emissions unit at the source, plus an amount equal to the amount defined as “significant” on a CO\textsubscript{2}e basis for the purposes of paragraph (b)(49)(ii) at the time the PAL permit is being issued. When establishing the actuals PAL level for a CO\textsubscript{2}e-based PAL, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The reviewing authority shall specify a reduced PAL level (in tons per year CO\textsubscript{2}e) in the PAL permit to become effective on the future compliance date(s) of any applicable Federal or state regulatory requirement(s) that the reviewing authority is aware of prior to issuance of the PAL permit.

(7) Contents of the PAL permit. The PAL permit must contain, at a minimum, the information in paragraphs (aa)(7)(i) through (xi) of this section.

(i) The PAL pollutant and the applicable source-wide emission limitation in tons per year or tons per year CO\textsubscript{2}e.

(ii) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

(iii) Specification in the PAL permit that if a major stationary source or a GHG-only source owner or operator applies to renew a PAL in accordance with paragraph (aa)(10) of this section before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by a reviewing authority.

(iv) A requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions.

(v) A requirement that, once the PAL expires, the major stationary source or GHG-only source is subject to the requirements of paragraph (aa)(9) of this section.

(vi) The calculation procedures that the major stationary source or GHG-only source owner or operator shall use to convert the monitoring system data
to monthly emissions and annual emissions based on a 12-month rolling total as required by paragraph (aa)(13)(i) of this section.

(vii) A requirement that the major stationary source or GHG-only source owner or operator monitor all emissions in accordance with the provisions under paragraph (aa)(12) of this section.

(viii) A requirement to retain the records required under paragraph (aa)(13) of this section on site. Such records may be retained in an electronic format.

(ix) A requirement to submit the reports required under paragraph (aa)(14) of this section by the required deadlines.

(x) Any other requirements that the Administrator deems necessary to implement and enforce the PAL.

(xi) A permit for a GHG PAL issued to a GHG-only source shall also include a statement denoting that GHG emissions at the source will not be subject to regulation under paragraph (b)(49) of this section as long as the source complies with the PAL.

(8) **PAL effective period and reopening of the PAL permit.** The requirements in paragraphs (aa)(8)(i) and (ii) of this section apply to actuals PALs.

(i) **PAL effective period.** The Administrator shall specify a PAL effective period of 10 years.

(ii) **Reopening of the PAL permit.** (a) During the PAL effective period, the Administrator must reopen the PAL permit to:

1. Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;

2. Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under §51.165(a)(3)(ii) of this chapter; and

3. Revise the PAL to reflect an increase in the PAL as provided under paragraph (aa)(11) of this section.

(b) The Administrator shall have discretion to reopen the PAL permit for the following:

1. Reduce the PAL to reflect newly applicable Federal requirements (for example, NSPS) with compliance dates after the PAL effective date;

2. Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the State may impose on the major stationary source or GHG-only source under the State Implementation Plan; and

3. Reduce the PAL if the reviewing authority determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(c) Except for the permit reopening in paragraph (aa)(8)(ii)(a)(I) of this section for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of paragraph (aa)(5) of this section.

(9) **Expiration of a PAL.** Any PAL that is not renewed in accordance with the procedures in paragraph (aa)(10) of this section shall expire at the end of the PAL effective period, and the requirements in paragraphs (aa)(9)(i) through (v) of this section shall apply.

(i) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the procedures in paragraphs (aa)(9)(i)(a) and (b) of this section.

(a) Within the time frame specified for PAL renewals in paragraph (aa)(10)(ii) of this section, the major stationary source or GHG-only source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the Administrator) by distributing the PAL allowable emissions for the major stationary source or GHG-only source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph (aa)(10)(v) of this section,
such distribution shall be made as if the PAL had been adjusted.

(b) The Administrator shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Administrator determines is appropriate.

(ii) Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The Administrator may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

(iii) Until the Administrator issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph (aa)(9)(1)(b) of this section, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

(iv) Any physical change or change in the method of operation at the major stationary source or GHG-only source will be subject to major NSR requirements if such change meets the definition of major modification in paragraph (b)(2) of this section.

(v) The major stationary source or GHG-only source owner or operator shall continue to comply with any State or Federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to paragraph (v)(4) of this section, but were eliminated by the PAL in accordance with the provisions in paragraph (aa)(1)(i)(c) of this section.

(10) Renewal of a PAL. (i) The Administrator shall follow the procedures specified in paragraph (aa)(5) of this section in approving any request to renew a PAL for a major stationary source or a GHG-only source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Administrator.

(ii) Application deadline. A major stationary source or GHG-only source owner or operator shall submit a timely application to the Administrator to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source or GHG-only source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(iii) Application requirements. The application to renew a PAL permit shall contain the information required in paragraphs (aa)(10)(ii)(a) through (d) of this section.

(a) The information required in paragraphs (aa)(3)(i) through (iii) of this section.

(b) A proposed PAL level.

(c) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).

(d) Any other information the owner or operator wishes the Administrator to consider in determining the appropriate level for renewing the PAL.

(iv) PAL adjustment. In determining whether and how to adjust the PAL, the Administrator shall consider the options outlined in paragraphs (aa)(10)(iv)(a) and (b) of this section. However, in no case may any such adjustment fail to comply with paragraph (aa)(10)(iv)(c) of this section.

(a) If the emissions level calculated in accordance with paragraph (aa)(6) of this section is equal to or greater than 80 percent of the PAL level, the Administrator may renew the PAL at the same level without considering the factors set forth in paragraph (aa)(10)(iv)(b) of this section; or

(b) The Administrator may set the PAL at a level that he or she determines to be more representative of the source’s baseline actual emissions, or that he or she determines to be more
appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source’s voluntary emissions reductions, or other factors as specifically identified by the Administrator in his or her written rationale.

(c) Notwithstanding paragraphs (aa)(10)(iv)(a) and (b) of this section:

(1) If the potential to emit of the major stationary source or GHG-only source is less than the PAL, the Administrator shall adjust the PAL to a level no greater than the potential to emit of the source; and

(2) The Administrator shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source or GHG-only source has complied with the provisions of paragraph (aa)(11) of this section (increasing a PAL).

(v) If the compliance date for a State or Federal requirement that applies to the PAL source occurs during the PAL effective period, and if the Administrator has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or title V permit renewal, whichever occurs first.

(11) Increasing a PAL during the PAL effective period. (i) The Administrator may increase a PAL emission limitation only if the major stationary source or GHG-only source complies with the provisions in paragraphs (aa)(11)(i)(a) through (d) of this section.

(a) The owner or operator of the major stationary source or GHG-only source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary or GHG-only source’s emissions to equal or exceed its PAL.

(b) As part of this application, the major stationary source or GHG-only source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s) exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(c) The owner or operator obtains a major NSR permit for all emissions unit(s) identified in paragraph (aa)(11)(i)(a) of this section, regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the major NSR process (for example, BACT), even though they have also become subject to the PAL or continue to be subject to the PAL.

(d) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(ii) The Administrator shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in accordance with paragraph (aa)(11)(i)(b)), plus the sum of the baseline actual emissions of the small emissions units.

(iii) The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph (aa)(5) of this section.

(12) Monitoring requirements for PALs. (i) General requirements. (a) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time or CO₂. 
per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(b) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in paragraphs (aa)(12)(i)(a) through (d) of this section and must be approved by the Administrator.

(c) Notwithstanding paragraph (aa)(12)(i)(b) of this section, you may also employ an alternative monitoring approach that meets paragraph (aa)(12)(i)(a) of this section if approved by the Administrator.

(d) Failure to use a monitoring system that meets the requirements of this section renders the PAL invalid.

(ii) Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs (aa)(12)(iii) through (ix) of this section:

(a) Mass balance calculations for activities using coatings or solvents;

(b) CEMS;

(c) CPMS or PEMS; and

(d) Emission factors.

(iii) Mass balance calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

(a) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit;

(b) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

(c) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Administrator determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(iv) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

(a) CEMS must comply with applicable Performance Specifications found in 40 CFR part 60, appendix B; and

(b) CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.

(v) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

(a) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and

(b) Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Administrator, while the emissions unit is operating.

(vi) Emission factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

(a) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors’ development;

(b) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

(c) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the Administrator determines that testing is not required.

(vii) A source owner or operator must record and report maximum potential
§ 52.21 Reporting and notification requirements. The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Administrator in accordance with the applicable title V operating permit program. The reports shall meet the requirements in paragraphs (aa)(14)(i) through (iii) of this section.

(i) Semi-annual report. The semi-annual report shall be submitted to the Administrator within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (aa)(14)(i)(a) through (g) of this section.

(a) The identification of owner and operator and the permit number.

(b) Total annual emissions (expressed on a mass-basis in tons per year, or expressed in tons per year CO₂e) based on a 12-month rolling total for each month in the reporting period recorded pursuant to paragraph (aa)(13)(i) of this section.

(c) All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.

(d) A list of any emissions units modified or added to the major stationary source or GHG-only source during the preceding 6-month period.

(e) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

(f) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by (aa)(12)(vii).

(g) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and
Environmental Protection Agency § 52.21

completeness of the information provided in the report.

(ii) Deviation report. The major stationary source or GHG-only source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to § 70.6(a)(3)(iii)(B) of this chapter shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the applicable program implementing § 70.6(a)(3)(iii)(B) of this chapter. The reports shall contain the following information:

(a) The identification of owner and operator and the permit number;
(b) The PAL requirement that experienced the deviation or that was exceeded;
(c) Emissions resulting from the deviation or the exceedance; and
(d) A signed statement by the responsible official (as defined by the applicable Title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

(iii) Re-validation results. The owner or operator shall submit to the Administrator the results of any re-validation test or method within 3 months after completion of such test or method.

(15) Transition requirements. (i) The Administrator may not issue a PAL that does not comply with the requirements in paragraphs (aa)(1) through (15) of this section after March 3, 2003.

(ii) The Administrator may supersede any PAL that was established prior to March 3, 2003 with a PAL that complies with the requirements of paragraphs (aa)(1) through (15) of this section.

(bb) If any provision of this section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(cc) Without regard to other considerations, routine maintenance, repair and replacement includes, but is not limited to, the replacement of any component of a process unit with an identical or functionally equivalent component(s), and maintenance and repair activities that are part of the replacement activity, provided that all of the requirements in paragraphs (cc)(1) through (3) of this section are met.

(1) Capital cost threshold for equipment replacement. (i) For an electric utility steam generating unit, as defined in §52.21(b)(31), the fixed capital cost of the replacement component(s) plus the cost of any associated maintenance and repair activities that are part of the replacement shall not exceed 20 percent of the replacement value of the process unit, at the time the equipment is replaced. For a process unit that is not an electric utility steam generating unit the fixed capital cost of the replacement component(s) plus the cost of any associated maintenance and repair activities that are part of the replacement shall not exceed 20 percent of the replacement value of the process unit, at the time the equipment is replaced.

(ii) In determining the replacement value of the process unit; and, except as otherwise allowed under paragraph (cc)(1)(iii) of this section, the owner or operator shall determine the replacement value of the process unit on an estimate of the fixed capital cost of constructing a new process unit, or on the current appraised value of the process unit.

(iii) As an alternative to paragraph (cc)(1)(ii) of this section for determining the replacement value of a process unit, an owner or operator may choose to use insurance value (where the insurance value covers only complete replacement), investment value adjusted for inflation, or another accounting procedure if such procedure is based on Generally Accepted Accounting Principles, provided that the owner or operator sends a notice to the reviewing authority. The first time that an owner or operator submits such a notice for a particular process unit, the notice may be submitted at any time, but any subsequent notice for that process unit may be submitted only at the beginning of the process unit’s fiscal year. Unless the owner or operator submits a notice to the reviewing authority, then paragraph (cc)(1)(ii) of this section will be used to establish the replacement value of the process.
unit. Once the owner or operator submits a notice to use an alternative accounting procedure, the owner or operator must continue to use that procedure for the entire fiscal year for that process unit. In subsequent fiscal years, the owner or operator must continue to use this selected procedure unless and until the owner or operator sends another notice to the reviewing authority selecting another procedure consistent with this paragraph or paragraph (cc)(1)(ii) of this section at the beginning of such fiscal year.

(2) Basic design parameters. The replacement does not change the basic design parameter(s) of the process unit to which the activity pertains.

(i) Except as provided in paragraph (cc)(2)(iii) of this section, for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British Thermal Units content shall be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.

(ii) Except as provided in paragraph (cc)(2)(iii) of this section, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.

(iii) If the owner or operator believes the basic design parameter(s) in paragraphs (cc)(2)(i) and (ii) of this section is not appropriate for a specific industry or type of process unit, the owner or operator may propose to the reviewing authority an alternative basic design parameter(s) for the source’s process unit(s). If the reviewing authority approves of the use of an alternative basic design parameter(s), the reviewing authority shall issue a permit that is legally enforceable that records such basic design parameter(s) and requires the owner or operator to comply with such parameter(s).

(iv) The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter(s) specified in paragraphs (cc)(2)(i) and (ii) of this section.

(v) If design information is not available for a process unit, then the owner or operator shall determine the process unit’s basic design parameter(s) using the maximum value achieved by the process unit in the five-year period immediately preceding the planned activity.

(vi) Efficiency of a process unit is not a basic design parameter.

(3) The replacement activity shall not cause the process unit to exceed any emission limitation, or operational limitation that has the effect of constraining emissions, that applies to the process unit and that is legally enforceable.

Note to paragraph (cc): By a court order on December 24, 2003, this paragraph (cc) is stayed indefinitely. The stayed provisions will become effective immediately if the court terminates the stay. At that time, EPA will publish a document in the Federal Register advising the public of the termination of the stay.

(43 FR 26403, June 19, 1978)

Editorial Note: For Federal Register citations affecting §52.21, 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 76 FR 17556, Mar. 30, 2011, §52.21(b)(2)(v) and (b)(3)(iii)(c) were stayed indefinitely.

2. At 81 FR 35633, June 3, 2016, §52.21 was amended by revising paragraph (b)(6), effective Aug. 2, 2016. For the convenience of the user, the revised text is set forth as follows:

§52.21 Prevention of significant deterioration of air quality.

* * * * * *

(b) * * *
§ 52.24 Building, structure, facility, or installation.

(i) Building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101–0066 and 003–005–00716–0, respectively).

(ii) Notwithstanding the provisions of paragraph (b)(6)(i) of this section, building, structure, facility, or installation means, for onshore activities under Standard Industrial Classification (SIC) Major Group 13: Oil and Gas Extraction, all of the pollutant-emitting activities included in Major Group 13 that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are located within ¼ mile of one another (measured from the center of the equipment on the surface site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators or emissions control devices. Surface site, as used in this paragraph (b)(6)(ii), has the same meaning as in 40 CFR 63.761.

§ 52.25 Violation and enforcement.

Failure to comply with any provisions of this part, or with any approved regulatory provision of a State implementation plan, or with any permit condition or permit denial issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the State implementation plan, shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. With regard to compliance schedules, a person or Governmental entity will be considered to have failed to comply with the requirements of this part if it fails to timely submit any required compliance schedule, if the compliance schedule when submitted does not contain each of the elements it is required to contain, or if the person or Governmental entity fails to comply with such schedule.

§ 52.24 Statutory restriction on new sources.

(a) Any area designated nonattainment pursuant to section 107(d) of the Act to which, immediately prior to the enactment of the Amendments to the Act of 1990 (November 15, 1990), a prohibition of construction or modification of major stationary sources was applied, shall retain that prohibition if such prohibition was applied by virtue of a finding of the Administrator that the State containing such an area:

(1) Failed to submit an implementation plan meeting the requirements of an approvable new source review permitting program; or

(2) Failed to submit an implementation plan that provided for timely attainment of the national ambient air quality standard for sulfur dioxide by December 31, 1982. This prohibition shall apply until the Administrator approves a plan for such area as meeting the applicable requirements of part D of title I of the Act as amended (NSR permitting requirements) or subpart 5 of part D of title I of the Act as amended (relating to attainment of the national ambient air quality standards for sulfur dioxide), as applicable.

(b) Permits to construct and operate as required by permit programs under section 172(c)(5) of the Act may not be issued for new or modified major stationary sources proposing to locate in nonattainment areas or areas in a transport region where the Administrator has determined that the applicable implementation plan is not being adequately implemented for the nonattainment area or transport region in which the proposed source is to be constructed or modified in accordance with the requirements of part D of title I of the Act.
§52.26 Visibility monitoring strategy.

(a) Plan Disapprovals. The provisions of this section are applicable to any State implementation plan which has been disapproved with respect to visibility monitoring. Specific disapprovals are listed where applicable in Subparts B through DD of this part. The provisions of this section have been incorporated by reference into the applicable implementation plan for various States, as provided in Subparts B through DDD of this part.
Environmental Protection Agency

§ 52.27 Protection of visibility from sources in attainment areas.

(a) Plan disapproval. The provisions of this section are applicable to any State implementation plan which has been disapproved with respect to protection of visibility, in mandatory Class I Federal areas, from sources emitting pollutants in any portion of any State where the existing air quality is better than the national ambient air quality standards for such pollutants, and where a State PSD program has been approved as part of the applicable SIP pursuant to 40 CFR 51.24. Specific disapprovals are listed where applicable in Subparts B through DDD of this part. The provisions of this section have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part.

(b) Definitions. For purposes of this section, all terms shall have the meaning ascribed to them in the Clean Air Act, in the prevention of significant deterioration (PSD) program approved as part of the applicable SIP pursuant to 40 CFR 51.24 for the State, or in the protection of visibility program (40 CFR 51.301).
(c) Federal visibility analysis. Any person shall have the right, in connection with any application for a permit to construct a major stationary source or major modification, to request that the administrator take responsibility from the State for conducting the required review of a proposed source’s impact on visibility in any Federal Class I area. If requested, the Administrator shall take such responsibility and conduct such review pursuant to paragraphs (e), (f) and (g) of this section in any case where the State fails to provide all of the procedural steps listed in paragraph (d) of this section. A request pursuant to this paragraph must be made within 60 days of the notice soliciting public comment on a permit, unless such notice is not properly given. The Administrator will not entertain requests challenging the substance of any State action concerning visibility where the State has provided all of the procedural steps listed in paragraph (d) of this section.

(d) Procedural steps in visibility review.

(1) The reviewing authority must provide written notification to all affected Federal land managers of any permit application for any proposed new major stationary source or major modification that may affect visibility in any Federal Class I area. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include the proposed source’s anticipated impacts on visibility in any Federal Class I area as provided by the applicant. Notification must also be given to all affected Federal land managers within 30 days of receipt of any advance notification of any such permit application.

(2) The reviewing authority must consider any analysis performed by the Federal land managers, provided within 30 days of the notification required by paragraph (d)(1) of this section, that shows that such proposed new major stationary source or major modification may have:

(i) An adverse impact on visibility in any Federal Class I area, or

(ii) An adverse impact on visibility in an integral vista codified in part 81 of this title.

(3) Where the reviewing authority finds that such an analysis does not demonstrate that the effect in paragraphs (d)(2)(i) or (ii) of this section will occur, either an explanation of its decision or notification as to where the explanation can be obtained must be included in the notice of public hearing.

(4) Where the reviewing authority finds that such an analysis does demonstrate that the effect in paragraph (d)(2)(i) of this section will occur, the permit shall not be issued.

(5) Where the reviewing authority finds that such an analysis does demonstrate that the effect in paragraph (d)(2)(ii) of this section will occur, the reviewing authority may issue a permit if the emissions from the source or modification will be consistent with reasonable progress toward the national goal. In making this decision, the reviewing authority may take into account the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the useful life of the source.

(e) Federal land manager notification. The Administrator shall provide all of the procedural steps listed in paragraph (d) of this section in conducting reviews pursuant to this section.

(f) Monitoring. The Administrator may require monitoring of visibility in any Federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the Administrator deems necessary and appropriate.

(g) Public participation. The Administrator shall follow the applicable procedures at 40 CFR part 124 in conducting reviews pursuant to this section.

(h) Federal permit. In any case where the Administrator has made a finding that a State consistently fails or is unable to provide the procedural steps
listed in paragraph (d) of this section, the Administrator shall require all prospective permit applicants in such State to apply directly to the Administrator, and the Administrator shall conduct a visibility review pursuant to this section for all permit applications.

§ 52.28 Protection of visibility from sources in nonattainment areas.

(a) Plan disapproval. The provisions of this section are applicable to any State implementation plan which has been disapproved with respect to protection of visibility, in mandatory Class I Federal areas where visibility is considered an important value, from sources emitting pollutants in any portion of any State where the existing air quality is not in compliance with the national ambient air quality standards for such pollutants. Specific disapprovals are listed where applicable in Subparts B through DDD of this part. The provisions of this section have been incorporated into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part.

(b) Definitions. For the purposes of this section:


(2) All other terms shall have the meaning ascribed to them in the protection of visibility program (40 CFR 51.301) or the prevention of significant deterioration (PSD) program either approved as part of the applicable SIP pursuant to 40 CFR 51.24 or in effect for the applicable SIP pursuant to 40 CFR 52.21, all as in effect on July 12, 1985.

(c) Review of major stationary sources and major modifications—source applicability and exemptions. (1) No stationary source or modification to which the requirements of this section apply shall begin actual construction without a permit which states that the stationary source or modification would meet those requirements. The Administrator has sole authority to issue any such permit unless the authority has been delegated pursuant to paragraph (i) of this section.

(2) The requirements of this section shall apply to construction of any new major stationary source or major modification that would both be constructed in an area classified as nonattainment under section 107(d)(1)(A), (B) or (C) of the Clean Air Act and potentially have an impact on visibility in any visibility protection area.

(3) The requirements of this section shall apply to any such major stationary source and any such major modification with respect to each pollutant subject to regulation under the Clean Air Act that it would emit, except as this section otherwise provides.

(4) The requirements of this section shall not apply to a particular major stationary source or major modification, if:

(i) The source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution, and the governor of the State in which the source or modification would be located requests that it be exempt from those requirements; or

(ii) The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

(A) Coal cleaning plants (with thermal dryers);
(B) Kraft pulp mills;
(C) Portland cement plants;
(D) Primary zinc smelters;
(E) Iron and steel mills;
(F) Primary aluminum ore reduction plants;
(G) Primary copper smelters;
(H) Municipal incinerators capable of charging more than 250 tons of refuse per day;
(I) Hydrofluoric, sulfuric, or nitric acid plants;
(J) Petroleum refineries;
(K) Lime plants;
(L) Phosphate rock processing plants;
(M) Coke oven batteries;
(N) Sulfur recovery plants;
(O) Carbon black plants (furnace process);
(P) Primary lead smelters;
(Q) Fuel conversion plants;
(R) Sintering plants;
§ 52.28  

(S) Secondary metal production plants;  
(T) Chemical process plants;  
(U) Fossil-fuel boiler (or combination thereof) totaling more than 250 million British thermal units per hour heat input;  
(V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;  
(W) Taconite ore processing plants;  
(X) Glass fiber processing plants;  
(Y) Charcoal production plants;  
(Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;  
(AA) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act; or  
(iii) The source is a portable stationary source which has previously received a permit under this section, and  
(A) The owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary; and  
(B) The emissions from the source would not exceed its allowable emissions; and  
(C) The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and  
(D) Reasonable notice is given to the Administrator, prior to the relocation, identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Administrator not less than 10 days in advance of the proposed relocation, unless a different time duration is previously approved by the Administrator.  
(5) The requirements of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as attainment under section 107 of the Clean Air Act.  
(6) The requirements of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:  
(i) Would impact no Class I area and no area where an applicable increment is known to be violated, and  
(ii) Would be temporary.  
(d) Visibility Impact Analyses. The owner or operator of a source shall provide an analysis of the impairment to visibility that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification.  
(e) Federal land manager notification.  
(1) The Federal land manager and the Federal official charged with direct responsibility for management of Federal Class I areas have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the Administrator, whether a proposed source or modification will have an adverse impact on such values.  
(2) The Administrator shall provide written notification to all affected Federal land managers of any permit application for any proposed new major stationary source or major modification that may affect visibility in any visibility protection area. The Administrator shall also provide for such notification to the Federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in any visibility protection area. The Administrator shall also notify all affected FLM's within 30 days of receipt of any advance notification of any such permit application.  
(3) The Administrator shall consider any analysis performed by the Federal land manager, provided within 30 days of the notification required by paragraph (e)(2) of this section, that such proposed new major stationary source
Environmental Protection Agency

§ 52.29 Visibility long-term strategies.

(a) Plan disapprovals. The provisions of this section are applicable to any State implementation plan which has been disapproved for not meeting the requirements of 40 CFR 51.306 regarding the development, periodic review, and revision of visibility long-term strategies. Specific disapprovals are listed where applicable in Subparts B through DDD of this part. The provisions of this section have been incorporated into the applicable implementation plan for various States, as provided in Subparts B through DDD of this part.

(b) Definitions. For the purposes of this section, all terms shall have the meaning as ascribed to them in the Clean Air Act, or in the protection of visibility program (40 CFR 51.301).

(c) Long-term strategy. (1) A long-term strategy is a 10- to 15-year plan for making reasonable progress toward the national goal specified in §51.300(a). This strategy will cover any existing impairment certified by the Federal land manager and any integral vista

or major modification may have an adverse impact on visibility in any visibility protection area. Where the Administrator finds that such an analysis does not demonstrate to the satisfaction of the Administrator that an adverse impact on visibility will result in the visibility protection area, the Administrator must, in the notice of public hearing, either explain his decision or give notice as to where the explanation can be obtained.

(f) Public participation. The Administrator shall follow the applicable procedures of 40 CFR part 124 in processing applications under this section. The Administrator shall follow the procedures at 40 CFR 52.21(q) as in effect on August 7, 1980, to the extent that the procedures of 40 CFR part 124 do not apply.

(g) National visibility goal. The Administrator shall only issue permits to those sources whose emissions will be consistent with making reasonable progress toward the national goal of preventing any future, and remedying any existing, impairment of visibility in visibility protection areas which impairment results from man-made air pollution. In making the decision to issue a permit, the Administrator may take into account the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the useful life of the source.

(h) Monitoring. The Administrator may require monitoring of visibility in any visibility protection area near the proposed new stationary source or major modification for such purposes and by such means as the Administrator deems necessary and appropriate.

(i) Delegation of authority. (1) The Administrator shall have the authority to delegate the responsibility for conducting source review pursuant to this section to any agency in accordance with paragraphs (i)(2) and (3) of this section.

(2) Where the Administrator delegates the responsibility for conducting source review under this section to any agency other than a Regional Office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the delegate agency is not an air pollution control agency it shall consult with the appropriate State and local air pollution control agency prior to making any determination under this section. Similarly, where the delegate agency does not have continuing responsibility for managing land use, it shall consult with the appropriate State and local agency primarily responsible for managing land use prior to making any determination under this section.

(ii) The delegate agency shall submit a copy of any public comment notice required under paragraph (f) of this section to the Administrator through the appropriate Regional Office.

(3) The Administrator’s authority for reviewing a source or modification located on an Indian Reservation shall not be redelegated other than to a Regional Office of the Environmental Protection Agency, except where the State has assumed jurisdiction over such land under other laws. Where the State has assumed such jurisdiction, the Administrator may delegate his authority to the States in accordance with paragraph (i)(2) of this section.

[50 FR 26551, July 12, 1985]
§ 52.30 Criteria for limiting application of sanctions under section 110(m) of the Clean Air Act on a statewide basis.

(a) Definitions. For the purpose of this section:

(1) The term “political subdivision” refers to the representative body that is responsible for adopting and/or implementing air pollution controls for one, or any combination of one or more of the following: city, town, borough, county, parish, district, or any other geographical subdivision created by, or pursuant to, Federal or State law. This will include any agency designated under section 174, 42 U.S.C. 7504, by the State to carry out the air planning responsibilities under part D.

(2) The term “required activity” means the submission of a plan or plan item, or the implementation of a plan or plan item.

(3) The term “deficiency” means the failure to perform a required activity as defined in paragraph (a)(2) of this section.

(4) For purposes of § 52.30, the terms “plan” or “plan item” mean an implementation plan or portion of an implementation plan or action needed to prepare such plan required by the Clean Air Act, as amended in 1990, or in response to a SIP call issued pursuant to section 110(k)(5) of the Act.

(b) Sanctions. During the 24 months after a finding, determination, or disapproval under section 179(a) of the Clean Air Act is made, EPA will not impose sanctions under section 110(m) of the Act on a statewide basis if the Administrator finds that one or more political subdivisions of the State are principally responsible for the deficiency on which the finding, disapproval, or determination as provided under section 179(a)(1) through (4) is based.

(c) Criteria. For the purposes of this provision, EPA will consider a political subdivision to be principally responsible for the deficiency on which a section 179(a) finding is based if all five of the following criteria are met.

§ 52.30 Delegation of authority. The Administrator may delegate with respect to a particular visibility protection area any of his functions under this section, except the making of regulations, to any State or local air pollution control agency of any State whose boundaries encompass that area.

[52 FR 45137, Nov. 24, 1987]
(1) The State has provided adequate legal authority to a political subdivision to perform the required activity.

(2) The required activity is one which has traditionally been performed by the local political subdivision, or the responsibility for performing the required activity has been delegated to the political subdivision.

(3) The State has provided adequate funding or authority to obtain funding (when funding is necessary to carry out the required activity) to the political subdivision to perform the required activity.

(4) The political subdivision has agreed to perform (and has not revoked that agreement), or is required by State law to accept responsibility for performing, the required activity.

(5) The political subdivision has failed to perform the required activity.

(d) Imposition of sanctions. (1) If all of the criteria in paragraph (c) of this section have been met through the action or inaction of one political subdivision, EPA will not impose sanctions on a statewide basis.

(2) If not all of the criteria in paragraph (c) of this section have been met through the action or inaction of one political subdivision, EPA will determine the area for which it is reasonable and appropriate to apply sanctions.

[59 FR 1484, Jan. 11, 1994]

§ 52.31 Selection of sequence of mandatory sanctions for findings made pursuant to section 179 of the Clean Air Act.

(a) Purpose. The purpose of this section is to implement 42 U.S.C. 7509(a) of the Act, with respect to the sequence in which sanctions will automatically apply under 42 U.S.C. 7509(b), following a finding made by the Administrator pursuant to 42 U.S.C. 7509(a).

(b) Definitions. All terms used in this section, but not specifically defined herein, shall have the meaning given them in § 52.01.


(2) Act means Clean Air Act, as amended in 1990 (42 U.S.C. 7401 et seq. (1991)).

(3) Affected area means the geographic area subject to or covered by the Act requirement that is the subject of the finding and either, for purposes of the offset sanction under paragraph (e)(1) of this section and the highway sanction under paragraph (e)(2) of this section, is or is within an area designated nonattainment under 42 U.S.C. 7407(d) or, for purposes of the offset sanction under paragraph (e)(1) of this section, is or is within an area otherwise subject to the emission offset requirements of 42 U.S.C. 7503.

(4) Criteria pollutant means a pollutant for which the Administrator has promulgated a national ambient air quality standard pursuant to 42 U.S.C. 7409 (i.e., ozone, lead, sulfur dioxide, particulate matter, carbon monoxide, nitrogen dioxide).

(5) Findings or Finding refer(s) to one or more of the findings, disapprovals, and determinations described in subsection 52.31(c).

(6) NAAQS means national ambient air quality standard the Administrator has promulgated pursuant to 42 U.S.C. 7409.

(7) Ozone precursors mean nitrogen oxides (NOX) and volatile organic compounds (VOC).


(9) Part D SIP or SIP revision or plan means a State implementation plan or plan revision that States are required to submit or revise pursuant to part D.

(10) Precursor means pollutant which is transformed in the atmosphere (later in time and space from point of emission) to form (or contribute to the formation of) a criteria pollutant.

(c) Applicability. This section shall apply to any State in which an affected area is located and for which the Administrator has made one of the following findings, with respect to any part D SIP or SIP revision required under the Act:

(1) A finding that a State has failed, for an area designated nonattainment under 42 U.S.C. 7407(d), to submit a plan, or to submit one or more of the elements (as determined by the Administrator) required by the provisions of the Act applicable to such an area, or has failed to make a submission for
such an area that satisfies the minimum criteria established in relation to any such element under 42 U.S.C. 7410(k);

(2) A disapproval of a submission under 42 U.S.C. 7410(k), for an area designated nonattainment under 42 U.S.C. 7407(d), based on the submission’s failure to meet one or more of the elements required by the provisions of the Act applicable to such an area;

(3)(i) A determination that a State has failed to make any submission required under the Act, other than one described under paragraph (c)(1) or (c)(2) of this section, including an adequate maintenance plan, or has failed to make any submission, required under the Act, other than one described under paragraph (c)(1) or (c)(2) of this section, that satisfies the minimum criteria established in relation to such submission under 42 U.S.C. 7410(k)(1)(A); or

(ii) A disapproval in whole or in part of a submission described under paragraph (c)(3)(i) of this section; or

(4) A finding that any requirement of an approved plan (or approved part of a plan) is not being implemented.

(d) Sanction application sequencing.

(1) To implement 42 U.S.C. 7509(a), the offset sanction under paragraph (e)(1) of this section shall apply in an affected area 18 months from the date when the Administrator makes a finding under paragraph (c) of this section unless the Administrator affirmatively determines that the deficiency forming the basis of the finding has been corrected. To further implement 42 U.S.C. 7509(a), the highway sanction under paragraph (e)(2) of this section shall apply in an affected area 6 months from the date the offset sanction under paragraph (e)(1) of this section applies, unless the Administrator affirmatively determines that the deficiency forming the basis of the finding has been corrected. To further implement 42 U.S.C. 7509(a), following the findings under paragraphs (c)(1) or (c)(2) of this section, the date of the finding shall be the effective date as defined in the final action triggering the sanctions clock.

(2)(i) Notwithstanding paragraph (d)(1) of this section, to further implement 42 U.S.C. 7509(a), following the findings under paragraphs (c)(1) or (c)(2) of this section, if the State has submitted a revised plan to correct the deficiency prompting the finding and the Administrator, prior to 18 months from the finding, has proposed to fully or conditionally approve the revised plan and has issued an interim final determination that the revised plan corrects the deficiency prompting the finding, application of the offset sanction under paragraph (e)(1) of this section shall be deferred unless and until the Administrator proposes to or takes final action to disapprove the plan in whole or in part. If the Administrator issues such a proposed or final disapproval of the plan, the offset sanction under paragraph (e)(1) of this section shall apply in the affected area on the later of the date the Administrator issues such a proposed or final disapproval, or 18 months following the finding that started the sanctions clock. The highway sanction under paragraph (e)(2) of this section shall apply in the affected area 6 months after the date the offset sanction under paragraph (e)(1) of this section applies, unless the Administrator determines that the deficiency forming the basis of the finding has been corrected.

(ii) Notwithstanding paragraph (d)(1) of this section, following the findings under paragraphs (c)(1) or (c)(2) of this section, if the State has submitted a revised plan to correct the deficiency prompting the finding and after 18 but before 24 months from the finding the Administrator has proposed to fully or conditionally approve the revised plan and has issued an interim final determination that the revised plan corrects the deficiency prompting the finding, application of the offset sanction under paragraph (e)(1) of this section shall be deferred unless and until the Administrator proposes to or takes final action to disapprove the plan in whole or in part. If the Administrator issues such a proposed or final disapproval of the plan, the offset sanction under paragraph (e)(1) of this section shall reapply in the affected area on the date the Administrator issues such a proposed or final disapproval.

The highway sanction under paragraph
(e)(2) of this section shall apply in the affected area on the later of 6 months from the date the offset sanction under paragraph (e)(1) of this section first applied in the affected area, unless the Administrator determines that the deficiency forming the basis of the finding has been corrected, or if the proposed or final disapproval occurs more than 6 months after the initial application of the offset sanction under paragraph (e)(1) of this section.

(iii) Notwithstanding paragraph (d)(1) of this section, to further implement 42 U.S.C. 7509(a), following the findings under paragraphs (c)(2) and (c)(3)(ii) of this section, if the State has submitted a revised plan to correct the deficiency prompting the finding and the Administrator issues such a proposed or final disapproval, the offset sanction under paragraph (e)(1) of this section shall apply in the affected area on the later of the date the approval becomes a disapproval or the Administrator issues such a proposed or final disapproval, whichever is applicable, or 18 months following the finding that started the sanctions clock. The highway sanction under paragraph (e)(2) of this section shall apply in the affected area 6 months after the date the offset sanction under paragraph (e)(1) of this section applies, unless the Administrator determines that the deficiency forming the basis of the finding has been corrected.

(ii) Notwithstanding paragraph (d)(1) of this section, to further implement 42 U.S.C. 7509(a), following the findings under paragraphs (c)(2) and (c)(3)(ii) of this section, if the State has submitted a revised plan to correct the deficiency prompting the finding and after 18 but before 24 months from the finding the Administrator has conditionally approved the revised plan and has issued an interim final determination that the revised plan corrects the deficiency prompting the finding, application of the offset sanction under paragraph (e)(1) of this section shall be deferred and application of the highway sanction under paragraph (e)(2) of this section shall be deferred unless and until the conditional approval converts to a disapproval or the Administrator proposes to or takes final action to disapprove in whole or in part the revised SIP the State submits to fulfill the commitment in the conditionally-approved plan. If the conditional approval so becomes a disapproval or the Administrator issues such a proposed or final disapproval, the offset sanction under paragraph (e)(1) of this section shall reapply in the affected area on the later of the date the approval becomes a disapproval or the Administrator issues such a proposed or final disapproval, whichever is applicable, or 18 months following the finding that started the sanctions clock. The highway sanction under paragraph (e)(2) of this section shall apply in the affected area on the later of the date the approval becomes a disapproval or the Administrator issues such a proposed or final disapproval, whichever is applicable.
later of 6 months from the date the offset sanction under paragraph (e)(1) of this section first applied in the affected area, unless the Administrator determines that the deficiency forming the basis of the finding has been corrected, or immediately if the conditional approval becomes a disapproval or the Administrator issues such a proposed or final disapproval, whichever is applicable, more than 6 months after initial application of the offset sanction under paragraph (e)(1) of this section.

(iii) Notwithstanding paragraph (d)(1) of this section, to further implement 42 U.S.C. 7509(a), following the findings under paragraphs (c)(2) and (c)(3)(ii) of this section, if the State has submitted a revised plan to correct the deficiency prompting the finding and after 24 months from the finding the Administrator has conditionally approved the revised plan and has issued an interim final determination that the revised plan corrects the deficiency prompting the finding, application of the offset sanction under paragraph (e)(1) of this section and application of the highway sanction under paragraph (e)(2) of this section shall be stayed unless and until the conditional approval converts to a disapproval or the Administrator preliminarily or finally determines that the State has not corrected the deficiency. If the Administrator so preliminarily or finally determines that the State has not corrected the deficiency, the offset sanction under paragraph (e)(1) of this section shall apply in the affected area on the later of the date the Administrator proposes to take action or takes final action to find that the finding of nonimplementation has not been corrected, or 18 months following the finding that started the sanctions clock. The highway sanction under paragraph (e)(2) of this section shall apply in the affected area 6 months after the date the offset sanction under paragraph (e)(1) of this section first applies, unless the Administrator preliminarily or finally determines that the deficiency forming the basis of the finding has been corrected.

(4)(i) Notwithstanding paragraph (d)(1) of this section, to further implement 42 U.S.C. 7509(a), following findings under paragraph (c)(4) of this section, if the Administrator, prior to 18 months from the finding, has proposed to find that the State is implementing the approved plan and has issued an interim final determination that the deficiency prompting the finding has been corrected, application of the offset sanction under paragraph (e)(1) of this section shall be deferred unless and until the Administrator preliminarily or finally determines, through a proposed or final finding, that the State is not implementing the approved plan and that, therefore, the State has not corrected the deficiency. If the Administrator so preliminarily or finally determines that the State has not corrected the deficiency, the offset sanction under paragraph (e)(1) of this section shall be deferred unless and until the Administrator preliminarily or finally determines that the State has not corrected the deficiency, the offset sanction under paragraph (e)(1) of this section shall reapply in the affected area on the later of the date the Administrator proposes to take action or takes final action to find that the finding of nonimplementation has
Environmental Protection Agency § 52.31

not been corrected. The highway sanction under paragraph (e)(2) of this section shall apply in the affected area on the later of 6 months from the date the offset sanction under paragraph (e)(1) of this section first applied in the affected area, unless the Administrator preliminarily or finally determines that the deficiency forming the basis of the finding has been corrected, or immediately if EPA’s proposed or final action finding the deficiency has not been corrected occurs more than 6 months after initial application of the offset sanction under paragraph (e)(1) of this section.

(iii) Notwithstanding paragraph (d)(1) of this section, to further implement 42 U.S.C. 7509(a), following findings under paragraph (c)(4) of this section, if after 24 months from the finding the Administrator has proposed to find that the State is implementing the approved plan and has issued an interim final determination that the deficiency prompting the finding has been corrected, application of the offset sanction under paragraph (e)(1) of this section and the highway sanction under paragraph (e)(2) of this section shall be stayed unless and until the Administrator preliminarily or finally determines, through a proposed or final finding, that the State is not implementing the approved plan, and that, therefore, the State has not corrected the deficiency. If the Administrator so preliminarily or finally determines that the State has not corrected the deficiency, the offset sanction under paragraph (e)(1) of this section and the highway sanction under paragraph (e)(2) of this section shall reapply in the affected area on the date the Administrator proposes to take action or takes final action to find that the finding of nonimplementation has not been corrected.

(5) Any sanction clock started by a finding under paragraph (c) of this section will be permanently stopped and sanctions applied, stayed or deferred will be permanently lifted upon a final EPA finding that the deficiency forming the basis of the finding has been corrected. For a sanctions clock or applied sanctions based on a finding under paragraphs (c)(2) and (c)(3)(i) of this section, a finding that the deficiency has been corrected will occur by letter from the Administrator to the State governor. For a sanctions clock or applied, stayed or deferred sanctions based on a finding under paragraphs (c)(2) and (c)(3)(i) of this section, a finding that the deficiency has been corrected will occur through a final notice in the FEDERAL REGISTER fully approving the revised SIP. For a sanctions clock or applied, stayed or deferred sanctions based on a finding under paragraph (c)(4) of this section, a finding that the deficiency has been corrected will occur through a final notice in the FEDERAL REGISTER finding that the State is implementing the approved SIP.

(e) Available sanctions and method for implementation—(1) Offset sanction. (i) As further set forth in paragraphs (e)(1)(ii)–(e)(1)(vi) of this section, the State shall apply the emissions offset requirement in the timeframe prescribed under paragraph (d) of this section on those affected areas subject under paragraph (d) of this section to the offset sanction. The State shall apply the emission offset requirements in accordance with 42 U.S.C. 7503 and 7509(b)(2), at a ratio of at least two units of emission reductions for each unit of increased emissions of the pollutant(s) and its (their) precursors for which the finding(s) under paragraph (c) of this section is (are) made. If the deficiency prompting the finding under paragraph (c) of this section is not specific to one or more particular pollutants and their precursors, the 2-to-1 ratio shall apply to all pollutants (and their precursors) for which an affected
§ 52.32 Sanctions following findings of SIP inadequacy.

For purposes of the SIP revisions required by §51.120, EPA may make a finding under section 179(a) (1)–(4) of the Clean Air Act, 42 U.S.C. 7509(a) (1)–(4), starting the sanctions process set forth in section 179(a) of the Clean Air Act. Any such finding will be deemed a finding under §52.31(c) and sanctions will be imposed in accordance with the order of sanctions and the terms for such sanctions established in §52.31.

[60 FR 4737, Jan. 24, 1995]

§ 52.33 Compliance certifications.

(a) For the purpose of submitting compliance certifications, nothing in this part or in a plan promulgated by the Administrator shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed.

(b) For all federal implementation plans, paragraph (a) of this section is incorporated into the plan.

§ 52.34 Action on petitions submitted under section 126 relating to emissions of nitrogen oxides.

(a) Definitions. For purposes of this section, the following definitions apply:

(1) Administrator means the Administrator of the United States Environmental Protection Agency or the Administrator’s duly authorized representative.

(2) Large Electric Generating Units (large EGUs) means:
   (i) For units that commenced operation before January 1, 1997, a unit serving during 1995 or 1996 a generator that had a nameplate capacity greater than 25 MWe and produced electricity for sale under a firm contract to the electric grid.
   (ii) For units that commenced operation on or after January 1, 1997 and before January 1, 1999, a unit serving at any time during 1997 or 1998 a generator that had a nameplate capacity greater than 25 MWe and produced electricity for sale under a firm contract to the electric grid.
   (iii) For units that commence operation on or after January 1, 1999, a unit serving at any time a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale.

(3) Large Non-Electric Generating Units (large non-EGUs) means:
   (i) For units that commenced operation before January 1, 1997, a unit that has a maximum design heat input greater than 250 mmBtu/hr and that did not serve during 1995 or 1996 a generator producing electricity for sale under a firm contract to the electric grid.
   (ii) For units that commenced operation on or after January 1, 1997 and before January 1, 1999, a unit serving at any time during 1997 or 1998 a generator producing electricity for sale under a firm contract to the electric grid.
   (iii) For units that commence operation on or after January 1, 1999, a unit with a maximum design heat input greater than 250 mmBtu/hr that:
      (A) At no time serves a generator producing electricity for sale; or
      (B) At any time serves a generator producing electricity for sale, if any such generator has a nameplate capacity of 25 MWe or less and has the potential to use 50 percent or less of the potential electrical output capacity of the unit.

(4) New sources means new and modified sources.

(5) NOx means oxides of nitrogen.

(6) OTAG means the Ozone Transport Assessment Group (active 1995–1997), a national work group that addressed the problem of ground-level ozone and the long-range transport of air pollution across the Eastern United States. The OTAG was a partnership between EPA, the Environmental Council of the States, and various industry and environmental groups.

(7) Ozone season means the period of time beginning May 1 of a year and ending on September 30 of the same year, inclusive.

(8) Potential electrical output capacity means, with regard to a unit, 33 percent of the maximum design heat input of the unit.

(9) Unit means a fossil-fuel fired stationary boiler, combustion turbine, or combined cycle system.

(b) Purpose and applicability. Paragraphs (c), (e)(1) and (e)(2), (g), and (h)(1) and (h)(2) of this section set forth the Administrator’s findings with respect to the 1-hour national ambient air quality standard (NAAQS) for ozone that certain new and existing sources of emissions of nitrogen oxides ("NOx") in certain States emit or would emit NOx in violation of the prohibition in section 110(a)(2)(D)(i) of the Clean Air Act (CAA) on emissions in amounts that contribute significantly to non-attainment in certain States that submitted petitions in 1997–1998 addressing such NOx emissions under section 126 of the CAA. Paragraphs (d), (e)(3) and (e)(4), (f), and (h)(3) and (h)(4) of this section set forth the Administrator’s affirmative technical determinations with respect to the 8-hour NAAQS for ozone that certain new and existing sources of emissions of NOx in certain States emit or would emit NOx in violation of the prohibition in section 110(a)(2)(D)(i) of the CAA on emissions.
in amounts that contribute significantly to nonattainment in, or interfere with maintenance by, certain States that submitted petitions in 1997–1998 addressing such NOX emissions under section 126 of the CAA. (As used in this section, the term new source includes modified sources, as well.) Paragraph (i) of this section explains the circumstances under which the findings for sources in a specific State would be withdrawn. Paragraph (j) of this section sets forth the control requirements that apply to the sources of NOX emissions affected by the findings. Paragraph (k) of this section indefinitely stays the effectiveness of the affirmative technical determinations with respect to the 8-hour ozone standard.

(1) The States that submitted such petitions are Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont (each of which, hereinafter in this section, may be referred to also as a “petitioning State”).

(2) The new and existing sources of NOX emissions covered by the petitions that emit or would emit NOX emissions in amounts that make such significant contributions are large electric generating units (EGUs) and large non-EGUs.

(c) Section 126(b) findings relating to impacts on ozone levels in Connecticut—

(1) Section 126(b) findings with respect to the 1-hour ozone standard in Connecticut. The Administrator finds that any existing or new major source or group of stationary sources emits or would emit NOX in violation of the Clean Air Act section 110(a)(2)(d)(i) prohibition with respect to the 1-hour ozone standard in the State of Connecticut if it is or will be:

(i) In a category of large EGUs or large non-EGUs;

(ii) Located in one of the States (or portions thereof) listed in paragraph (c)(2) of this section; and

(iii) Within one of the “Named Source Categories” listed in the portion of Table F–1 in appendix F of this part describing the sources of NOX emissions covered by the petition of the State of Connecticut.

(2) States or portions of States that contain sources for which the Administrator is making section 126(b) findings with respect to the 1-hour ozone standard in Connecticut. The States, or portions of States, that contain sources of NOX emissions for which the Administrator is making section 126(b) findings under paragraph (c)(1) of this section are:

(i) Delaware.

(ii) District of Columbia.

(iii) Portion of Indiana located in OTAG Subregions 2 and 6, as shown in appendix F, Figure F–2, of this part.

(iv) Portion of Kentucky located in OTAG Subregion 6, as shown in appendix F, Figure F–2, of this part.

(v) Maryland.

(vi) Portion of Michigan located south of 44 degrees latitude in OTAG Subregion 2, as shown in appendix F, Figure F–2, of this part.

(vii) Portion of North Carolina located in OTAG Subregion 7, as shown in appendix F, Figure F–2, of this part.

(viii) New Jersey.

(ix) Portion of New York extending west and south of Connecticut, as shown in appendix F, Figure F–2, of this part.

(x) Ohio.

(xi) Pennsylvania.

(xii) Virginia.

(xiii) West Virginia.

(d) Affirmative technical determinations relating to impacts on ozone levels in Maine—

(1) Affirmative technical determinations with respect to the 8-hour ozone standard in Maine. The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NOX in amounts that contribute significantly to nonattainment in the State of Maine, with respect to the 8-hour NAAQS for ozone if it is or will be:

(i) In a category of large EGUs or large non-EGUs;

(ii) Located in one of the States (or portions thereof) listed in paragraph (d)(2) of this section; and

(iii) Within one of the “Named Source Categories’’ listed in the portion of Table F–1 of appendix F of this part describing the sources of NOX emissions covered by the petition of the State of Maine.

(2) States or portions of States that contain sources for which EPA is making an affirmative technical determination with
Environmental Protection Agency § 52.34

respect to the 8-hour ozone standard in Maine. The States that contain sources for which EPA is making an affirmative technical determination are:

(i) Connecticut.
(ii) Delaware.
(iii) District of Columbia.
(iv) Maryland.
(v) Massachusetts.
(vi) New Jersey.
(vii) New York.
(viii) Pennsylvania.
(ix) Rhode Island.
(x) Virginia.

(e) Section 126(b) findings and affirmative technical determinations relating to impacts on ozone levels in Massachusetts—

(1) Section 126(b) findings with respect to the 1-hour ozone standard in Massachusetts. The Administrator finds that any existing major source or group of stationary sources emits NOX in violation of the Clean Air Act section 110(a)(2)(d)(i) prohibition with respect to the 1-hour ozone standard in the State of Massachusetts if it is:

(i) In a category of large EGUs or large non-EGUs;
(ii) Located in one of the States (or portions thereof) listed in paragraph (e)(2) of this section; and
(iii) Within one of the “Named Source Categories” listed in the portion of Table F–1 in appendix F of this part describing the sources of NOX emissions covered by the petition of the State of Massachusetts.

(2) States that contain sources for which EPA is making section 126(b) findings with respect to the 1-hour ozone standard in Massachusetts. The portions of States that contain sources for which EPA is making an affirmative technical determination are:

(i) All counties in Ohio located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–4, of this part.
(ii) All counties in West Virginia located within a 3-county-wide band of the Ohio River, as shown in appendix F, Figure F–4, of this part.

(f) Affirmative technical determinations relating to impacts on ozone levels in New Hampshire—

(1) Affirmative technical determinations with respect to the 8-hour ozone standard in New Hampshire. The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NOX in amounts that contribute significantly to nonattainment in, or interfere with maintenance by, the State of New Hampshire, with respect to the 8-hour NAAQS for ozone if it is or will be:

(i) In a category of large EGUs or large non-EGUs;
(ii) Located in one of the States (or portions thereof) listed in paragraph (f)(2) of this section; and
(iii) Within one of the “Named Source Categories” listed in the portion of Table F–1 of appendix F of this part describing the sources of NOX emissions covered by the petition of the State of New Hampshire.

(2) States or portions of States that contain sources for which EPA is making an affirmative technical determination with respect to the 8-hour ozone standard in
New Hampshire. The States that contain sources for which EPA is making an affirmative technical determination are:

(i) Connecticut.
(ii) Delaware.
(iii) District of Columbia.
(iv) Maryland.
(v) Massachusetts.
(vi) New Jersey.
(vii) New York.
(viii) Pennsylvania.
(ix) Rhode Island.

(g) Section 126(b) findings relating to impacts on ozone levels in the State of New York—(1) Section 126(b) findings with respect to the 1-hour ozone standard in the State of New York. The Administrator finds that any existing or new major source or group of stationary sources emits or would emit NO\textsubscript{X} in violation of the Clean Air Act section 110(a)(2)(d)(i) prohibition with respect to the 1-hour ozone standard in the State of New York if it is or will be:

(i) In a category of large EGUs or large non-EGUs;
(ii) Located in one of the States (or portions thereof) listed in paragraph (g)(2) of this section; and
(iii) Within one of the “Named Source Categories” listed in the portion of Table F–1 in appendix F of this part describing the sources of NO\textsubscript{X} emissions covered by the petition of the State of New York.

(2) States or portions of States that contain sources for which the Administrator is making section 126(b) findings with respect to the 1-hour ozone standard in New York. The States, or portions of States, that contain sources of NO\textsubscript{X} emissions for which the Administrator is making section 126(b) findings under paragraph (g)(1) of this section are:

(i) Delaware.
(ii) District of Columbia.
(iii) Portion of Indiana located in OTAG Subregions 2 and 6, as shown in appendix F, Figure F–6, of this part.
(iv) Portion of Kentucky located in OTAG Subregion 6, as shown in appendix F, Figure F–6, of this part.
(v) Maryland.
(vi) Portion of Michigan located south of 44 degrees latitude in OTAG Subregion 2, as shown in appendix F, Figure F–6, of this part.

(vii) Portion of North Carolina located in OTAG Subregions 6 and 7, as shown in appendix F, Figure F–6, of this part.
(viii) New Jersey.
(ix) Ohio.
(x) Pennsylvania.
(xi) Virginia.
(xii) West Virginia.

(h) Section 126(b) findings and affirmative technical determinations relating to impacts on ozone levels in the State of Pennsylvania—(1) Section 126(b) findings with respect to the 1-hour ozone standard in the State of Pennsylvania. The Administrator finds that any existing or new major source or group of stationary sources emits or would emit NO\textsubscript{X} in violation of the Clean Air Act section 110(a)(2)(d)(i) prohibition with respect to the 1-hour ozone standard in the State of Pennsylvania if it is or will be:

(i) In a category of large EGUs or large non-EGUs;
(ii) Located in one of the States (or portions thereof) listed in paragraph (h)(2) of this section; and (iii) Within one of the “Named Source Categories” listed in the portion of Table F–1 in appendix F of this part describing the sources of NO\textsubscript{X} emissions covered by the petition of the State of Pennsylvania.

(2) States that contain sources for which the Administrator is making section 126(b) findings with respect to the 1-hour ozone standard in Pennsylvania. The States that contain sources of NO\textsubscript{X} emissions for which the Administrator is making section 126(b) findings under paragraph (h)(1) of this section are:

(i) North Carolina.
(ii) Ohio.
(iii) Virginia.
(iv) West Virginia.

(3) Affirmative technical determinations with respect to the 8-hour ozone standard in Pennsylvania. The Administrator of EPA finds that any existing or new major source or group of stationary sources emits or would emit NO\textsubscript{X} in amounts that contribute significantly to nonattainment in, or interfere with maintenance by, the State of Pennsylvania, with respect to the 8-hour NAAQS for ozone:

(i) In a category of large EGUs or large non-EGUs;
Environmental Protection Agency

§ 52.35

(ii) Located in one of the States (or portions thereof) listed in paragraph (h)(4) of this section; and

(iii) Within one of the “Named Source Categories” listed in the portion of Table F–1 in appendix F of this part describing the sources of NOX emissions covered by the petition of the State of Pennsylvania.

(4) States or portions of States that contain sources for which EPA is making an affirmative technical determination with respect to the 8-hour ozone standard in Pennsylvania. The States that contain sources for which EPA is making an affirmative technical determination are:

(i) Alabama.
(ii) Illinois.
(iii) Indiana.
(iv) Kentucky.
(v) Michigan.
(vi) Missouri.
(vii) North Carolina.
(viii) Ohio.
(ix) Tennessee.
(x) Virginia.
(xi) West Virginia.

(i) Withdrawal of section 126 findings. Notwithstanding any other provision of this subpart, a finding under paragraphs (c), (e)(1) and (e)(2), (g), and (h)(1) and (h)(2) of this section as to a particular major source or group of stationary sources in a particular State will be deemed to be withdrawn, and the corresponding part of the relevant petition(s) denied, if the Administrator issues a final action putting in place implementation plan provisions that comply with the requirements of §§51.121 and 51.122 of this chapter for such State.

(j) Section 126 control remedy. The Federal NOX Budget Trading Program provisions of part 97 of this chapter apply to the owner or operator of any new or existing large EGU or large non-EGU as to which the Administrator makes a finding under section 126(b) of the Clean Air Act pursuant to the provisions of paragraphs (c), (e)(1) and (e)(2), (g), and (h)(1) and (h)(2) of this section.

(k) Stay of findings with respect to the 8-hour ozone standard. Notwithstanding any other provisions of this subpart, the effectiveness of paragraphs (d), (e)(3) and (e)(4), (f), (h)(3) and (h)(4) of this section is stayed.

(l) Temporary stay of rules. Notwithstanding any other provisions of this subpart, the effectiveness of this section is stayed from July 26, 1999 until February 17, 2000.


§ 52.35 What are the requirements of the Federal Implementation Plans (FIPs) for the Clean Air Interstate Rule (CAIR) relating to emissions of nitrogen oxides?

(a)(1) The Federal CAIR NOX Annual Trading Program provisions of part 97 of this chapter constitute the Clean Air Interstate Rule Federal Implementation Plan provisions that relate to annual emissions of nitrogen oxides (NOX). Each State that is described in §51.123(c)(1) and (2) of this chapter receives a finding by the Administrator that the State failed to submit a State Implementation Plan (SIP) to satisfy the requirements of section 110(a)(2)(D)(i)(I) of the Clean Air Act for the PM2.5 NAAQS. The provisions of subparts AA through II of part 97 of this chapter, regarding the CAIR NOX Annual Trading Program, apply to the sources in each of these States that has not promulgated a SIP approved by the Administrator as correcting that deficiency. Following promulgation of an approval by the Administrator of a State’s SIP as meeting the requirements of section 110(a)(2)(D)(i)(I) of the Clean Air Act for the PM2.5 NAAQS, the provisions of part 97 of this chapter will no longer apply to the sources in that State, except to the extent the Administrator’s approval of the SIP is partial or conditional or unless such approval is under §51.123(p) of this chapter.

(2) Notwithstanding any provisions of paragraph (a)(1) of this section, if, at the time of such approval of the State’s SIP, the Administrator has already allocated any CAIR NOX allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to allocate the allocation of CAIR NOX allowances for those years shall continue to
apply, unless the Administrator approves a SIP that provides for the allocation of the remaining CAIR NO\textsubscript{X} allowances for those years.

(b)(1) The Federal CAIR NO\textsubscript{X} Ozone Season Trading Program provisions of part 97 of this chapter constitute the Clean Air Interstate Rule Federal Implementation Plan provisions that relate to emissions of nitrogen oxides (NO\textsubscript{X}) during the ozone season, as defined in §97.302 of this chapter. Each State that is described in §51.123(c)(1) and (3) of this chapter received a finding by the Administrator that the State failed to submit a State Implementation Plan (SIP) to satisfy the requirements of section 110(a)(2)(D)(i)(I) of the Clean Air Act for the 8-hour ozone NAAQS. The provisions of subparts AAAA through IIII of part 97 of this chapter, regarding the CAIR NO\textsubscript{X} Ozone Season Trading Program, apply to sources in each of these States that has not promulgated a SIP revision approved by the Administrator as correcting that deficiency. Following promulgation of an approval by the Administrator of a State’s SIP as meeting the requirements of CAIR for ozone relating to NO\textsubscript{X} under §51.123 of this chapter, these provisions of part 97 of this chapter will no longer apply to sources in that State, except to the extent the Administrator’s approval of the SIP is partial or conditional or unless such approval is under §51.123(ee) of this chapter.

(2) Notwithstanding any provisions of paragraphs (a) and (b) of this section, such paragraphs are not applicable as they relate to sources in the State of Minnesota as of December 3, 2009, except as provided in §52.1240(b).

(c) The provisions of this section do not invalidate or otherwise affect the obligations of States, emissions sources, or other responsible entities with respect to all portions of plans approved or promulgated under this part or the obligations of States under the requirements of §§51.123 and 51.125 of this chapter.

(d)(1) The States with SIPs approved by the Administrator as meeting the requirements of CAIR for PM\textsubscript{2.5} relating to NO\textsubscript{X} under §51.123(o) of this chapter are: Indiana, and Ohio.

(2) The States with SIPs approved by the Administrator as meeting the requirements of CAIR for ozone relating to NO\textsubscript{X} under §51.123(aa) of this chapter, are: Indiana, and Ohio.

(e) Notwithstanding paragraphs (a) and (b) of this section, such paragraphs are not applicable as they relate to sources in the State of Minnesota as of December 3, 2009, except as provided in §52.1240(b).

(f) Notwithstanding any provisions of paragraphs (a) through (d) of this section, subparts AA through II and AAAA through IIII of part 97 of this chapter, and any State’s SIP to the contrary:

(1) With regard to any control period that begins after December 31, 2014,

(i) The provisions in paragraphs (a) through (d) of this section relating to NO\textsubscript{X} annual or ozone season emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AA through II and AAAA through IIII of part 97 of this chapter;

(2) The Administrator will not deduct for excess emissions any CAIR NO\textsubscript{X} allowances or CAIR NO\textsubscript{X} Ozone Season allowances allocated for 2015 or any year thereafter;

(3) By March 3, 2015, the Administrator will remove from the CAIR NO\textsubscript{X} Allowance Tracking System accounts all CAIR NO\textsubscript{X} allowances allocated for a control period in 2015 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO\textsubscript{X} allowances will be required with regard to emissions or excess emissions for such control periods;

(4) By March 3, 2015, the Administrator will remove from the CAIR NO\textsubscript{X} Ozone Season Allowance Tracking System accounts all CAIR NO\textsubscript{X} Ozone Season allowances allocated for a control period in 2015 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO\textsubscript{X} allowances will be
required with regard to emissions or excess emissions for such control periods.

§ 52.36 What are the requirements of the Federal Implementation Plans (FIPs) for the Clean Air Interstate Rule (CAIR) relating to emissions of sulfur dioxide?

(a) The Federal CAIR \( \text{SO}_2 \) Trading Program provisions of part 97 of this chapter constitute the Clean Air Interstate Rule Federal Implementation Plan provisions for emissions of sulfur dioxide (\( \text{SO}_2 \)). Each State that is described in §51.124(c) of this chapter is subject to a finding by the Administrator that the State failed to submit a State Implementation Plan (SIP) to satisfy the requirements of section 110(a)(2)(D)(i)(I) of the Clean Air Act for the \( \text{PM}_{2.5} \) NAAQS. The provisions of subparts AAA through III of part 97 of this chapter, regarding the CAIR \( \text{SO}_2 \) Trading Program, apply to sources in each of these States that has not promulgated a SIP revision approved by the Administrator as correcting that deficiency. Following promulgation of an approval by the Administrator of a State’s SIP as meeting the requirements of CAIR for \( \text{PM}_{2.5} \) relating to \( \text{SO}_2 \) under §51.124 of this chapter, these provisions of part 97 of this chapter will no longer apply to sources in that State, except to the extent the Administrator’s approval of the SIP is partial or conditional or unless such approval is under §51.124(r) of this chapter.

(b) The provisions of this section do not invalidate or otherwise affect the obligations of States, emissions sources, or other responsible entities with respect to all portions of plans approved or promulgated under this part or the obligations of States under the requirements of §§51.124 and 51.125 of this chapter.

(c) The States with SIPs approved by the Administrator as meeting the requirements of CAIR for \( \text{PM}_{2.5} \) relating to \( \text{SO}_2 \) under §51.124 of this chapter are: Indiana, and Ohio.

(d) Notwithstanding paragraph (a) of this section, such paragraph is not applicable as it relates to sources in the State of Minnesota as of December 3, 2009.

(e) Notwithstanding any provisions of paragraphs (a) through (c) of this section, subparts AAA through III of part 97 of this chapter and any State’s SIP to the contrary:

(1) With regard to any control period that begins after December 31, 2014,

(i) The provisions of paragraphs (a) through (e) of this section relating to \( \text{SO}_2 \) emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AAA through III of part 97 of this chapter; and

(2) The Administrator will not deduct for excess emissions any CAIR \( \text{SO}_2 \) allowances allocated for 2015 or any year thereafter.

§ 52.37 What are the requirements of the Federal Implementation Plans (FIPs) to issue permits under the Prevention of Significant Deterioration requirements to sources that emit greenhouse gases?

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met to the extent the plan, as approved, of the states listed in paragraph (b) of this section does not apply with respect to emissions of the pollutant GHGs from certain stationary sources. Therefore, the provisions of §52.21 except paragraph (a)(1) are hereby made a part of the plan for each state listed in paragraph (b) of this section for:

(1) Beginning January 2, 2011, the pollutant GHGs from stationary sources described in §52.21(b)(49)(iv), and

(2) beginning July 1, 2011, in addition to the pollutant GHGs from sources described under paragraph (a)(1) of this section, stationary sources described in §52.21(b)(49)(v).

(b) Paragraph (a) of this section applies to:

(1) Arizona, Pinal County; Rest of State (Excludes Maricopa County, Pima County, and Indian Country); (2)–(7) [Reserved]
§ 52.38 What are the requirements of the Federal Implementation Plans (FIPs) under the Transport Rule (TR) relating to emissions of nitrogen oxides?

(a)(1) The TR NO\textsubscript{X} Annual Trading Program provisions set forth in subpart AAAAA of part 97 of this chapter constitute the TR Federal Implementation Plan provisions that relate to annual emissions of nitrogen oxides (NO\textsubscript{X}).

(2) The provisions of subpart AAAAA of part 97 of this chapter apply to the sources in the following States and Indian country located within the borders of such States: Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

(3) Notwithstanding the provisions of paragraph (a)(1) of this section, a State listed in paragraph (a)(2) of this section may adopt and include in a SIP revision, and the Administrator will approve, as TR NO\textsubscript{X} Annual allowance allocation provisions replacing the provisions in §97.411(a) of this chapter with regard to the State and the control period in 2016, a list of TR NO\textsubscript{X} Annual allowances allocated to each unit on such list, provided that the list of units and allocations meets the following requirements:

(i) All of the units on the list must be units that are in the State and commenced commercial operation before January 1, 2010;

(ii) The total amount of TR NO\textsubscript{X} Annual allowance allocations on the list must not exceed the amount, under §97.410(a) of this chapter for the State and the control period in 2016, of TR NO\textsubscript{X} Annual trading budget minus the sum of the new unit set-aside and Indian country new unit set-aside;

(iii) The list must be submitted electronically in a format specified by the Administrator; and

(iv) The SIP revision must not provide for any change in the units and allocations on the list after approval of the SIP revision by the Administrator and must not provide for any change in any allocation determined and recorded by the Administrator under subpart AAAAA of part 97 of this chapter;

(v) Provided that:

(A) By October 17, 2011, the State must notify the Administrator electronically in a format specified by the Administrator of the State’s intent to submit to the Administrator a complete SIP revision meeting the requirements of paragraph (a)(3)(i) through (iv) of this section by April 1, 2015; and

(B) The State must submit to the Administrator a complete SIP revision described in paragraph (a)(3)(v)(A) of this section by April 1, 2015.

(4) Notwithstanding the provisions of paragraph (a)(1) of this section, a State listed in paragraph (a)(2) of this section may adopt and include in a SIP revision, and the Administrator will approve, regulations revising subpart AAAAA of part 97 of this chapter as follows and not making any other substantive revisions of that subpart:

(i) The State may adopt, as TR NO\textsubscript{X} Annual allowance allocation or auction provisions replacing the provisions in §§97.411(a) and (b)(1) and 97.412(a) of this chapter with regard to the State and the control period in 2017 or any subsequent year, any methodology under which the State or the permitting authority allocates or auctions TR NO\textsubscript{X} Annual allowances, and may adopt, in addition to the definitions in §97.402 of this chapter, one or more definitions that shall apply only to terms as used in the adopted TR NO\textsubscript{X} Annual allowance allocation or auction provisions, if such methodology—

(A) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR NO\textsubscript{X} Annual allowance allocation or auction provisions, if such methodology—
trading budget minus the sum of the Indian country new unit set-aside and the amount of any TR NOX Annual allowances already allocated and recorded by the Administrator.

(B) Requires, to the extent the State adopts provisions for allocations or auctions of TR NOX Annual allowances for any such control period to any TR NOX Annual units covered by §97.411(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions for such control period (except allocations or results of auctions to such units of TR NOX Annual allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator no later than the following dates:

<table>
<thead>
<tr>
<th>Year of the control period for which TR NOX annual allowances are allocated or auctioned</th>
<th>Deadline for submission of allocations or auction results to the Administrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>June 1, 2016.</td>
</tr>
<tr>
<td>2018</td>
<td>June 1, 2016.</td>
</tr>
<tr>
<td>2019</td>
<td>June 1, 2017.</td>
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<tr>
<td>2020</td>
<td>June 1, 2017.</td>
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<tr>
<td>2021</td>
<td>June 1, 2018.</td>
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<tr>
<td>2022</td>
<td>June 1, 2018.</td>
</tr>
<tr>
<td>2023 and any year thereafter</td>
<td>June 1 of the fourth year before the year of the control period.</td>
</tr>
</tbody>
</table>

(C) Requires, to the extent the State adopts provisions for allocations or auctions of TR NOX Annual allowances for any such control period to any TR NOX Annual units covered by §§97.411(b)(1) and 97.412(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions (except allocations or results of auctions to such units of TR NOX Annual allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator by July 1 of the year of such control period.

(D) Does not provide for any change, after the submission deadlines in paragraphs (a)(4)(i)(B) and (C) of this section, in the allocations submitted to the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart AAAAA of part 97 of this chapter;

(ii) Provided that the State must submit a complete SIP revision meeting the requirements of paragraph (a)(4)(i) of this section by December 1 of the year before the year of the deadlines for submission of allocations or auction results to such units of TR NOX Annual allowances for any such control period.

(A) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR NOX Annual allowances for any such control period not exceeding the amount, under §§97.410(a) and 97.421 of this chapter, for the State and such control period.

(B) Requires, to the extent the State adopts provisions for allocations or auctions of TR NOX Annual allowances for any such control period to any TR NOX Annual units covered by §97.411(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions

Environmental Protection Agency

§52.38
§ 52.38

40 CFR Ch. I (7–1–16 Edition)

for such control period (except allocations or results of auctions to such units of TR NOx Annual allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator no later than the following dates:

<table>
<thead>
<tr>
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</tbody>
</table>

(C) Requires, to the extent the State adopts provisions for allocations or auctions of TR NOx Annual allowances for any such control period to any TR NOx Annual units covered by §§ 97.411(b)(1) and 97.412(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions (except allocations or results of auctions to such units of TR NOx Annual allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator by July 1 of the year of such control period.

(D) Does not provide for any change, after the submission deadlines in paragraphs (a)(5)(i)(B) and (C) of this section, in the allocations submitted to the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart AAAAA of part 97 of this chapter;

(ii) May adopt, in addition to the definitions in §97.402 of this chapter, one or more definitions that shall apply only to terms as used in the TR NOx Annual allowance allocation or auction provisions adopted under paragraph (a)(5)(ii) of this section;

(iii) May substitute the name of the State for the term “State” as used in subpart AAAAA of part 97 of this chapter, to the extent the Administrator determines that such substitutions do not make substantive changes in the provisions in §§97.402 through 97.435 of this chapter; and

(iv) Must not include any of the references to, or requirements imposed on, any unit in Indian country within the borders of the State in the provisions in §§97.402 through 97.435 of this chapter and must not include the provisions in §§97.411(b)(2) and 97.412(b), all of which provisions will continue to apply under the portion of the TR Federal Implementation Plan that is not replaced by the SIP revision;

(v) Provided that, if and when any covered unit is located in Indian country within the borders of the State, the Administrator may modify his or her approval of the SIP revision to exclude the provisions in §§97.402 (definitions of “common designated representative”, “common designated representative’s assurance level”, and “common designated representative’s share”), 97.406(c)(2), 97.425, and the portions of other provisions referencing these sections and may modify the portion of the TR Federal Implementation Plan that is not replaced by the SIP revision to include these provisions;

(vi) Provided that the State must submit a complete SIP revision meeting the requirements of paragraphs (a)(5)(i) through (iv) of this section by December 1 of the year before the year of the deadlines for submission of allocations or auction results under paragraphs (a)(5)(i)(B) and (C) of this section applicable to the first control period for which the State wants to make allocations or hold an auction under paragraphs (a)(5)(i) and (ii) of this section.

(6) Following promulgation of an approval by the Administrator of a State’s SIP revision as correcting in whole or in part, as appropriate, the SIP’s deficiency that is the basis for the TR Federal Implementation Plan described in paragraphs (a)(1) through (5) of this section, the provisions of paragraph (a)(2) of this section will no longer apply to the sources in the State, unless the Administrator’s approval of the SIP revision is partial or conditional, and will continue to apply to sources in any Indian country within the borders of the State.

(7) Notwithstanding the provisions of paragraph (a)(6) of this section, if, at
Environmental Protection Agency § 52.38

the time of such approval of the State’s SIP revision, the Administrator has already started recording any allocations of TR NOX Annual allowances under subpart AAAAA of part 97 of this chapter to units in a 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 NOX 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 TR NOX Ozone Season Trading Program provisions set forth in part 97 of this chapter constitute the TR Federal Implementation Plan provisions that relate to emissions of NOX during the ozone season, defined as May 1 through September 30 of a calendar year.

(b)(2) The provisions of subpart BBBBB of part 97 of this chapter apply to sources in each of the following States and Indian country located within the borders of such States: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

(b)(3) Notwithstanding the provisions of paragraph (b)(1) of this section, a State listed in paragraph (b)(2) of this section may adopt and include in a SIP revision, and the Administrator will approve, as TR NOX Ozone Season allowance allocation provisions replacing the provisions in §97.511(a) of this chapter with regard to the State and the control period in 2016, a list of TR NOX Ozone Season units and the amount of TR NOX Ozone Season allowances allocated to each unit on such list, provided that the list of units and allocations meets the following requirements:

(i) All of the units on the list must be units that are in the State and commenced commercial operation before January 1, 2010;

(ii) The total amount of TR NOX Ozone Season allowance allocations on the list must not exceed the amount, under §97.510(a) of this chapter for the State and the control period in 2016, of TR NOX Ozone Season trading budget minus the sum of the new unit set-aside and Indian country new unit set-aside;

(iii) The list must be submitted electronically in a format specified by the Administrator; and

(iv) The SIP revision must not provide for any change in the units and allocations on the list after approval of the SIP revision by the Administrator and must not provide for any change in any allocation determined and recorded by the Administrator under subpart BBBBB of part 97 of this chapter;

(v) Provided that:

(A) By October 17, 2011 or, for Iowa, Michigan, Missouri, Oklahoma, and Wisconsin, March 6, 2015, the State must notify the Administrator electronically in a format specified by the Administrator of the State’s intent to submit to the Administrator a complete SIP revision meeting the requirements of paragraph (b)(3)(i) through (iv) of this section by April 1, 2015 or, for Iowa, Michigan, Missouri, Oklahoma, and Wisconsin, October 1, 2015; and

(B) The State must submit to the Administrator a complete SIP revision described in paragraph (b)(3)(v)(A) of this section by April 1, 2015 or, for Iowa, Michigan, Missouri, Oklahoma, and Wisconsin, October 1, 2015.

(b)(4) Notwithstanding the provisions of paragraph (b)(1) of this section, a State listed in paragraph (b)(2) of this section may adopt and include in a SIP revision, and the Administrator will approve, regulations revising subpart BBBBB of part 97 of this chapter as follows and not making any other substantive revisions of that subpart:

(i) The State may adopt, as applicability provisions replacing the provisions in §§97.504(a)(1) and (2) of this chapter, provisions substantively identical to those provisions, except that the words “more than 25 MWe” are replaced, whenever such words appear, by words specifying a uniform lower limit on the amount of megawatts that is not greater than the amount specified by the words “15 MWe or more”; or
(ii) The State may adopt, as TR NO\textsubscript{X} Ozone Season allowance allocation or auction provisions replacing the provisions in §§97.511(a) and (b)(1) and 97.512(a) of this chapter with regard to the control period in 2017 or any subsequent year, any methodology under which the State or the permitting authority allocates or auctions TR NO\textsubscript{X} Ozone Season allowances, and may adopt, in addition to the definitions in §97.502 of this chapter, one or more definitions that shall apply only to terms as used in the adopted TR NO\textsubscript{X} Ozone Season allowance allocation or auction provisions, if such methodology—

(A) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR NO\textsubscript{X} Ozone Season allowances for any such control period not exceeding the amount, under §§97.510(a) and 97.521 of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions for any such control period to the Administrator by July 1 of the year of such control period.

(B) Requires, to the extent the State adopts provisions for allocations or auctions of TR NO\textsubscript{X} Ozone Season allowances for any such control period to any TR NO\textsubscript{X} Ozone Season units covered by §§97.511(b)(1) and 97.512(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions for which the set-aside was created to the Administrator by July 1 of the year of such control period.

(C) Requires, to the extent the State adopts provisions for allocations or auctions of TR NO\textsubscript{X} Ozone Season allowances for any such control period to any TR NO\textsubscript{X} Ozone Season units covered by §§97.511(b)(1) and 97.512(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions for which the set-aside was created to the Administrator by July 1 of the year of such control period.

(D) Does not provide for any change, after the submission deadlines in paragraphs (b)(4)(i)(B) and (C) of this section, in the allocations submitted to the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart BBBBB of part 97 of this chapter;

(iii) Provided that the State must submit a complete SIP revision meeting the requirements of paragraph (b)(4)(i) or (ii) of this section by December 1 of the year before the year of the deadlines for submission of allocations or auction results under paragraphs (b)(4)(i)(B) and (C) of this section applicable to the first control period for which the State wants to replace the applicability provisions, make allocations, or hold an auction under paragraph (b)(4)(i) or (ii) of this section.

(5) Notwithstanding the provisions of paragraph (b)(1) of this section, a State listed in paragraph (b)(2) of this section may adopt and include in a SIP revision, and the Administrator will approve, as correcting in whole or in part, as appropriate, the deficiency in the SIP that is the basis for the TR Federal Implementation Plan set forth in paragraphs (b)(1) through (4) of this section, regulations that are substantively identical to the provisions of the TR NO\textsubscript{X} Ozone Season Trading
Program set forth in §§97.502 through 97.535 of this chapter, except that the SIP revision:

(i) May adopt, as applicability provisions replacing the provisions in §§97.504(a)(1) and (2) of this chapter, provisions substantively identical to those provisions, except that the words "more than 25 MWe" are replaced, whenever such words appear, by words specifying a uniform lower limit on the amount of megawatts that is not greater than the amount specified by the words "more than 25 MWe" and is not less than the amount specified by the words "15 MWe or more"; or

(ii) May adopt, as TR NOx Ozone Season allowance allocation provisions replacing the provisions in §§97.511(a) and (b)(1) and 97.512(a) of this chapter with regard to the control period in 2017 and any subsequent year, any methodology under which the State or the permitting authority allocates auctions TR NOx Ozone Season allowances and that—

(A) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR NOx Ozone Season allowances for any such control period not exceeding the amount, under §§97.510(a) and 97.521 of this chapter for the State and such control period, of the TR NOx Ozone Season trading budget minus the sum of the Indian country new unit set-aside and the amount of any TR NOx Ozone Season allowances already allocated and recorded by the Administrator.

(B) Requires, to the extent the State adopts provisions for allocations or auction of TR NOx Ozone Season allowances for any such control period to any TR NOx Ozone Season units covered by §§97.511(b)(1) and 97.512(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions for which the set-aside was created) to the Administrator by July 1 of the year of such control period.

(C) Requires, to the extent the State adopts provisions for allocations or auctions of TR NOx Ozone Season allowances for any control period to any TR NOx Ozone Season units covered by §§97.511(b)(1) and 97.512(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions for which the set-aside was created) to the Administrator by July 1 of the year of such control period.

(D) Does not provide for any change, after the submission deadlines in paragraphs (b)(5)(ii)(B) and (C) of this section, in the allocations submitted to the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart BBBBB of part 97 of this chapter;

(iii) May adopt in addition to the definitions in §97.502 of this chapter, one or more definitions that shall apply only to terms as used in the TR NOx Ozone Season allowance allocation or auction provisions adopted under paragraph (b)(5)(ii) of this section;

(iv) May substitute the name of the State for the term "State" as used in subpart BBBBB of part 97 of this chapter, to the extent the Administrator determines that such substitutions do not make substantive changes in the provisions in §§97.502 through 97.535 of this chapter; and

(v) Must not include any of the references to, or requirements imposed on, any unit in Indian country within the borders of the State in the provisions in §§97.511(b)(2) and 97.512(b), all of which provisions will continue to
apply under the portion of the TR Federal Implementation Plan that is not replaced by the SIP revision;

(vi) Provided that, if and when any covered unit is located in Indian country within the borders of the State, the Administrator may modify his or her approval of the SIP revision to exclude the provisions in §§97.502 (definitions of “common designated representative”, “common designated representative’s assurance level”, and “common designated representative’s share”), 97.506(c)(2), 97.525, and the portions of other provisions referencing these sections and may modify the portion of the TR Federal Implementation Plan that is not replaced by the SIP revision to include these provisions;

(vii) Provided that the State must submit a complete SIP revision meeting the requirements of paragraph (b)(5)(i) through (v) of this section by December 1 of the year before the year of the deadlines for submission of allocations or auction results under paragraphs (5)(ii)(B) and (C) of this section applicable to the first control period for which the State wants to replace the applicability provisions, make allocations, or hold an auction under paragraphs (b)(5)(ii) and (iii) of this section.

(6) Following promulgation of an approval by the Administrator of a State’s SIP revision as correcting in whole or in part, as appropriate, the SIP’s deficiency that is the basis for the TR Federal Implementation Plan set forth in paragraphs (b)(1) through (5) of this section, the provisions of paragraph (b)(2) of this section will no longer apply to sources in the State, unless the Administrator’s approval of the SIP revision is partial or conditional, and will continue to apply to sources in any Indian country within the borders of the State.

(7) Notwithstanding the provisions of paragraph (b)(6) of this section, if, at the time of such approval of the State’s SIP revision, the Administrator has already started recording any allocations of TR NO\textsubscript{X} Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in a 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\textsubscript{X} 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.


§52.39 What are the requirements of the Federal Implementation Plans (FIPs) for the Transport Rule (TR) relating to emissions of sulfur dioxide?

(a) The TR SO\textsubscript{2} Group 1 Trading Program provisions and the TR SO\textsubscript{2} Group 2 Trading Program provisions set forth respectively in subparts CCCCC and DDDDD of part 97 of this chapter constitute the TR Federal Implementation Plan provisions that relate to emissions of sulfur dioxide (SO\textsubscript{2}).

(b) The provisions of subpart CCCCC of part 97 of this chapter apply to sources in each of the following States and Indian country located within the borders of such States: Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

(c) The provisions of subpart DDDDD of part 97 of this chapter apply to sources in each of the following States and Indian country located within the borders of such States: Alabama, Georgia, Kansas, Minnesota, Nebraska, South Carolina, and Texas.

(d) Notwithstanding the provisions of paragraph (a) of this section, a State listed in paragraph (b) of this section may adopt and include in a SIP revision, and the Administrator will approve, as TR SO\textsubscript{2} Group 1 allowance allocation provisions replacing the provisions in §97.611(a) of this chapter with regard to the State and the control period in 2016, a list of TR SO\textsubscript{2} Group 1 units and the amount of TR SO\textsubscript{2} Group 1 allowances allocated to each unit on such list, provided that the list of units and allocations meets the following requirements:

(1) All of the units on the list must be units that are in the State and commenced commercial operation before January 1, 2010;
(2) The total amount of TR SO\textsubscript{2} Group 1 allowance allocations on the list must not exceed the amount, under §97.610(a) of this chapter for the State and the control period in 2016, of TR SO\textsubscript{2} Group 1 trading budget minus the sum of the new unit set-aside and Indian country new unit set-aside.

(3) The list must be submitted electronically in a format specified by the Administrator; and

(4) The SIP revision must not provide for any change in the units and allocations on the list after approval of the SIP revision by the Administrator and must not provide for any change in any allocation determined and recorded by the Administrator under subpart CCCC of part 97 of this chapter;

(5) Provided that: 

(i) By October 17, 2011, the State must notify the Administrator electronically in a format specified by the Administrator of the State’s intent to submit to the Administrator a complete SIP revision meeting the requirements of paragraph (d)(1) through (4) of this section by April 1, 2015; and

(ii) The State must submit to the Administrator a complete SIP revision described in paragraph (d)(5)(i) of this section by April 1, 2015.

(e) Notwithstanding the provisions of paragraph (a) of this section, a State listed in paragraph (b) of this section may adopt and include in a SIP revision, and the Administrator will approve, regulations revising subpart CCCC of part 97 of this chapter as follows and not making any other substantive revisions of that subpart:

(1) The State may adopt, as TR SO\textsubscript{2} Group 1 allowance allocation or auction provisions replacing the provisions in §§97.611(a) and (b)(1) and 97.612(a) of this chapter with regard to the control period in 2017 or any subsequent year, any methodology under which the State or the permitting authority allocates or auctions TR SO\textsubscript{2} Group 1 allowances and may adopt, in addition to the definitions in §97.602 of this chapter, one or more definitions that shall apply only to terms as used in the adopted TR SO\textsubscript{2} Group 1 allowance allocation or auction provisions, if such methodology,

(i) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR SO\textsubscript{2} Group 1 allowances for any such control period not exceeding the amount, under §§97.610(a) and 97.621 of this chapter for the State and such control period, of the TR SO\textsubscript{2} Group 1 trading budget minus the sum of the Indian country new unit set-aside and the amount of any TR SO\textsubscript{2} Group 1 allowances already allocated and recorded by the Administrator.

(ii) Requires, to the extent the State adopts provisions for allocations or auction of TR SO\textsubscript{2} Group 1 allowances for any such control period to any TR SO\textsubscript{2} Group 1 units covered by §§97.611(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions for such control period (except allocations or results of auctions to such units of TR SO\textsubscript{2} Group 1 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator no later than the following dates:

<table>
<thead>
<tr>
<th>Year of the control period for which TR SO\textsubscript{2} Group 1 allowances are allocated or auctioned</th>
<th>Deadline for submission of allocations or auction results to administrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>June 1, 2016.</td>
</tr>
<tr>
<td>2018</td>
<td>June 1, 2016.</td>
</tr>
<tr>
<td>2019</td>
<td>June 1, 2017.</td>
</tr>
<tr>
<td>2020</td>
<td>June 1, 2017.</td>
</tr>
<tr>
<td>2021</td>
<td>June 1, 2018.</td>
</tr>
<tr>
<td>2022</td>
<td>June 1, 2018.</td>
</tr>
<tr>
<td>2023 and any year thereafter</td>
<td>June 1 of the fourth year before the year of the control period.</td>
</tr>
</tbody>
</table>

(iii) Requires, to the extent the State adopts provisions for allocations or auctions of TR SO\textsubscript{2} Group 1 allowances for any such control period to any TR SO\textsubscript{2} Group 1 units covered by §§97.611(b)(1) and 97.612(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions (except allocations or results of auctions to such units of TR SO\textsubscript{2} Group 1 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator by July 1 of the year of such control period.

(iv) Does not provide for any change, after the submission deadlines in paragraphs (e)(1)(ii) and (iii) of this section,
§ 52.39

in the allocations submitted to the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart CCCCC of part 97 of this chapter;

(2) Provided that the State must submit a complete SIP revision meeting the requirements of paragraph (e)(1) of this section by December 1 of the year before the year of the deadlines for submission of allocations or auction results under paragraphs (e)(1)(ii) and (iii) of this section applicable to the first control period for which the State wants to make allocations or hold an auction under paragraph (e)(1) of this section.

(f) Notwithstanding the provisions of paragraph (a) of this section, a State listed in paragraph (b) of this section may adopt and include in a SIP revision, and the Administrator will approve, as correcting in whole or in part, as appropriate, the deficiency in the SIP that is the basis for the TR Federal Implementation Plan set forth in paragraphs (a), (b), (d), and (e) of this section, regulations that are substantively identical to the provisions of the TR SO2 Group 1 Trading Program set forth in §§97.602 through 97.635 of this chapter, except that the SIP revision:

(1) May adopt, as TR SO2 Group 1 allowance allocation or auction provisions replacing the provisions in §§97.611(a) and (b)(1) and 97.612(a) of this chapter with regard to the control period in 2017 and any subsequent year, any methodology under which the State or the permitting authority allocates or auctions TR SO2 Group 1 allowances and that—

(i) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR SO2 Group 1 allowances for such control period not exceeding the amount, under §§97.610(a) and 97.621 of this chapter for the State and such control period, of the TR SO2 Group 1 trading budget minus the sum of the Indian country new unit set-aside and the amount of any TR SO2 Group 1 allowances already allocated and recorded by the Administrator.

(ii) Requires, to the extent the State adopts provisions for allocations or auction of TR SO2 Group 1 allowances for any such control period to any TR SO2 Group 1 units covered by §97.611(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions for such control period (except allocations or results of auctions to such units of TR SO2 Group 1 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator no later than the following dates:

<table>
<thead>
<tr>
<th>Year of the control period for which TR SO2 Group 1 allowances are allocated or auctioned</th>
<th>Deadline for submission of allocations or auction results to administrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>June 1, 2016.</td>
</tr>
<tr>
<td>2018</td>
<td>June 1, 2016.</td>
</tr>
<tr>
<td>2019</td>
<td>June 1, 2017.</td>
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<tr>
<td>2020</td>
<td>June 1, 2017.</td>
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<tr>
<td>2021</td>
<td>June 1, 2018.</td>
</tr>
<tr>
<td>2022</td>
<td>June 1, 2018.</td>
</tr>
<tr>
<td>2023 and any year thereafter</td>
<td>June 1 of the fourth year before the year of the control period.</td>
</tr>
</tbody>
</table>

(iii) Requires, to the extent the State adopts provisions for allocations or auctions of TR SO2 Group 1 allowances for any such control period to any TR SO2 Group 1 units covered by §§97.611(b)(1) and 97.612(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions (except allocations or results of auctions to such units of TR SO2 Group 1 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator by July 1 of the year of such control period.

(iv) Does not provide for any change, after the submission deadlines in paragraphs (f)(2)(ii) and (iii) of this section, in the allocations submitted to the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart CCCCC of part 97 of this chapter;

(2) May adopt, in addition to the definitions in §97.602 of this chapter, one or more definitions that shall apply only to terms as used in the TR SO2 Group 1 allowance allocation or auction provisions adopted under paragraph (f)(1) of this section.
(3) May substitute the name of the State for the term “State” as used in subpart CCCCC of part 97 of this chapter, to the extent the Administrator determines that such substitutions do not make substantive changes in the provisions in §§97.602 through 97.635 of this chapter; and

(4) Must not include any of the references to, or requirements imposed on, any unit in Indian country within the borders of the State in the provisions in §§97.602 through 97.635 of this chapter and must not include the provisions in §§97.611(b)(2) and 97.612(b), all of which provisions will continue to apply under the portion of the TR Federal Implementation Plan that is not replaced by the SIP revision;

(5) Provided that, if and when any covered unit is located in Indian country within the borders of the State, the Administrator may modify his or her approval of the SIP revision to exclude the provisions in §§97.602 (definitions of “common designated representative”, “common designated representative’s assurance level”, and “common designated representative’s share”), 97.606(c)(2), 97.625, and the portions of other provisions referencing these sections and may modify the portion of the TR Federal Implementation Plan that is not replaced by the SIP revision to include these provisions;

(6) Provided that the State must submit a complete SIP revision meeting the requirements of paragraphs (f)(1) through (4) of this section by December 1 of the year before the year of the deadlines for submission of allocations or auction results under paragraphs (f)(1)(ii) and (iii) of this section applicable to the first control period for which the State wants to make allocations or hold an auction under paragraph (f)(1)(ii) and (iii) of this section.

(g) Notwithstanding the provisions of paragraph (a) of this section, a State listed in paragraph (c) of this section may adopt and include in a SIP revision, and the Administrator will approve, any methodology under which the State or the permitting authority allocates or auctions TR SO\(_2\) Group 2 allowances and may adopt, in addition to

(1) All of the units on the list must be units that are in the State and commenced commercial operation before January 1, 2010;

(2) The total amount of TR SO\(_2\) Group 2 allowance allocations on the list must not exceed the amount, under §97.710(a) of this chapter for the State and the control period in 2016, of TR SO\(_2\) Group 2 trading budget minus the sum of the new unit set-aside and Indian country new unit set-aside;

(3) The list must be submitted electronically in a format specified by the Administrator; and

(4) The SIP revision must not provide for any change in the units and allocations on the list after approval of the SIP revision by the Administrator and must provide for any change in any allocation determined and recorded by the Administrator under subpart DDDDD of part 97 of this chapter;

(5) Provided that:

(i) By October 17, 2011, the State must notify the Administrator electronically in a format specified by the Administrator of the State’s intent to submit to the Administrator a complete SIP revision meeting the requirements of paragraph (g)(1) through (4) of this section by April 1, 2015; and

(ii) The State must submit to the Administrator a complete SIP revision described in paragraph (g)(5)(i) of this section by April 1, 2015.

(h) Notwithstanding the provisions of paragraph (a) of this section, a State listed in paragraph (c) of this section may adopt and include in a SIP revision, and the Administrator will approve, regulations revising subpart DDDDD of part 97 of this chapter as follows and not making any other substantive revisions of that subpart:

(1) The State may adopt, as TR SO\(_2\) Group 2 allowance allocation or auction provisions replacing the provisions in §§97.711(a) and (b)(1) and 97.712(a) of this chapter with regard to the control period in 2017 and any subsequent year, any methodology under which the State or the permitting authority allocates or auctions TR SO\(_2\) Group 2 allowances and may adopt, in addition to
§ 97.702 of this chapter, one or more definitions that shall apply only to terms as used in the adopted TR SO2 Group 2 allowance allocation or auction provisions, if such methodology—

(i) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR SO2 Group 2 allowances for any such control period not exceeding the amount, under §§ 97.710(a) and 97.721 of this chapter for the State and such control period, of the TR SO2 Group 2 allowances already allocated and recorded by the Administrator.

(ii) Requires, to the extent the State adopts provisions for allocations or auction of TR SO2 Group 2 allowances for any such control period to any TR SO2 Group 2 units covered by § 97.711(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions for such control period (except allocations or results of auctions to such units of TR SO2 Group 2 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator no later than the following dates:

<table>
<thead>
<tr>
<th>Year of the control period for which TR SO2 Group 2 allowances are allocated or auctioned</th>
<th>Deadline for submission of allocations or auction results to Administrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>June 1, 2016</td>
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<tr>
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</tr>
<tr>
<td>2022 and any year thereafter</td>
<td>June 1 of the fourth year before the year of the control period</td>
</tr>
</tbody>
</table>

(iii) Requires, to the extent the State adopts provisions for allocations or auctions of TR SO2 Group 2 allowances for any such control period to any TR SO2 Group 2 units covered by §§ 97.711(b)(1) and 97.712(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions (except allocations or results of auctions to such units of TR SO2 Group 2 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator by July 1 of the year of such control period.

(iv) Does not provide for any change, after the submission deadlines in paragraphs (h)(1)(ii) and (iii) of this section, in the allocations submitted to the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart DDDD of part 97 of this chapter;

(2) Provided that the State must submit a complete SIP revision meeting the requirements of paragraph (h)(1) of this section by December 1 of the year before the year of the deadlines for submission of allocations or auction results under paragraphs (h)(1)(ii) and (iii) of this section applicable to the first control period for which the State wants to make allocations or hold an auction under paragraph (h)(1)(ii) and (iii) of this section.

(i) Notwithstanding the provisions of paragraph (a) of this section, a State listed in paragraph (c) of this section may adopt and include in a SIP revision, and the Administrator will approve, as correcting in whole or in part, as appropriate, the deficiency in the SIP that is the basis for the TR Federal Implementation Plan set forth in paragraphs (a), (c), (g), and (h) of this section, regulations that are substantively identical to the provisions of the TR SO2 Group 2 Trading Program set forth in §§ 97.702 through 97.735 of this chapter, except that the SIP revision:

(1) May adopt, as TR SO2 Group 2 allowance allocation or auction provisions replacing the provisions in §§ 97.711(a) and (b)(1) and 97.712(a) of this chapter with regard to the control period in 2017 and any subsequent year, any methodology under which the State or the permitting authority allocates or auctions TR SO2 Group 2 allowances and that—

(i) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR SO2 Group 2 allowances for any such control period not exceeding the amount, under §§ 97.710(a) and 97.721 of this chapter for the State and such control period, of the TR SO2 Group 2 allowances already allocated and recorded by the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart DDDD of part 97 of this chapter;

(ii) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR SO2 Group 2 allowances for any such control period not exceeding the amount, under §§ 97.710(a) and 97.721 of this chapter for the State and such control period, of the TR SO2 Group 2 allowances already allocated and recorded by the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart DDDD of part 97 of this chapter;

(iii) Requires, to the extent the State adopts provisions for allocations or auction of TR SO2 Group 2 allowances for any such control period to any TR SO2 Group 2 units covered by § 97.711(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions (except allocations or results of auctions to such units of TR SO2 Group 2 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator no later than the following dates:

<table>
<thead>
<tr>
<th>Year of the control period for which TR SO2 Group 2 allowances are allocated or auctioned</th>
<th>Deadline for submission of allocations or auction results to Administrator</th>
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</thead>
<tbody>
<tr>
<td>2017</td>
<td>June 1, 2016</td>
</tr>
<tr>
<td>2018</td>
<td>June 1, 2016</td>
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<td>2019</td>
<td>June 1, 2017</td>
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<tr>
<td>2020</td>
<td>June 1, 2017</td>
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<tr>
<td>2021</td>
<td>June 1, 2018</td>
</tr>
<tr>
<td>2022 and any year thereafter</td>
<td>June 1 of the fourth year before the year of the control period</td>
</tr>
</tbody>
</table>

(iv) Does not provide for any change, after the submission deadlines in paragraphs (h)(1)(ii) and (iii) of this section, in the allocations submitted to the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart DDDD of part 97 of this chapter;

(2) Provided that the State must submit a complete SIP revision meeting the requirements of paragraph (h)(1) of this section by December 1 of the year before the year of the deadlines for submission of allocations or auction results under paragraphs (h)(1)(ii) and (iii) of this section applicable to the first control period for which the State wants to make allocations or hold an auction under paragraph (h)(1)(ii) and (iii) of this section.

(i) Notwithstanding the provisions of paragraph (a) of this section, a State listed in paragraph (c) of this section may adopt and include in a SIP revision, and the Administrator will approve, as correcting in whole or in part, as appropriate, the deficiency in the SIP that is the basis for the TR Federal Implementation Plan set forth in paragraphs (a), (c), (g), and (h) of this section, regulations that are substantively identical to the provisions of the TR SO2 Group 2 Trading Program set forth in §§ 97.702 through 97.735 of this chapter, except that the SIP revision:

(1) May adopt, as TR SO2 Group 2 allowance allocation or auction provisions replacing the provisions in §§ 97.711(a) and (b)(1) and 97.712(a) of this chapter with regard to the control period in 2017 and any subsequent year, any methodology under which the State or the permitting authority allocates or auctions TR SO2 Group 2 allowances and that—

(i) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR SO2 Group 2 allowances for any such control period not exceeding the amount, under §§ 97.710(a) and 97.721 of this chapter for the State and such control period, of the TR SO2 Group 2 allowances already allocated and recorded by the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart DDDD of part 97 of this chapter;

(ii) Requires the State or the permitting authority to allocate and, if applicable, auction a total amount of TR SO2 Group 2 allowances for any such control period not exceeding the amount, under §§ 97.710(a) and 97.721 of this chapter for the State and such control period, of the TR SO2 Group 2 allowances already allocated and recorded by the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart DDDD of part 97 of this chapter;

(iii) Requires, to the extent the State adopts provisions for allocations or auction of TR SO2 Group 2 allowances for any such control period to any TR SO2 Group 2 units covered by § 97.711(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions (except allocations or results of auctions to such units of TR SO2 Group 2 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator no later than the following dates:

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<td>2020</td>
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<td>2022 and any year thereafter</td>
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(iv) Does not provide for any change, after the submission deadlines in paragraphs (h)(1)(ii) and (iii) of this section, in the allocations submitted to the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart DDDD of part 97 of this chapter;
trading budget minus the sum of the Indian country new unit set-aside and the amount of any TR SO₂ Group 2 allowances already allocated and recorded by the Administrator.

(i) Requires, to the extent the State adopts provisions for allocations or auction of TR SO₂ Group 2 allowances for any such control period to any TR SO₂ Group 2 units covered by §97.711(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions for such control period (except allocations or results of auctions to such units of TR SO₂ Group 2 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator no later than the following dates:

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<td>2017 ..................................................</td>
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(ii) Requires, to the extent the State adopts provisions for allocations or auctions of TR SO₂ Group 2 allowances for any such control period to any TR SO₂ Group 2 units covered by §§97.711(b)(1) and 97.712(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions (except allocations or results of auctions to such units of TR SO₂ Group 2 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator by July 1 of the year of such control period.

(iii) Requires, to the extent the State adopts provisions for allocations or auctions of TR SO₂ Group 2 allowances for any such control period to any TR SO₂ Group 2 units covered by §§97.711(b)(1) and 97.712(a) of this chapter, that the State or the permitting authority submit such allocations or the results of such auctions (except allocations or results of auctions to such units of TR SO₂ Group 2 allowances remaining in a set-aside after completion of the allocations or auctions for which the set-aside was created) to the Administrator by July 1 of the year of such control period.

(iv) Does not provide for any change, after the submission deadlines in paragraphs (i)(1)(ii) and (iii) of this section, in the allocations submitted to the Administrator by such deadlines and does not provide for any change in any allocation determined and recorded by the Administrator under subpart DDDDD of part 97 of this chapter;

(2) May adopt, in addition to the definitions in §§97.702 of this chapter, one or more definitions that shall apply only to terms as used in the TR SO₂ Group 2 allowance allocation or auction provisions adopted under paragraph (i)(1) of this section;

(3) May substitute the name of the State for the term “State” as used in subpart DDDDD of part 97 of this chapter, to the extent the Administrator determines that such substitutions do not make substantive changes in the provisions in §§97.702 through 97.735 of this chapter; and

(4) Must not include any of the references to, or requirements imposed on, any unit in Indian country within the borders of the State in the provisions in §§97.702 through 97.735 of this chapter and must not include the provisions in §§97.711(b)(2) and 97.712(b), all of which provisions will continue to apply under the portion of the TR Federal Implementation Plan that is not replaced by the SIP revision;

(5) Provided that, if and when any covered unit is located in Indian country within the borders of the State, the Administrator may modify his or her approval of the SIP revision to exclude the provisions in §§97.702 (definitions of “common designated representative’s assurance level”, “common designated representative’s share”), 97.706(c)(2), 97.725, and the portions of other provisions referencing these sections and may modify the portion of the TR Federal Implementation Plan that is not replaced by the SIP revision to include these provisions;

(6) Provided that the State must submit a complete SIP revision meeting the requirements of paragraphs (i)(1) through (4) of this section by December 1 of the year before the year of the deadlines for submission of allocations or auction results under paragraphs (i)(1)(ii) and (iii) of this section applicable to the first control period for which the State wants to make allocations or hold an auction under paragraphs (i)(1)(ii) and (iii) of this section.

(j) Following promulgation of an approval by the Administrator of a State’s SIP revision as correcting in whole or in part, as appropriate, the SIP’s deficiency that is the basis for
§ 52.50 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Alabama under section 110 of the Clean Air Act, 42 U.S.C. 7401, 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 prior to August 1, 2008, for Alabama 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 August 1, 2008, for Alabama will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 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 the dates referenced in paragraph (b)(1).

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303 the Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566-1742. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.

(c) EPA Approved Alabama Regulations.

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
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<tbody>
<tr>
<td>Section 335–3–1–01</td>
<td>Purpose</td>
<td>6/22/89</td>
<td>3/19/90; 55 FR 10062.</td>
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<tr>
<td>Section 335–3–1–02</td>
<td>Definitions</td>
<td>9/24/13</td>
<td>6/10/14; 79 FR 33116.</td>
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<td>Section 335–3–1–03</td>
<td>Ambient Air Quality Standards</td>
<td>10/13/98</td>
<td>3/01/99; 64 FR 9918.</td>
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</tr>
<tr>
<td>Section 335–3–1–05</td>
<td>Sampling and Test Methods</td>
<td>6/22/89</td>
<td>3/19/90; 55 FR 10062.</td>
<td></td>
</tr>
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Subpart B—Alabama
### EPA APPROVED ALABAMA REGULATIONS—Continued

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<td>Section 335–3–1–06</td>
<td>Compliance Schedule</td>
<td>10/15/96</td>
<td>6/06/97, 62 FR 30991.</td>
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<tr>
<td>Section 335–3–1–07</td>
<td>Maintenance and Malfunctioning of Equipment; Reporting</td>
<td>10/15/89</td>
<td>3/19/90, 55 FR 10062.</td>
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<td>Section 335–3–1–08</td>
<td>Prohibition of Air Pollution</td>
<td>8/10/00</td>
<td>12/8/00, 65 FR 76940.</td>
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<td>Section 335–3–1–10</td>
<td>Circumvention</td>
<td>9/22/89</td>
<td>3/19/90, 55 FR 10062.</td>
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<td>Section 335–3–1–14</td>
<td>Allowance Transfers</td>
<td>4/6/01</td>
<td>7/16/01, 66 FR 36921.</td>
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<tr>
<td>Section 335–3–1–15</td>
<td>Allowance Inventory Reporting Requirements.</td>
<td>4/3/03</td>
<td>4/24/03, 68 FR 20077.</td>
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<td>Section 335–3–2–01</td>
<td>Air Pollution Emergency</td>
<td>6/22/89</td>
<td>3/19/90, 55 FR 10062.</td>
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<tr>
<td>Section 335–3–2–02</td>
<td>Episode Criteria</td>
<td>8/10/00</td>
<td>12/8/00, 65 FR 76940.</td>
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<td>Section 335–3–2–03</td>
<td>Special Episode Criteria</td>
<td>6/22/89</td>
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<td>Section 335–3–2–05</td>
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<td>6/22/89</td>
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<td>6/22/89</td>
<td>3/19/90, 55 FR 10062.</td>
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<td>6/22/89</td>
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<td>10/15/96</td>
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<td>Other Authority Not Affected</td>
<td>6/22/89</td>
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<td>Section 335–3–3–02</td>
<td>Incinerators</td>
<td>6/22/89</td>
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<td>Section 335–3–4–02</td>
<td>Fugitive Dust and Fugitive Emissions</td>
<td>10/15/96</td>
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<td>Section 335–3–4–05</td>
<td>Small Foundry Cupula</td>
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<td>6/22/89</td>
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<td>Section 335–3–4–09</td>
<td>Coke Ovens</td>
<td>8/10/00</td>
<td>12/8/00, 65 FR 76940.</td>
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<td>Section 335–3–4–10</td>
<td>Primary Aluminium Plants</td>
<td>6/22/89</td>
<td>3/19/90, 55 FR 10062.</td>
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<td>Section 335–3–4–13</td>
<td>Sintering Plants</td>
<td>6/22/89</td>
<td>3/19/90, 55 FR 10062.</td>
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<td>Section 335–3–5–03</td>
<td>Petroleum Production</td>
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<td>12/8/00, 65 FR 76940.</td>
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<td>Section 335–3–5–04</td>
<td>Kraft Pulp Mills</td>
<td>8/10/00</td>
<td>12/8/00, 65 FR 76940.</td>
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<td>Section 335–3–5–06</td>
<td>State Clean Air Interstate Rule (CAIR) SO2 Trading Program General Provisions.</td>
<td>4/3/07</td>
<td>10/17/07, 72 FR 55659.</td>
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<td>Section 335–3–5–07</td>
<td>CAIR Designated Representative for CAIR SO2 Sources.</td>
<td>4/3/07</td>
<td>10/17/07, 72 FR 55659.</td>
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89
### §52.50 EPA APPROVED ALABAMA REGULATIONS—Continued

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<td>10/15/96</td>
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<td>6/22/89</td>
<td>3/19/90; 55 FR 10062.</td>
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<td>10/15/96</td>
<td>6/6/97; 62 FR 30991.</td>
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<td>6/22/89</td>
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<td>6/22/89</td>
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<td>10/15/96</td>
<td>6/6/97; 62 FR 30991.</td>
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<td>10/15/96</td>
<td>6/6/97; 62 FR 30991.</td>
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<td>10/15/96</td>
<td>6/6/97; 62 FR 30991.</td>
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<td>6/6/97; 62 FR 30991.</td>
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<td>6/22/89</td>
<td>3/19/90; 55 FR 10062.</td>
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<td>6/6/97; 62 FR 30991.</td>
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<td>3/19/90; 55 FR 10062.</td>
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<td>10/15/96</td>
<td>6/6/97; 62 FR 30991.</td>
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<td>List of EPA Approved and Equivalent Test Methods and Procedures for the Purpose of Determining VOC Emissions.</td>
<td>6/26/91</td>
<td>9/27/91; 58 FR 50262.</td>
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<td>Chapter No. 335–3–7 Carbon Monoxide Emissions</td>
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<td></td>
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<td>Section 335–3–7–01</td>
<td>Metals Productions</td>
<td>6/22/89</td>
<td>3/19/90; 55 FR 10062.</td>
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<td>Chapter No. 335–3–8 Nitrogen Oxides Emissions</td>
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<td></td>
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<td>Section 335–3–8–01</td>
<td>Standards for Portland Cement Kilns</td>
<td>4/6/01</td>
<td>7/17/01; 66 FR 36921.</td>
<td></td>
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<tr>
<td>Section 335–3–8–02</td>
<td>Nitric Acid Manufacturing</td>
<td>10/15/96</td>
<td>6/6/97; 62 FR 30991.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–03</td>
<td>NOx Emissions from Electric Utility Generating Units.</td>
<td>10/24/00</td>
<td>11/7/01; 66 FR 56223.</td>
<td></td>
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<tr>
<td>Section 335–3–8–04</td>
<td>Standards for Stationary Reciprocating Internal Combustion Engines (Reserved).</td>
<td>3/22/05</td>
<td>12/28/05; 70 FR 76684.</td>
<td></td>
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<tr>
<td>Section 335–3–8–05</td>
<td>NOx Budget Trading Program</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–06</td>
<td>Authorized Account Representative for NOx Budget Sources.</td>
<td>4/6/01</td>
<td>7/16/01; 66 FR 36921.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–07</td>
<td>Permits</td>
<td>4/6/01</td>
<td>7/16/01; 66 FR 36921.</td>
<td></td>
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<tr>
<td>Section 335–3–8–08</td>
<td>Compliance Certification</td>
<td>4/6/01</td>
<td>7/16/01; 66 FR 36921.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–09</td>
<td>NOx Allowance Allocations</td>
<td>4/6/01</td>
<td>7/16/01; 66 FR 36921.</td>
<td></td>
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<td>Section 335–3–8–10</td>
<td>NOx Allowance Tracking System</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
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<tr>
<td>Section 335–3–8–11</td>
<td>NOx Allowance Transfers</td>
<td>4/6/01</td>
<td>7/16/01; 66 FR 36921.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–12</td>
<td>Monitoring and Reporting</td>
<td>4/6/01</td>
<td>7/16/01; 66 FR 36921.</td>
<td></td>
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<tr>
<td>Section 335–3–8–13</td>
<td>Individual Unit Opt-ins</td>
<td>4/6/01</td>
<td>7/16/01; 66 FR 36921.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–14</td>
<td>New Combustion Sources</td>
<td>4/6/01</td>
<td>7/16/01; 66 FR 36921.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–15</td>
<td>CAIR NOx Annual Budget Trading Program.</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
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<td>Section 335–3–8–16</td>
<td>CAIR NOx Designated Representative for CAIR NOx Sources.</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–17</td>
<td>CAIR NOx Permits</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–18</td>
<td>CAIR NOx Allowance Allocations</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–19</td>
<td>CAIR NOx Allowance Tracking System.</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–20</td>
<td>CAIR NOx Monitoring and Reporting</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–21</td>
<td>CAIR NOx Opt-in Units</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
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<td>Section 335–3–8–22</td>
<td>CAIR NOx Ozone Season Trading Program.</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–23</td>
<td>CAIR NOx Ozone Season Sources.</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
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<tr>
<td>Section 335–3–8–24</td>
<td>CAIR NOx Ozone Season Permits</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–25</td>
<td>CAIR NOx Ozone Season Allowance Allocations.</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–26</td>
<td>CAIR NOx Ozone Season Allowance Tracking System.</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–27</td>
<td>CAIR NOx Ozone Season Monitoring and Reporting.</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–8–28</td>
<td>CAIR NOx Ozone Season Opt-in Units</td>
<td>4/3/07</td>
<td>10/1/07; 72 FR 55659.</td>
<td></td>
</tr>
<tr>
<td>Chapter No. 335–3–9 Control of Emissions from Motor Vehicles</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 335–3–9–02</td>
<td>Ignition System and Engine Speed</td>
<td>8/10/00</td>
<td>12/8/00; 65 FR 76940.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–9–03</td>
<td>Crankcase Ventilation Systems</td>
<td>8/10/00</td>
<td>12/8/00; 65 FR 76940.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–9–06</td>
<td>Other Prohibited Acts</td>
<td>8/10/00</td>
<td>12/8/00; 65 FR 76940.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–9–07</td>
<td>Effective Date</td>
<td>10/15/96</td>
<td>6/6/97; 62 FR 30991.</td>
<td></td>
</tr>
<tr>
<td>Chapter No. 335–3–12 Continuous Monitoring Requirements for Existing Sources</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Section 335–3–12–01</td>
<td>General</td>
<td>6/22/89</td>
<td>3/19/90; 55 FR 10062.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–12–02</td>
<td>Monitoring and Reporting</td>
<td>2/17/98</td>
<td>3/14/98; 63 FR 49005.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–12–04</td>
<td>Alternative Monitoring and Reporting Requirements.</td>
<td>6/22/89</td>
<td>3/19/90; 55 FR 10062.</td>
<td></td>
</tr>
<tr>
<td>Section 335–3–12–05</td>
<td>Exemptions and Extensions</td>
<td>6/22/89</td>
<td>3/19/90; 55 FR 10062.</td>
<td></td>
</tr>
<tr>
<td>Chapter No. 335–3–13 Control of Fluoride Emissions</td>
<td></td>
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EPA APPROVED ALABAMA REGULATIONS—Continued

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<th>Title/subject</th>
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<th>Explanation</th>
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Chapter No. 335–3–14 Air Permits

<table>
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<th>EPA approval date</th>
<th>Explanation</th>
</tr>
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<tbody>
<tr>
<td>Section 335–3–14–01</td>
<td>General Provisions .................</td>
<td>2/17/98</td>
<td>9/14/98; 63 FR 48008.</td>
<td>As of Sept. 26, 2012 Section 335–3–14–04 does not include Alabama’s revision to adopt the PM_{10} SILs threshold and provisions (as promulgated in the October 20, 2010 PM_{10} PSD Increment SILs-SCM Rule at 40 CFR 1.166(k)(2) and the term “particulate matter emissions” (as promulgated in the May 16, 2008 NSR PM_{10} Rule (at 40 CFR 51.166(b)(49)(vi)).</td>
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As of Sept. 26, 2012 Section 335–3–14–04 does not include Alabama’s revision to adopt the PM_{10} SILs threshold and provisions (as promulgated in the October 20, 2010 PM_{10} PSD Increment SILs-SCM Rule at 40 CFR 1.166(k)(2) and the term “particulate matter emissions” (as promulgated in the May 16, 2008 NSR PM_{10} Rule (at 40 CFR 51.166(b)(49)(vi)).
EPA APPROVED ALABAMA REGULATIONS—Continued

<table>
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<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 335–3–14–05</td>
<td>Air Permits Authorizing Construction in or Near Nonattainment Areas.</td>
<td>5/23/2011</td>
<td>1/11/2016; 81 FR 1124</td>
<td>With the exception of: The portion of 335–3–14–05(1)(k) stating “excluding ethanol production facilities that produce ethanol by natural fermentation”; and 335–3–14–05(2)(c3) (addressing fugitive emission increases and decreases). Also with the exception of the state-withdrawn elements: 335–3–14–05(1)(h) (the actual-to-potential test for projects that only involve existing emissions units); the last sentence at 335–3–14–05(3)(g), stating “Interpollutant offsets shall be determined based upon the following ratios”; and the NNSR interpollutant ratios at 335–3–14–05(3)(g)1–4.</td>
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</table>

Chapter No. 335–3–15 Synthetic Minor Operating Permits

<table>
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<tr>
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</thead>
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<tr>
<td>Section 335–3–15–02</td>
<td>General Provisions</td>
<td>8/10/00</td>
<td>12/8/00; 65 FR 76940.</td>
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Chapter No. 335–3–17 Conformity of Federal Actions to State Implementation Plans

|----------------------|---------------------------|----------|------------------|

Chapter No. 335–3–20 Reserved

<table>
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<tr>
<th>Section 335–3–20–01</th>
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<th>4/3/12</th>
<th>4/20/12; 77 FR 23619.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 335–3–20–02</td>
<td>Reserved</td>
<td>4/3/12</td>
<td>4/20/12; 77 FR 23619.</td>
</tr>
<tr>
<td>Section 335–3–20–03</td>
<td>Reserved</td>
<td>4/3/12</td>
<td>4/20/12; 77 FR 23619.</td>
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</table>

(d) EPA approved Alabama source specific requirements.

EPA APPROVED ALABAMA SOURCE-SPECIFIC REQUIREMENTS

<table>
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<th>Name of source</th>
<th>Permit No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
</table>
### EPA APPROVED ALABAMA SOURCE-SPECIFIC REQUIREMENTS—Continued

<table>
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<th>Permit No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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#### (e) EPA Approved Alabama Non-Regulatory Provisions.

## EPA APPROVED ALABAMA NON-REGULATORY PROVISIONS

<table>
<thead>
<tr>
<th>Name of nonregulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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</thead>
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<tr>
<td>Attainment Plan for the Alabama Portion of the Chattanooga 1997 Annual PM(_{2.5}) Nonattainment Area.</td>
<td>A portion of Jackson County, Alabama.</td>
<td>10/07/09</td>
<td>10/05/12; 77 FR 60904.</td>
<td></td>
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<tr>
<td>Alabama Interagency Transportation Conformity Memorandum of Agreement.</td>
<td>Birmingham Ozone Non-attainment Area.</td>
<td>12/1/00</td>
<td>11/7/01; 66 FR 56220.</td>
<td></td>
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<td>Alabama Fuel Waiver Request—Appendix II of Attainment Demonstration of the 1-hour NAAQS for Ozone for the Birmingham Nonattainment Area.</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Attainment Demonstration of the 1-hour NAAQS for Ozone for the Birmingham Nonattainment Area.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Maintenance Plan for the Birmingham area.</td>
<td>Jefferson County and Shelby County.</td>
<td>1/30/04</td>
<td>3/12/04; 69 FR 11800.</td>
<td></td>
</tr>
<tr>
<td>8-Hour Ozone Maintenance plan for the Birmingham area.</td>
<td>Jefferson County and Shelby County.</td>
<td>1/26/06</td>
<td>5/12/06.</td>
<td></td>
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<tr>
<td>Conformity SIP for Birmingham and Jackson County.</td>
<td>Jefferson County, Shelby County, Jackson County.</td>
<td>12/12/08</td>
<td>3/26/09; 74 FR 13118.</td>
<td></td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards.</td>
<td>Alabama</td>
<td>12/10/07</td>
<td>7/13/11; 76 FR 41088 ...</td>
<td>For the 1997 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>Chattanooga; Fine Particulate Matter 2002 Base Year Emissions Inventory.</td>
<td>Jackson County</td>
<td>7/31/09</td>
<td>2/8/12; 77 FR 6467.</td>
<td></td>
</tr>
<tr>
<td>Regional haze plan</td>
<td>Statewide</td>
<td>7/15/08</td>
<td>6/28/12</td>
<td>77 FR 38515.</td>
</tr>
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<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Alabama</td>
<td>7/25/08</td>
<td>10/1/12; 77 FR 59755 ...</td>
<td>With the exception of sections 110(a)(2)(D)(i) and 110(a)(2)(E)(ii).</td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Alabama</td>
<td>9/23/09</td>
<td>10/1/12; 77 FR 59755 ...</td>
<td>With the exception of sections 110(a)(2)(D)(i) and 110(a)(2)(E)(ii).</td>
</tr>
<tr>
<td>1997 Annual PM(_{10}) Maintenance Plan for the Birmingham Area.</td>
<td>Birmingham PM(_{10}) Non-attainment Area.</td>
<td>5/2/11</td>
<td>1/22/13, 78 FR 4341.</td>
<td></td>
</tr>
<tr>
<td>2006 24-hour PM(_{10}) Maintenance Plan for the Birmingham Area.</td>
<td>Birmingham PM(_{10}) Non-attainment Area.</td>
<td>6/17/10</td>
<td>1/25/13, 78 FR 5306 ...</td>
<td></td>
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<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Alabama</td>
<td>7/25/08</td>
<td>4/12/13, 78 FR 21841 ...</td>
<td>Addressing element 110(a)(2)(D)(i)(II) prong 3 only</td>
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<tr>
<td>Name of nonregulatory SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submittal date/effective date</td>
<td>EPA approval date</td>
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<td>110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td></td>
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<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Alabama</td>
<td>7/25/08 5/7/14, 79 FR 26143</td>
<td></td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
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<td>110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Alabama</td>
<td>9/23/09 5/7/14, 79 FR 26143</td>
<td></td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead NAAQS.</td>
<td>Alabama</td>
<td>11/4/11 3/18/15, 80 FR 14019</td>
<td></td>
<td>Addressing the PSD permitting requirements of sections 110(a)(2)(C), 110(a)(2)(D)(ii) (prong 3) and 110(a)(2)(J) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone NAAQS.</td>
<td>Alabama</td>
<td>8/20/12 3/18/15, 80 FR 14019</td>
<td></td>
<td>Addressing the PSD permitting requirements of sections 110(a)(2)(C), 110(a)(2)(D)(ii) (prong 3) and 110(a)(2)(J) only.</td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2010 NO$_2$ NAAQS.</td>
<td>Alabama</td>
<td>4/23/13 3/18/15, 80 FR 14019</td>
<td></td>
<td>Addressing the PSD permitting requirements of sections 110(a)(2)(C), 110(a)(2)(D)(ii) (prong 3) and 110(a)(2)(J) only.</td>
</tr>
<tr>
<td>Non-interference Demonstration for Federal Low-Reid Vapor Pressure Requirement for the Birmingham Area.</td>
<td>Jefferson and Shelby Counties.</td>
<td>11/14/14 4/17/15, 80 FR 21170</td>
<td></td>
<td></td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards.</td>
<td></td>
<td>7/17/2012 4/2/15 80 FR 17689</td>
<td></td>
<td>With the exception of PSD permitting requirements for major sources of sections 110(a)(2)(C) and (J); interstate transport requirements of section 110(a)(2)(D)(i) and (ii), 110(a)(2)(E)(ii), and the visibility requirements of section 110(a)(2)(J).</td>
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</tbody>
</table>
§ 52.51 EPA APPROVED ALABAMA NON-REGULATORY PROVISIONS—Continued

<table>
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<tr>
<th>Name of nonregulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone NAAQS.</td>
<td>Alabama ..........................................</td>
<td>8/20/12 8/12/15, 80 FR 48258 ......</td>
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<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards.</td>
<td>Alabama ..........................................</td>
<td>11/4/11 10/9/15, 80 FR 61111 ......</td>
<td>With the exception of provisions pertaining to PSD permitting requirements in sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3), 110(a)(2)(J); and section 110(a)(2)(E)(ii).</td>
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§ 52.51 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama &amp; Tombigbee Rivers Intrastate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Columbus (Georgia)-Phenix City (Alabama) Interstate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td>East Alabama Intrastate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Metropolitan Birmingham Intrastate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>I</td>
</tr>
<tr>
<td>Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>I</td>
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<td>Southeast Alabama Intrastate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Tennessee River Valley (Alabama)-Cumberland Mountains (Tennessee) Interstate</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
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</tr>
</tbody>
</table>

§ 52.53 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Alabama’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.

(a) Disapproval. Submittal from the State of Alabama, through the Alabama Department of Environmental Management (ADEM) on August 20, 2012, to address the Clean Air Act (CAA) section 110(a)(2)(E)(ii) for the 2008 8-hour Ozone National Ambient Air Quality Standards concerning state board requirements. EPA is disapproving section 110(a)(2)(E)(ii) of ADEM’s submittal because the Alabama SIP lacks provisions respecting state boards per section 128 of the CAA for the 2008 8-hour Ozone National Ambient Air Quality Standards.

(b) Disapproval. Submittal from the State of Alabama, through the Alabama Department of Environmental Management (ADEM) on November 4, 2011, to address the Clean Air Act (CAA) section 110(a)(2)(E)(ii) for the 2008 8-hour Ozone National Ambient Air Quality Standards concerning state board requirements. EPA is disapproving section 110(a)(2)(E)(ii) of ADEM’s submittal because the Alabama SIP lacks provisions respecting state boards per section 128 of the CAA for the 2008 8-hour Ozone National Ambient Air Quality Standards.
Environmental Protection Agency

§ 52.54 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 Alabama and for which requirements are set forth under the TR NO\textsubscript{X} 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 Alabama’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 Alabama’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), the extent the Administrator’s approval is partial or conditional.

(b)(1) The owner and operator of each source and each unit located in the State of Alabama and for which requirements are set forth under the TR NO\textsubscript{X} Ozone Season Trading Program in subpart BBBBBB 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 Alabama’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 Alabama’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), the extent the Administrator’s approval is partial or conditional.

(3) Pursuant to § 52.38(b)(3), Alabama’s state-determined TR NO\textsubscript{X} Ozone Season allowance allocations established in the March 27, 2015, SIP revision replace the unit-level TR NO\textsubscript{X} Ozone Season allowance allocation provisions of the TR NO\textsubscript{X} Ozone Season Trading Program at 40 CFR 97.511(a) for the State for the 2016 control period.

(3) Pursuant to § 52.38(b)(3), Alabama’s state-determined TR NO\textsubscript{X} Ozone Season allowance allocations established in the March 27, 2015, SIP revision replace the unit-level TR NO\textsubscript{X} Ozone Season allowance allocation provisions of the TR NO\textsubscript{X} Ozone Season Trading Program at 40 CFR 97.511(a) for the State for the 2016 control period.

(3) Pursuant to § 52.38(b)(3), Alabama’s state-determined TR NO\textsubscript{X} Ozone Season allowance allocations established in the March 27, 2015, SIP revision replace the unit-level TR NO\textsubscript{X} Ozone Season allowance allocation provisions of the TR NO\textsubscript{X} Ozone Season Trading Program at 40 CFR 97.511(a) for the State for the 2016 control period.

(3) Pursuant to § 52.38(b)(3), Alabama’s state-determined TR NO\textsubscript{X} Ozone Season allowance allocations established in the March 27, 2015, SIP revision replace the unit-level TR NO\textsubscript{X} Ozone Season allowance allocation provisions of the TR NO\textsubscript{X} Ozone Season Trading Program at 40 CFR 97.511(a) for the State for the 2016 control period.

(3) Pursuant to § 52.38(b)(3), Alabama’s state-determined TR NO\textsubscript{X} Ozone Season allowance allocations established in the March 27, 2015, SIP revision replace the unit-level TR NO\textsubscript{X} Ozone Season allowance allocation provisions of the TR NO\textsubscript{X} Ozone Season Trading Program at 40 CFR 97.511(a) for the State for the 2016 control period.

(3) Pursuant to § 52.38(b)(3), Alabama’s state-determined TR NO\textsubscript{X} Ozone Season allowance allocations established in the March 27, 2015, SIP revision replace the unit-level TR NO\textsubscript{X} Ozone Season allowance allocation provisions of the TR NO\textsubscript{X} Ozone Season Trading Program at 40 CFR 97.511(a) for the State for the 2016 control period.
§ 52.55 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 Alabama and for which requirements are set forth under the TR SO\(_2\) Group 2 Trading Program in subpart DDDDD 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 Alabama’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 Alabama’s SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO\(_2\) Group 2 allowances under subpart DDDDD of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart DDDDD of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO\(_2\) Group 2 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.

(c) Pursuant to §52.39(g), Alabama’s state-determined TR SO\(_2\) Group 2 allowance allocations established in the March 27, 2015, SIP revision replace the unit-level TR SO\(_2\) Group 2 allowance allocation provisions of the TR SO\(_2\) Group 2 Trading Program at 40 CFR 97.711(a) for the State for the 2016 control period with a list of TR SO\(_2\) Group 2 units that commenced operation prior to January 1, 2010, in the State and the state-determined amount of TR SO\(_2\) Group 2 allowances allocated to each unit on such list for the 2016 control period, as approved by EPA on September 22, 2015.

§ 52.56 [Reserved]

§ 52.57 Control strategy: Sulfur oxides.

(a) The requirements of Subpart G of this chapter are not met since the Alabama plan does not provide for attainment and maintenance of the national standards for sulfur oxides in the vicinity of the Widows Creek Power Plant in Jackson County, Alabama. Therefore, Part 5.1, Fuel Combustion, of Chapter 5, Control of Sulfur Compound Emissions, of the rules and regulations of the State of Alabama, as adopted by the Alabama Air Pollution Control Commission on May 29, 1973, and amended on March 25, 1975, which is part of the revised sulfur oxide control strategy, is disapproved as it applies to the Widows Creek Plant. Part 5.1 of the Alabama rules and regulations as adopted on January 18, 1972, remains the implementation plan regulation applicable to that source.

(b) [Reserved]

§ 52.58 Control strategy: Lead.

The lead plan submitted by the State on March 24, 1982, is disapproved because it fails to provide for the attainment of the lead standard throughout Alabama. The lead plan submitted by the State on October 7, 1985, and November 13, 1986, for Jefferson County is conditionally approved on the condition that the State by October 1, 1987, determine what additional control measures may be necessary, if any, to assure attainment and maintenance as expeditiously as practicable but no later than the applicable attainment deadline and submit those measures to EPA for approval, together with an appropriate demonstration of attainment. The provisions in the regulation submitted on October 7, 1985, that give the Jefferson County Health Officer discretion to vary the requirements of the regulation are approved as limits on that discretion, but any variances that may result from those provisions are not approved in advance and hence...
Environmental Protection Agency

§ 52.62 Control strategy: Sulfur oxides and particulate matter.

In a letter dated May 29, 1987, the Alabama Department of Health and Environmental Control certified that no emission limits in the State’s plan are based on dispersion techniques not permitted by EPA’s stack height rules.

The certification does not apply to: Alabama Electric Cooperative—Lowman Steam Plant; Alabama Power Company-Gorgas Steam Plant, Gaston Steam Plant, Greene County Steam Plant, Gadsden Steam Plant, Miller Steam Plant, and Barry Steam Plant; Alabama River Pulp; Champion International Corporation; Container Corporation of America; Exxon Company’s Big Escambia Creek Treating Facility; General Electric’s Burkville Plant; International Paper; Scott Paper Company; Tennessee Valley Authority’s Colbert, and Widows Creek Steam Plant; Union Camp Corporation; and U.S. Steel.

§ 52.61 Visibility protection.

(a) [Reserved]

(b) Long-term strategy. The provisions of § 52.29 are hereby incorporated into the applicable plan for the State of Alabama.

(c) Regional Haze. The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Alabama on July 15, 2008, 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 NOX and SO2 from electric generating units. EPA has given limited disapproval to the plan provisions addressing these requirements.

§ 52.60 Significant deterioration of air quality.

(a) All applications and other information required pursuant to § 52.21 from sources located in the State of Alabama shall be submitted to the State agency, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, Alabama 36130–1463, rather than to EPA’s Region 4 office.

(b) On March 24, 1987, the Alabama Department of Environmental Management submitted a letter committing the State of Alabama to require that modeling for PSD permits be done only in accordance with the “Guideline on Air Quality Models (Revised)” or other models approved by EPA.

§ 52.62 Control strategy: Sulfur oxides and particulate matter.

In a letter dated May 29, 1987, the Alabama Department of Health and Environmental Control certified that no emission limits in the State’s plan are based on dispersion techniques not permitted by EPA’s stack height rules.

The certification does not apply to: Alabama Electric Cooperative—Lowman Steam Plant; Alabama Power Company-Gorgas Steam Plant, Gaston Steam Plant, Greene County Steam Plant, Gadsden Steam Plant, Miller Steam Plant, and Barry Steam Plant; Alabama River Pulp; Champion International Corporation; Container Corporation of America; Exxon Company’s Big Escambia Creek Treating Facility; General Electric’s Burkville Plant; International Paper; Scott Paper Company; Tennessee Valley Authority’s Colbert, and Widows Creek Steam Plant; Union Camp Corporation; and U.S. Steel.

(a) Determination of Attaining Data. EPA has determined, as of September 20, 2010, the Birmingham, Alabama, nonattainment area has attaining data for the 2006 24-hour PM$_{2.5}$ NAAQS. This clean data determination, in accordance with 40 CFR 51.1004(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 2006 24-hour PM$_{2.5}$ NAAQS.

(b) Determination of Attaining Data. EPA has determined, as of May 31, 2011, the Chattanooga, Tennessee, nonattainment area has attaining data for the 1997 annual PM$_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspended 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$_{2.5}$ NAAQS.

(c) Determination of attaining data. EPA has determined, as of June 29, 2011, the Birmingham, Alabama, nonattainment area has attaining data for the 1997 annual PM$_{2.5}$ 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,
§ 52.63 PM₁₀ State Implementation Plan development in group II areas.

On March 15, 1989, the State submitted a committal SIP for the cities of Leeds and North Birmingham in Jefferson County. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM₁₀ at 52 FR 24681. The SIP commits the State to submit an emissions inventory, continue to monitor for PM₁₀, report data and to submit a full SIP if a violation of the PM₁₀ and National Ambient Air Quality Standards is detected.

[56 FR 32514, July 17, 1991]

§ 52.64 Determination of attainment.

Based upon EPA’s review of the air quality data for the 3-year period 2007–2009, EPA determined that the Chattanooga, Alabama-Georgia-Tennessee PM₂.₅ nonattainment area attained the 1997 annual PM₂.₅ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area’s air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Chattanooga, Alabama-Georgia-Tennessee PM₂.₅ nonattainment area is not subject to the consequences of failing to attain pursuant to section 179(d).

[76 FR 55575, Sept. 8, 2011]

§ 52.65 Control Strategy: Nitrogen oxides.

On October 22, 1990, the Alabama Department of Environmental Management submitted a revision to Chapter 2, Control Strategy, by adding subsection 4.2.3. This revision addressed the strategy Alabama is using to implement provisions of the Prevention of Significant Deterioration regulations for nitrogen oxides.

[57 FR 24370, June 9, 1992]

§ 52.66 [Reserved]

§ 52.69 Original identification of plan section.

(a) This section identified the original “Air Implementation Plan for the State of Alabama” and all revisions submitted by Alabama that were federally approved prior to December 1, 1998. The information in this section is available in the 40 CFR, part 52 edition revised as of July 1, 1999, the 40 CFR, part 52, Volume 1 of 2 (§§ 52.01 to 52.1018) editions revised as of July 1, 2000 through July 1, 2011, and the 40 CFR, part 52, Volume 1 of 3 (§§ 52.01 to 52.1018) editions revised as of July 1, 2012.

(b)–(c) [Reserved]

[79 FR 30050, May 27, 2014]

Subpart C—Alaska

§ 52.70 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for the State of Alaska under section 110 of the Clean Air Act, 42 U.S.C. 7401–7671q 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 prior to March 4, 2014, 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 March 4, 2014, will be incorporated by reference in the next update to the SIP compilation.

(2) The EPA Region 10 certifies that the rules/regulations provided by the 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 March 4, 2014.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region 10 Office at 1200 Sixth Avenue, Seattle WA, 98101; the EPA, Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave. NW., Washington, DC; or 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/cfr/ibr-locations.html.

(c) EPA approved regulations.

## EPA-APPROVED ALASKA REGULATIONS AND STATUTES

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 50.005</td>
<td>Purpose and Applicability of Chapter.</td>
<td>10/1/04</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.010</td>
<td>Ambient Air Quality Standards.</td>
<td>4/17/15</td>
<td>5/19/16, 81 FR 31511</td>
<td>except (7) and (8).</td>
</tr>
<tr>
<td>18 AAC 50.015</td>
<td>Air Quality Designations, Classifications, and Control Regions.</td>
<td>4/17/15</td>
<td>5/19/16, 81 FR 31511.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.020</td>
<td>Baseline Dates and Maximum Allowable Increases.</td>
<td>4/17/15</td>
<td>5/19/16, 81 FR 31511.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.025</td>
<td>Visibility and Other Special Protection Areas.</td>
<td>6/21/98</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.035</td>
<td>Documents, Procedures and Methods Adopted by Reference.</td>
<td>4/17/15</td>
<td>5/19/16, 81 FR 31511</td>
<td>except (a)(6) and (b)(4).</td>
</tr>
<tr>
<td>18 AAC 50.040</td>
<td>Federal Standards Adopted by Reference.</td>
<td>4/17/15</td>
<td>5/19/16, 81 FR 31511; 1/7/15, 80 FR 832.</td>
<td>except (a), (b), (c), (d), (e), (g), (j), and (k).</td>
</tr>
<tr>
<td>18 AAC 50.045</td>
<td>Prohibitions</td>
<td>10/1/04</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.050</td>
<td>Incinerator Emission Standards.</td>
<td>7/25/08</td>
<td>9/19/14</td>
<td>79 FR 56268.</td>
</tr>
<tr>
<td>18 AAC 50.060</td>
<td>Pulp Mills</td>
<td>1/16/97</td>
<td>11/18/98, 63 FR 63983.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.065</td>
<td>Open Burning</td>
<td>1/16/97</td>
<td>11/18/98, 63 FR 63983.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.070</td>
<td>Marine Vessel Visible Emission Standards.</td>
<td>6/21/98</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.075</td>
<td>Wood-Fired Heating Device Visible Emission Standards.</td>
<td>5/6/09</td>
<td>5/9/13, 78 FR 27078.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.080</td>
<td>Ice Fog Standards</td>
<td>1/16/97</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.100</td>
<td>Nonroad Engines</td>
<td>10/1/04</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.110</td>
<td>Air Pollution Prohibited</td>
<td>5/26/72</td>
<td>5/31/72, 37 FR 10842.</td>
<td></td>
</tr>
</tbody>
</table>

## 18 AAC 50 Article 2. Program Administration

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 50.200</td>
<td>Information Requests</td>
<td>10/1/04</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.205</td>
<td>Ambient Air Quality Investigation.</td>
<td>10/1/04</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.215</td>
<td>Ambient Air Quality Analysis Methods.</td>
<td>4/17/15</td>
<td>5/19/16, 81 FR 31511</td>
<td>except (a)(4).</td>
</tr>
<tr>
<td>18 AAC 50.220</td>
<td>Enforceable Test Methods.</td>
<td>9/14/12</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
</tr>
</tbody>
</table>
### § 52.70

**EPA-APPROVED ALASKA REGULATIONS AND STATUTES—Continued**

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 50.225 ...........</td>
<td>Owner-Requested Limits.</td>
<td>10/6/13</td>
<td>05/27/15, 80 FR 30161.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.230 ...........</td>
<td>Preapproved Emission Limits.</td>
<td>1/29/05</td>
<td>8/14/07, 72 FR 45378.</td>
<td>except (d).</td>
</tr>
<tr>
<td>18 AAC 50.240 ...........</td>
<td>Excess Emissions</td>
<td>11/18/98, 63 FR 63983.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.245 ...........</td>
<td>Air Episodes and Advisories.</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.250 ...........</td>
<td>Procedures and Criteria for Revising Air Quality Classifications.</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.260 ...........</td>
<td>Guidelines for Best Available Retrofit Technology under the Regional Haze Rule.</td>
<td>10/6/13</td>
<td>05/27/15, 80 FR 30161.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.301 ...........</td>
<td>Permit Continuity</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td>except (a)(3).</td>
</tr>
<tr>
<td>18 AAC 50.302 ...........</td>
<td>Construction Permits</td>
<td>9/14/12</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.306 ...........</td>
<td>Prevention of Significant Deterioration (PSD) Permits.</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.311 ...........</td>
<td>Nonattainment Area Major Stationary Source Permits.</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.345 ...........</td>
<td>Construction, Minor and Operating Permits: Standard Permit Conditions.</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td>except (b), (c)(3), and (f).</td>
</tr>
<tr>
<td>18 AAC 50.400 ...........</td>
<td>Permit Administration Fees.</td>
<td>9/14/12</td>
<td>9/19/14, 79 FR 56268</td>
<td>except (a), (b), (c), (d), (f), (g)(1) through (18), (j)(21) through (23), and (k).</td>
</tr>
<tr>
<td>18 AAC 50.502 ...........</td>
<td>Minor Permits for Air Quality Protection.</td>
<td>11/9/14</td>
<td>05/27/15, 80 FR 30161.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.508 ...........</td>
<td>Minor Permits Requested by the Owner or Operator.</td>
<td>12/9/10</td>
<td>9/19/14, 79 FR 56268.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.510 ...........</td>
<td>Minor Permit: 18 AAC 50.510 Minor Permit—Title V Permit Interface.</td>
<td>12/9/10</td>
<td>9/19/14, 79 FR 56268.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.540 ...........</td>
<td>Minor Permit: Application.</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.542 ...........</td>
<td>Minor Permit: Review and Issuance.</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td>except (b)(2).</td>
</tr>
<tr>
<td>18 AAC 50.544 ...........</td>
<td>Minor Permits: Content</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.546 ...........</td>
<td>Minor Permits: Revisions.</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td>except (b).</td>
</tr>
<tr>
<td>18 AAC 50.560 ...........</td>
<td>General Minor Permits</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 18 AAC 50 Article 3. Major Stationary Source Permits

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 50.301 ...........</td>
<td>Permit Continuity</td>
<td>10/1/04</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.302 ...........</td>
<td>Construction Permits</td>
<td>9/14/12</td>
<td>9/19/14, 79 FR 56268.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.306 ...........</td>
<td>Prevention of Significant Deterioration (PSD) Permits.</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.311 ...........</td>
<td>Nonattainment Area Major Stationary Source Permits.</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.345 ...........</td>
<td>Construction, Minor and Operating Permits: Standard Permit Conditions.</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td>except (b), (c)(3), and (f).</td>
</tr>
</tbody>
</table>

### 18 AAC 50 Article 4. User Fees

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 50.400 ...........</td>
<td>Permit Administration Fees.</td>
<td>9/4/12</td>
<td>9/19/14, 79 FR 56268</td>
<td>except (a), (b), (c), (d), (f), (g)(1) through (18), (j)(21) through (23), and (k).</td>
</tr>
</tbody>
</table>

### 18 AAC 50 Article 5. Minor Permits

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 50.502 ...........</td>
<td>Minor Permits for Air Quality Protection.</td>
<td>11/9/14</td>
<td>05/27/15, 80 FR 30161.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.508 ...........</td>
<td>Minor Permits Requested by the Owner or Operator.</td>
<td>12/9/10</td>
<td>9/19/14, 79 FR 56268.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.510 ...........</td>
<td>Minor Permit: 18 AAC 50.510 Minor Permit—Title V Permit Interface.</td>
<td>12/9/10</td>
<td>9/19/14, 79 FR 56268.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.540 ...........</td>
<td>Minor Permit: Application.</td>
<td>1/4/13</td>
<td>9/19/14, 79 FR 56268.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.542 ...........</td>
<td>Minor Permit: Review and Issuance.</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td>except (b)(2).</td>
</tr>
<tr>
<td>18 AAC 50.544 ...........</td>
<td>Minor Permits: Content</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.546 ...........</td>
<td>Minor Permits: Revisions.</td>
<td>9/19/14</td>
<td>79 FR 56268</td>
<td>except (b).</td>
</tr>
<tr>
<td>18 AAC 50.560 ...........</td>
<td>General Minor Permits</td>
<td>10/1/04</td>
<td>8/14/07, 72 FR 45378.</td>
<td></td>
</tr>
</tbody>
</table>

### 18 AAC 50 Article 7. Transportation Conformity

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 50.720 ...........</td>
<td>Public Involvement</td>
<td>4/17/15</td>
<td>9/8/15, 80 FR 53735.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.725 ...........</td>
<td>General Conformity: Frequency of Conformity Determinations.</td>
<td>1/4/95</td>
<td>9/27/95, 60 FR 49765.</td>
<td></td>
</tr>
</tbody>
</table>

102
### EPA-APPROVED ALASKA REGULATIONS AND STATUTES—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 50.740</td>
<td>Written Commitments</td>
<td>4/17/15</td>
<td>9/8/15, 80 FR 53735</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.745</td>
<td>Resolving Conflicts</td>
<td>4/17/15</td>
<td>9/8/15, 80 FR 53735</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.750</td>
<td>Exempt Projects</td>
<td>4/17/15</td>
<td>9/8/15, 80 FR 53735</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.900</td>
<td>Small Business Assistance Program</td>
<td>10/1/04</td>
<td>8/14/07, 72 FR 45378</td>
<td></td>
</tr>
<tr>
<td>18 AAC 50.990</td>
<td>Definition</td>
<td>4/17/15</td>
<td>9/8/15, 80 FR 53735</td>
<td></td>
</tr>
</tbody>
</table>

**Alaska Administrative Code Title 18 Environmental Conservation, Chapter 52 Emissions Inspection and Maintenance Requirements (18 AAC 52)**

<table>
<thead>
<tr>
<th>18 AAC 52 Article 1. Emissions Inspection and Maintenance Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 52.005</td>
</tr>
<tr>
<td>18 AAC 52.007</td>
</tr>
<tr>
<td>18 AAC 52.010</td>
</tr>
<tr>
<td>18 AAC 52.015</td>
</tr>
<tr>
<td>18 AAC 52.020</td>
</tr>
<tr>
<td>18 AAC 52.025</td>
</tr>
<tr>
<td>18 AAC 52.030</td>
</tr>
<tr>
<td>18 AAC 52.035</td>
</tr>
<tr>
<td>18 AAC 52.037</td>
</tr>
<tr>
<td>18 AAC 52.040</td>
</tr>
<tr>
<td>18 AAC 52.045</td>
</tr>
<tr>
<td>18 AAC 52.050</td>
</tr>
<tr>
<td>18 AAC 52.055</td>
</tr>
<tr>
<td>18 AAC 52.060</td>
</tr>
<tr>
<td>18 AAC 52.065</td>
</tr>
<tr>
<td>18 AAC 52.070</td>
</tr>
<tr>
<td>18 AAC 52.075</td>
</tr>
<tr>
<td>18 AAC 52.080</td>
</tr>
<tr>
<td>18 AAC 52.085</td>
</tr>
<tr>
<td>18 AAC 52.090</td>
</tr>
<tr>
<td>18 AAC 52.095</td>
</tr>
<tr>
<td>18 AAC 52.100</td>
</tr>
<tr>
<td>18 AAC 52.105</td>
</tr>
</tbody>
</table>

**18 AAC 52 Article 4. Certification Requirements**

| 18 AAC 52.400  | Mechanic Certification | 1/1/98 | 12/29/99, 64 FR 72940 |

103
### EPA-APPROVED ALASKA REGULATIONS AND STATUTES—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 52.405</td>
<td>Certified Mechanic Examinations</td>
<td>3/27/02</td>
<td>3/22/10, 75 FR 13436.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.410</td>
<td>Training Course Certification</td>
<td>2/18/06</td>
<td>3/22/10, 75 FR 13436.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.415</td>
<td>IM Station Certification</td>
<td>1/1/00</td>
<td>1/8/02, 67 FR 822.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.420</td>
<td>Equipment Certification</td>
<td>1/1/00</td>
<td>1/8/02, 67 FR 822.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.425</td>
<td>Renewal of Certification</td>
<td>1/1/98</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.430</td>
<td>Duty to Report Change in Status</td>
<td>2/1/94</td>
<td>4/5/95, 60 FR 17232.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.440</td>
<td>Monitoring of Certified Mechanics and Stations</td>
<td>1/1/00</td>
<td>1/8/02, 67 FR 822.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.445</td>
<td>Suspension or Revocation Certification</td>
<td>2/1/94</td>
<td>4/5/95, 60 FR 17232.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.500</td>
<td>General Operating Requirements</td>
<td>1/1/00</td>
<td>1/8/02, 67 FR 822.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.505</td>
<td>Display of Certified Station Sign</td>
<td>2/1/94</td>
<td>4/5/95, 60 FR 17232.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.510</td>
<td>Display of Certificates</td>
<td>2/18/06</td>
<td>3/22/10, 75 FR 13436.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.515</td>
<td>Inspection Charges</td>
<td>2/18/06</td>
<td>3/22/10, 75 FR 13436.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.520</td>
<td>Required Tools and Equipment</td>
<td>2/18/06</td>
<td>3/22/10, 75 FR 13436.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.525</td>
<td>Remote Station Operation</td>
<td>1/1/00</td>
<td>1/8/02, 67 FR 822.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.527</td>
<td>Prescreening Prohibited</td>
<td>1/1/00</td>
<td>1/8/02, 67 FR 822.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.530</td>
<td>Preliminary Inspection</td>
<td>1/1/00</td>
<td>1/8/02, 67 FR 822.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.535</td>
<td>Test Abort Conditions</td>
<td>3/27/02</td>
<td>3/22/10, 75 FR 13436.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.540</td>
<td>Official IM Testing</td>
<td>3/27/02</td>
<td>3/22/10, 75 FR 13436.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.545</td>
<td>Parts on Order</td>
<td>1/1/98</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.546</td>
<td>Unavailable Parts</td>
<td>1/1/98</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.550</td>
<td>Recordkeeping Requirements</td>
<td>2/1/94</td>
<td>4/5/95, 60 FR 17232.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 52.990</td>
<td>Definitions</td>
<td>2/18/06</td>
<td>3/22/10, 75 FR 13436.</td>
<td></td>
</tr>
</tbody>
</table>

### Alaska Administrative Code Title 18 Environmental Conservation, Chapter 53 Fuel Requirements For Motor Vehicles (18 AAC 53)

<table>
<thead>
<tr>
<th>Article</th>
<th>Section</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 53.005</td>
<td>Purpose and Applicability, General Requirements</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.007</td>
<td>Dispenser Labeling</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.010</td>
<td>Control Periods and Control Areas</td>
<td>2/20/04</td>
<td>6/23/04, 69 FR 34935.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.020</td>
<td>Required Oxygen Content</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.035</td>
<td>Per Gallon Method of Compliance</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.040</td>
<td>Averaging Oxygen Content Method of Compliance</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.045</td>
<td>Oxygen Credits and Debits</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.060</td>
<td>Oxygenated Gasoline Blending</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.070</td>
<td>Registration and Permit Fees</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.080</td>
<td>Car Fees</td>
<td>12/30/00</td>
<td>1/08/02, 67 FR 822.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.090</td>
<td>Recordkeeping</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.100</td>
<td>Reporting</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.120</td>
<td>Inspection and Sampling</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### EPA-APPROVED ALASKA REGULATIONS AND STATUTES—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 AAC 53.130</td>
<td>Liability for Violation</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.140</td>
<td>Defenses for Violation</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.150</td>
<td>Temporary Variances</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.160</td>
<td>Quality Assurance Program.</td>
<td>10/31/97</td>
<td>12/29/99, 64 FR 72940.</td>
<td></td>
</tr>
<tr>
<td>18 AAC 53.190</td>
<td>Suspension and Reestablishment of Control Period.</td>
<td>2/20/04</td>
<td>6/23/04, 69 FR 34935.</td>
<td></td>
</tr>
</tbody>
</table>

### 18 AAC 53 Article 9, General Provisions

#### City and County Ordinances

<table>
<thead>
<tr>
<th>City and Borough</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anchorage Municipal Code 21.45.080.W.7</td>
<td>Improvement Requirements by Improvement Area.</td>
<td>1/16/87 (City effective date)</td>
<td>8/13/93, 58 FR 43084</td>
<td>Eagle River PM Plan—Contingency Plan.</td>
</tr>
<tr>
<td>Ordinance of the City and Borough of Juneau, No. 91–52.</td>
<td>An Ordinance amending the Wood smoke control code to lower the particulate count threshold, and to prohibit the burning in woodstoves of substances other than paper, cardboard and untreated wood.</td>
<td>1/6/92 (City adoption date)</td>
<td>3/24/94, 59 FR 13884</td>
<td>Mendenhall Valley PM Plan.</td>
</tr>
<tr>
<td>Ordinance of the City and Borough of Juneau, No. 91–53.</td>
<td>An Ordinance amending the wood smoke control fine schedule to increase the fines for violations of the wood smoke control code.</td>
<td>1/6/92 (City adoption date)</td>
<td>3/24/94, 59 FR 13884</td>
<td>Mendenhall Valley PM Plan.</td>
</tr>
<tr>
<td>Ordinance of the City and Borough of Juneau No. 93–91.</td>
<td>Setting boundaries for regrading and surfacing.</td>
<td>2/8/93 (City adoption date)</td>
<td>3/24/94, 59 FR 13884</td>
<td>Mendenhall Valley PM Plan.</td>
</tr>
<tr>
<td>Ordinance of the City and Borough of Juneau, No. 93–96.</td>
<td>Setting boundaries for regrading and surfacing.</td>
<td>4/5/93 (City adoption date)</td>
<td>3/24/94, 59 FR 13884</td>
<td>Mendenhall Valley PM Plan.</td>
</tr>
<tr>
<td>Ordinance of the City and Borough of Juneau, No. 93–389am.</td>
<td>An Ordinance creating Local Improvement District No. 77 of the City and Borough, setting boundaries for drainage and paving of streets in the Mendenhall Valley.</td>
<td>11/17/93 (City adoption date)</td>
<td>3/24/94, 59 FR 13884</td>
<td>Mendenhall Valley PM Plan.</td>
</tr>
</tbody>
</table>
§ 52.70  

EPA-APPROVED ALASKA REGULATIONS AND STATUTES—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anchorage Ordinance</td>
<td>An ordinance amending the Anchorage Municipal Code, Chapters 15.80 and 15.85 to comply with State I/M regulations and to comply with DMV Electronic Procedures.</td>
<td>2/14/06 (City approval date)</td>
<td>3/22/10, 75 FR 13436 ..</td>
<td>Anchorage Transportation Control Program—Carbon Monoxide.</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Alaska Statutes</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Title 45 Trade and Commerce, Chapter 45.45. Trade Practices</td>
<td>Prohibited Transfer of Used Cars.</td>
<td>6/25/93</td>
<td>11/18/98, 63 FR 63983 except (b).</td>
<td></td>
</tr>
<tr>
<td>Sec. 45.45.400</td>
<td>Prohibited Transfer of Used Cars.</td>
<td>6/25/93</td>
<td>11/18/98, 63 FR 63983 except (b).</td>
<td></td>
</tr>
</tbody>
</table>

| Title 46 Water, Air, Energy, and Environmental Conservation, Chapter 46.14. Air Quality Control | | | |
|------------------------------------------------------------------------------------------------| | | |
| Sec. 46.14.550 | Responsibilities of Owner and Operator. | 1/4/13 | 9/19/14 | 79 FR 56268. |
| Sec. 46.14.560 | Unavoidable Malfunctions and Emergencies. | 6/25/93 | 11/18/98, 63 FR 63983. |
| Sec. 46.14.990 | Definitions | 1/4/13 | 9/19/14 | 79 FR 56268. except (1) (3), (6), (7), (9) (14), (19) (26), and (29). |

(d) EPA approved state-specific requirements.

EPA-APPROVED ALASKA SOURCE-SPECIFIC REQUIREMENTS

EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

State of Alaska Air Quality Control Plan: Volume II. Analysis of Problems, Control Actions

Section I  
Background

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
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Section II  
State Air Quality Control Program

| State Air Quality Control Program. | Statewide | 7/9/12 | 10/22/12, 77 FR 64425. |

106
### EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

<table>
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<th>Name of SIP provision</th>
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<td>9/18/02, 67 FR 58711.</td>
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<td>7/29/15</td>
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<td>9/27/95, 60 FR 49765.</td>
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<td>4/24/84, 49 FR 17497.</td>
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## § 52.70

EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

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<td>4/24/84, 49 FR 17497.</td>
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### Section V Ambient Air Monitoring

| A. Purpose .................................. | Statewide                                   | 11/15/83             | 4/24/84, 49 FR 17497. |          |

### State of Alaska Air Quality Control Plan: Volume III. Appendices

#### Section II State Air Quality Control Program

| A. State Air Statutes In Situ Burning Guidelines. | Statewide                                   | 12/11/06             | 3/22/10, 75 FR 13436 except 46.03.170. |
| CAA Section 110 Infrastructure Certification Documentation and Supporting Documents. | Statewide                                   | 12/11/06             | 3/22/10, 75 FR 13436. |

#### Section III Area wide Pollutant Control Program

| C. Fairbanks                                    | Fairbanks                                   | 4/22/13              | 8/9/13, 78 FR 48611. |
| G. Ordinance of the City and Borough of Juneau. | Statewide                                   | 11/15/83             | 4/24/84, 49 FR 17497. |

#### Section IV Point Source Control Program

| 1. PSD Area Classification and Reclassification. | Statewide                                   | 11/15/83             | 4/24/84, 49 FR 17497. |

#### Section V Ambient Air Monitoring

| ADEKC Ambient Analysis Procedures.              | Statewide                                   | 11/15/83             | 4/24/84, 49 FR 17497. |

#### Section VI Small Business Assistance Program

| Section VI Small Business Assistance Program.   | Statewide                                   | 4/18/94              | 9/5/95, 66 FR 46024. |

108
## § 52.71 Classification of regions.

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

### Environmental Protection Agency

**EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued**

<table>
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<tr>
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<td>Executive Branch Code of Ethics (9 AAC 52.010–9 AAC 52.990).</td>
<td>Statewide ..................... 7/9/12 ........................... 10/22/12, 77 FR 64425.</td>
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### Section 110(a)(2) Infrastructure and Interstate Transport

| Interstate Transport Requirements—1997 8-Hour Ozone and PM$_{2.5}$ NAAQS. | Statewide ..................... 2/7/08 ........................... 10/15/08, 73 FR 60957 | Approves SIP for purposes of CAA section 110(a)(2)(i)(i) for the 1997 8-hour ozone and 1997 PM$_{2.5}$ NAAQS. |          |
| 110(a)(2) Infrastructure Requirements—1997 ozone standard. | Statewide ..................... 7/9/12 ........................... 10/22/12, 77 FR 64425 | Approves SIP for purposes of CAA sections 110(a)(2)(A), (B), (C), (D)(iii), (E), (F), (G), (H), (J), (K), (L), and (M) for the 1997 8-hour ozone NAAQS. |          |
| 110(a)(2) Infrastructure Requirements—1997 PM$_{2.5}$ NAAQS. | Statewide ..................... 7/9/12 ........................... 11/10/14, 79 FR 66651 | Approves SIP for purposes of CAA sections 110(a)(2)(A), (B), (C), (D)(i)(ii), (D)(i)(iii), (E), (F), (H), (J), (K), (L), and (M) for the 1997 PM$_{2.5}$ NAAQS. |          |
| 110(a)(2) Infrastructure Requirements—2006 PM$_{2.5}$ NAAQS. | Statewide ..................... 7/9/12, 3/29/11 .................. 11/10/14, 79 FR 66651 | Approves SIP for purposes of CAA sections 110(a)(2)(A), (B), (C), (D)(i)(ii), (D)(i)(iii), (E), (F), (H), (J), (K), (L), and (M) for the 2006 PM$_{2.5}$ NAAQS. |          |
| 110(a)(2) Infrastructure Requirements—2008 Ozone NAAQS. | Statewide ..................... 7/9/12, 3/29/11 .................. 11/10/14, 79 FR 66651 | Approves SIP for purposes of CAA sections 110(a)(2)(A), (B), (C), (D)(i)(ii), (D)(i)(iii), (E), (F), (H), (J), (K), (L), and (M) for the 2008 Ozone NAAQS. |          |
§ 52.72 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Alaska’s plan for the attainment and maintenance of the national standards. The State included in the plan a regulation prohibiting idling of unattended motor vehicles. However, the plan stated that this regulation was included for informational purposes only, and was not to be considered part of the control strategy to implement the national standards for carbon monoxide. Accordingly, this regulation is not considered a part of the applicable plan.

§ 52.73 Approval of plans.

(a) Carbon monoxide.

(1) Anchorage.


(iii) The EPA approves the following revised sections of the Anchorage Transportation Control Program, Anchorage CO Maintenance Plan (Volume II, Section III.B) of the Alaska SIP Submittal adopted July 13, 2011, and submitted on September 20, 2011: Planning Process (Section III.B.1), Maintenance Area Boundary (Section III.B.2), Nature of the CO Problem—Causes and Trends (Section III.B.3), Transportation Control Strategies (Section III.B.5), Modeling and Projections (Section III.B.6), Contingency Plan (Section III.B.7), Anchorage Emergency Episode Plan (Section III.B.8), Assurance of Adequacy (Section III.B.9) and Redesignation Request (Section III.B.11). The EPA also approves the following revised sections of the Appendices (Volume III): Anchorage Assembly Resolution No. 2011–133 (Appendix III.B.1), Anchorage 2007 Carbon Monoxide Emission Inventory and 2007–2023 Emission Projections (Appendix III.B.3), Analysis of Probability of Complying with the National Ambient Air Quality Standard for Carbon Monoxide in Anchorage between 2007 and 2023 (Appendix III.B.6) and Affidavit of Oral Hearing (Appendix III.B.10).

(iv) The EPA approves the following revised sections of the Anchorage Transportation Control Program, Anchorage CO Limited Maintenance Plan (Volume II, Section III.B) of the Alaska SIP Submittal adopted February 22, 2013, and submitted on April 22, 2013: Carbon Monoxide Monitoring Program (Section III.B.4) Air Quality Conformity Procedures (Section III.B.10), Limited Maintenance Plan for 2014–2024 (Section III.B.12). In this action, the EPA also approves the following revised sections of the Appendices (Volume III): Anchorage Assembly Resolution No. 2013–20 (Appendix III.B.1) and Affidavit of Oral Hearing (Appendix III.B.10).
§ 52.74 Original identification of plan section.

(a) This section identified the original “Air Quality Implementation Plan for the State of Alaska” and all revisions submitted by Alaska that were Federally-approved prior to March 4, 2014.

(b) The plan was officially submitted on April 25, 1972.

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

(1) Modifications to the implementation plan including a revision to Title 18, Chapter 50, section 160 and other nonregulatory provisions submitted on June 22, 1972, by the Governor.

(2) Compliance schedules submitted on August 2, 1973, by the State of Alaska Department of Environmental Conservation.


(4) Compliance schedules submitted on September 30, 1975, by the State of Alaska Department of Environmental Conservation.


(6) Compliance schedules submitted on September 30, 1975, by the State of Alaska Department of Environmental Conservation.

(7) Part D attainment plans for the Anchorage and Fairbanks carbon monoxide nonattainment areas submitted by the Governor of Alaska on January 18, 1980 as follows:
§ 52.74

40 CFR Ch. I (7–1–16 Edition)

VOLUME II. ANALYSIS OF PROBLEMS, CONTROL ACTIONS

Section III. Areawide Pollutant Control Efforts, Subsection A.
Carbon Monoxide, except subparts 1.c (Other areas) and 5.h (Fairbanks Emergency Avoidance Plan)

VOLUME III. APPENDICES

III–1 A Review of Carbon Monoxide Emissions from Motor Vehicles during Cold Temperature Operation
III–2 Cold Weather Related Strategy Support Development
III–3 Preliminary Assessment of Meteorological Conditions during Days of Ambient Air Quality Violations in Anchorage
III–4 Summary of the 1978 Fairbanks Voluntary Vehicle Emissions Inspection Program
III–5 Approach of Evaluating an Alaska I/M Program
III–6 Appendices to the Anchorage Air Quality Plan
III–7 Appendices to the Fairbanks Air Quality Plan

(6) On January 18, 1980, the State of Alaska Department of Environmental Conservation submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR part 58, subpart C, §58.20, as follows:

VOLUME II. ANALYSIS OF PROBLEMS, CONTROL ACTIONS

Section V. Ambient Air Monitoring
A. Purpose
B. Description of Air Monitoring Network
C. Annual Review

(9) Provisions of a State Air Quality Control Plan submitted by the Governor of Alaska on January 18, 1980, as follows:

VOLUME II. ANALYSIS OF PROBLEMS, CONTROL ACTIONS

Section I. Introduction
A. Summary
B. Air Quality Control Regions
C. Attainment/Nonattainment Designations

Section II. Alaskan Air Quality Control Programs
A. State Program
B. Local Programs
C. Resource Needs

Section III. Areawide Pollutant Control Efforts
A. Carbon Monoxide, Subpart 1.c (Other areas)
B. Total Suspended Particulate Matter
C. Ice Fog
D. Open Burning—Forest Practices

Section IV. Point Source Control Efforts
A. Summary
B. Description of Source Categories and Pollutants
C. Summary of Major Emitting Sources
D. History of Alaskan Point Source Program
F. Local Program Enforcement
G. New Source Review and Approval
H. Compliance Assurance
I. State Air Quality Control Regulations
Section V. Ambient Air Monitoring
B. Description of Previous Air Monitoring Network

VOLUME III. APPENDICES

I–1 Summary of Public Hearings, Written Testimony, etc.
I–2 Recommendations for attainment/Nonattainment designations
II–1 Alaska Statutes, except section 46.03.170
II–2 Regulations of the Fairbanks North Star Borough, except section 8.04.070
II–3 Fairbanks North Star Borough/Alaska Department of Environmental Conservation Agreement
II–4 Municipality of Anchorage/Alaska Department of Environmental Conservation Agreement
II–5 Alaska State Department of Law Legal Opinion
IV–1 Summaries of Emission Inventories
IV–2 D. Permit to Operate for the Fairbanks Municipal Utilities System
IV–3 Testing Procedures
V–1 Air Quality Data


VOLUME II. ANALYSIS OF PROBLEMS, CONTROL ACTIONS

Section I. Introduction
C. Attainment/Nonattainment Designations
Section III. Areawide Pollutant Control Efforts
D. Open Burning—Forest Practices

Section IV. Point Source Control Efforts
C. Summary of Major Emitting Sources
D. History of Alaskan Point Source Program
F. Local Program Enforcement
G. New Source Review and Approval
H. Compliance Assurance
I. State Air Quality Control Regulations
Section V. Ambient Air Monitoring
C. Air Monitoring Network
E. Annual Review

VOLUME III. APPENDICES

IV–4 ADEC Ambient Analysis Procedures

112
On November 15, 1983 the State of Alaska Department of Environmental Conservation submitted a revision to add a lead strategy to the Alaska Implementation Plan.

Provisions of a State Air Quality Control Plan submitted by the Alaska Department of Environmental Conservation on November 15, 1983, as follows:

Section II. State Air Quality Control Program
Section III. Areawide Pollutant Control Program
D. Total Suspended Particulate Matter
E. Ice Fog
F. Open Burning
G. Wood Smoke Pollution Control

Section IV. Point Source Control Program
A. Summary
1. Annual Review Report
2. State Air Quality Regulations
C. Local Programs
D. Description of Source Categories and Pollutants
1. Typical Point Sources
2. Summary of Major Emitted Facilities
E. Point Source Control
1. Introduction
F. Facility Review Procedures
1. Who needs a permit?
2. Standard Application Procedures
3. PSD Application Procedures, Preliminary report and meeting, Pre-construction monitoring, PSD application format
4. Nonattainment Application Procedures
G. Application Review and Permit Development
1. Application Review
4. Nonattainment Area Review
5. New Source Performance Standards Source Review
6. Visibility Review
7. Sources under EPA Review
H. Permit Issuance Requirements

Section V. Ambient Air Monitoring
A. Purpose
B. Completed Air Monitoring Projects
1. Carbon Monoxide
2. Nitrogen Oxides
3. Sulfur Dioxide
4. Ozone
5. Total Suspended Particulates (TSP)
6. Lead
C. Air Monitoring Network
1. Network Description
2. Station Designations
3. Air Quality Monitoring Procedures
4. Ambient Sampling for Specific Pollutants
E. Annual Review

Section III. Appendices
Section II. State Air Quality Control Program
II.A. State Air Statutes, except section 46.03.170, State Attorney General Opinions on Legal Authority
II.B. Municipality of Anchorage/Cook Inlet/ADEC Agreements
II.C. Fairbanks North Star Borough Ordinances/FNSB & ADEC Agreements

Section III. Areawide Pollutant Control Program
III.G. Ordinance of the City and Borough of Juneau

Section IV. Point Source Control Program
IV.1. PSD Area Classification and Reclassifications
A. Class I Area Boundaries
B. Areas Protecting from Visibility Degradation
C. Reclassification
1. Limitations on PSD Reclassification
2. PSD Reclassification Procedures
IV.2. Compliance Assurance
IV.3. Testing Procedures

Section V. Ambient Air Monitoring
ADEC Ambient Analysis Procedures
Title 18. Environmental Conservation, Chapter 50. Air Quality Control, Sections 221(d), 224(a)(7), 224(c), 225(a)(7), 225(b)(4), 225, 300(a)(1), 300(a)(7), 300(d)(6), 500(d), 560(c), 510 (Editor’s Note), 520(a), 520(b), 510(a), 620, 900(15), 900(39), 900(47), and 900(48).

On September 29, 1982, the Commissioner of the Alaska Department of Environmental Conservation submitted a carbon monoxide attainment plan for the cities of Anchorage (section III.B) and Fairbanks (section III.C) as a revision to the Alaska State Implementation Plan. On November 15, 1983, a revision to this plan was submitted for the city of Anchorage. Supplement to the
§ 52.74

Anchorage and Fairbanks plans revisions to section III.A (Area-wide Pollutant Control Program, Statewide Transportation Control Program) and a new State Regulation 18 AAC Chapter 52 (Emissions Inspection and Maintenance Requirements for Motor Vehicles) were submitted on May 31, 1985.  
(B) Page section III.B.8–3 of the Anchorage Transportation Control Program, Alaska Air Quality Control Plan, revised June 1, 1985 (emissions and air quality projections for Anchorage with vehicle inspection and maintenance program).  
(C) Table C.6.a of the Fairbanks Transportation Control Program, Alaska Air Quality Control Plan [reasonable further progress required reductions for Fairbanks] (page section III.C.6–2) revised November 20, 1982.  
(ii) Other material. (A) Section III.A Statewide Transportation Control Program.  
(B) Section III.B Anchorage Transportation Control Program.  
(C) Section III.C Fairbanks Transportation Control Program.  
(13) On June 26, 1987, the State of Alaska Department of Environmental Conservation submitted Section III.B.10–1 through III.B.10–6 (Anchorage Air Pollution Episode Curtailment Actions); Section III.C.10–1 through III.C.10–9 (Fairbanks Emergency Episode Prevention Plan); and minor modifications to Section III.C.5–7 (Fairbanks Inspection and Maintenance Program Design).  
(B) Page section III.B.10–1 through III.B.10–6 of Volume II (Anchorage Air Pollution Episode Curtailment Actions) as adopted as an ordinance by the Anchorage Assembly on September 9, 1986.  
(C) Section III.C.10–1 through III.C.10–9 of Volume II (Fairbanks Emergency Episode Prevention Plan) as adopted as an ordinance by the Assembly of the Fairbanks North Star Borough on December 19, 1985.  
(D) Page number Section III.C.5–7 of Volume II (Fairbanks Inspection and Maintenance Design). This new page supersedes the current page number Section III.C.5–7 of the Alaska Air Quality Control Plan as adopted by the Alaska Department of Environmental Conservation on June 26, 1987.  
(14) On June 26, 1987, the Commissioner of the Alaska Department of Environmental Conservation submitted revised rules regulating the height of stacks and the use of dispersion techniques, specifically revisions to 18 AAC 50.400(a), 18 AAC 50.530(c), 18 AAC 50.900(16), 18 AAC 50.900(20), 18 AAC 50.900(23), and 18 AAC 50.900(29), and the deletion of 18 AAC 50.900(17).  
(B) August 11, 1987 letter from the State of Alaska Department of Environmental Conservation to EPA, Region 10.  
(C) 18 AAC 50.400(a) and 18 AAC 50.900 (16), (20), (23), and (29) as adopted by the State of Alaska Department of Environmental Conservation on December 31, 1986.  
(15) On September 12, 1988, the State of Alaska Department of Environmental Conservation submitted revisions to AAC 18 Chapter 52 (Emission Inspection and Maintenance Requirements for Motor Vehicles). Those sections amended through June 2, 1988, are: 18 AAC 51.010 [Purpose and General Requirements] (a)(3), (b), (d), (e), and (g); 18 AAC 52.020 [Vehicles Subject to this Chapter] (1); 18 AAC 52.070 [Waivers] (5)(A) through (C); and 18 AAC 52.900 [Definitions] (14).  
(i) Incorporation by reference. (A) September 12, 1988 letter from the State of Alaska Department of Environmental Conservation to EPA Region 10.  
(B) Chapter 52 [Emissions Inspection and Maintenance Requirements for Motor Vehicles] section 52.010 [Purpose
and General Requirements (a)(3), (b), (d), (e), and (g); section 52.020 [Vehicles Subject to This Chapter] (1); section 52.070 [Waivers] (5)(A) through (C); and section 52.900 [Definitions] (14) as adopted by the State of Alaska Department of Environmental Conservation on March 10, 1988.

(16) On September 12, 1988, the State of Alaska Department of Environmental Conservation submitted revisions to the State of Alaska state implementation plan. Specifically pages IV.F.1–1 through IV.F.1–8 of section IV.F “Project Review Procedures” and amendments to title 18, chapter 50, sections 050(a)(4), 050(b), 050(d)(1), 300(a)(5)(C), 300(a)(6)(C), 300(a)(7), 300(c), 300(g), 500(d), 510(a), 520(a), 520(b), and 620 of the Alaska Administrative Code.

(17) On October 17, 1991, the State of Alaska Department of Environmental Conservation submitted a PM$_{10}$ nonattainment area state implementation plan for Eagle River, Alaska, as adopted by the Anchorage Assembly on February 6, 1990 and effective on September 24, 1991.

(18) On June 22, 1993, the Governor of the State of Alaska submitted revised rules to satisfy certain Federal Clean Air Act requirements for an approvable moderate PM$_{10}$ nonattainment area SIP for Mendenhall Valley, Alaska. Also included in this SIP were PM$_{10}$ contingency measures for the Mendenhall Valley. On January 21, 1992, a supplement to the existing Eagle River PM$_{10}$ control plan was submitted by ADEC to EPA and certified on March 8, 1993, by the Lieutenant Governor of Alaska.

(i) Incorporation by reference. (A) June 22, 1993, letter from the Governor of the State of Alaska to EPA, Region 10, submitting the moderate PM$_{10}$ nonattainment area SIP for Mendenhall Valley, Alaska.

(B) The Control Plan for Mendenhall Valley of Juneau, effective July 8, 1993.

(C) August 25, 1993, letter from ADEC showing, through enclosures, the permanent filing record for the supplement to the existing Eagle River PM$_{10}$ control plan. The Lieutenant Governor certified the supplement on March 8, 1993.

(D) The January 21, 1992, supplement to the existing Eagle River PM$_{10}$ control plan, effective April 7, 1993. Also included is an August 27, 1991 Municipality of Anchorage memorandum listing the 1991 capital improvement project priorities and an October 11, 1991, Municipality of Anchorage memorandum summarizing the supplement to the existing PM$_{10}$ control plan.

(19) The Environmental Protection Agency (EPA) takes action on and/or approves regulations from three submittals received from the ADEC on July 17, 1990, October 15, 1991 and on March 24, 1994, which pertain to correcting SIP deficiencies in the CFR; amendments to regulations dealing with Air Quality Control, 18 AAC 50, for inclusion into Alaska’s SIP; and additional amendments to 18 AAC 50, Air Quality Control, for inclusion into Alaska’s SIP to assure compliance with new source review permitting requirements for sources located in nonattainment areas for either carbon monoxide or particulate matter.
§ 52.74

(1) Incorporation by reference. (A) July 17, 1990 letter from ADEC to EPA requesting correction for findings of SIP deficiency in 40 CFR Part 52, and including the version of Alaska Statutes, “Title 46. Water, Air, Energy, and Environmental Conservation,” in effect at the time of the July 17, 1990 letter, of which Sections 46.03.020, 46.03.030, 46.03.032, and 46.03.715, amended in 1987, were the most recently amended of the enclosed statutes.

(B) October 15, 1991 letter from ADEC to EPA, and including amendments to regulations and the State Air Quality Control Plan to assure compliance with national ambient air quality standards for particulate matter; the Order Amending Regulations of the Department of Environmental Conservation, effective July 21, 1991; and the following Alaska Administrative Code, 18 AAC 50, Air Quality Control Regulations: (50.020; 50.085; 50.100; 50.300; 50.400; 50.510, 50.520, 50.610, and 50.900), effective July 21, 1991, Register 119.

(C) March 24, 1994 letter from Walter J. Hickel, Governor of Alaska, to Chuck Clarke, Regional Administrator of EPA, and including amendments to 18 AAC 50, State Air Quality Control Plan; the Order Adopting and Amending Regulations of the Department of Environmental Conservation, effective April 23, 1994, Register 130; and the amendments to 18 AAC 50 (50.021, 50.300(a)(7) and (a)(8), 50.300(d), (e), and (g), 50.400(a)(1)(A), 50.400(c)(3)(B)(ii), 50.400(c)(4), 50.400(d)(4), and 50.620), State Air Quality Control Plan, found in Volume III: Appendices, Modifications to Section III.A, effective April 23, 1994, Register 130.

(20) On April 18, 1994, the Commissioner of the Alaska Department of Environmental Conservation (ADEC) submitted “The Alaska Air Quality Small Business Assistance Program State Air Quality Control Plan Amendment,” adopted April 8, 1994, as a revision to the Alaska SIP.

(21) On July 11, 1994 ADEC submitted a SIP revision for a basic motor vehicle inspection and maintenance (I/M) program in the Municipality of Anchorage (MOA) and the Fairbanks North Star Borough (FNSB).

(22) On March 24, 1994, ADEC submitted a revision to its SIP for the State of Alaska addressing the attainment and maintenance of the National Ambient Air Quality Standards for carbon monoxide in the Anchorage carbon monoxide nonattainment area.
Alaska, Department of Environmental Conservation, 18 AAC 53, “Fuel Requirements for Motor Vehicles,” (Article 1, 18 AAC 53.005–18 AAC 53.190 and Article 9, 18 AAC 53.990) with amendments adopted through March 19, 1994.

(23) On March 24, 1994, ADEC submitted a SIP revision to EPA to satisfy the requirements of sections 187(a)(2)(A) and 187(a)(3) of the CAA, forecasting and tracking VMT in the Anchorage area.

(24) On December 5, 1994 the Alaska Department of Environmental Conservation sent EPA revisions for inclusion into Alaska’s SIP that address transportation and general conformity regulations as required by EPA under the CAA.

(25) On March 24, 1994, ADEC submitted a revision to its SIP for the State of Alaska addressing the attainment and maintenance of the NAAQS for CO in the Anchorage CO nonattainment area.

(26) Submittal to EPA from the ADEC of CO contingency measure for Fairbanks, AK.


(28) On January 8, 1997, the Director of the Alaska Department of Environmental Conservation submitted the Alaska air quality regulations, 18 Alaska Administrative Code (AAC) 50 (with the exception of 18 AAC 50.055(a)(9), 50.085, 50.090, 50.110, 50.300(g), and 50.310(1) which were not submitted), as effective on January 18, 1997. On March
17, 1998, the Director of the Alaska Department of Environmental Conservation resubmitted 18 AAC 50.055(a)(3) and (b)(6). EPA has approved the following provisions of 18 AAC 50, as effective on January 18, 1997: Section 005; Section 010, except for subsections (7) and (8); Section 022; Section 030; Section 033; Section 045; Section 050; Section 055, except for paragraphs (d)(2)(B) and (a)(9); Section 060; Section 065; Section 070; Section 075; Section 200; Section 201; Section 205; Section 210; Section 220; Section 240; Section 245; Section 500; Section 515; Section 520, except subsection (c)(9); Section 525; Section 990, subsections (2), (3), (4), (5), (6), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25); and AS 45.45.400(a). On January 8, 1997, the Director of the Alaska Department of Environmental Conservation submitted the current Alaska Statutes for air pollution control, specifically the 1993 Alaska Act (Chapter 74 State Legislative Act 1993). EPA has approved as federally enforceable provisions of the SIP, the following provisions of the Alaska Statutes, as effective June 25, 1993: AS 46.14.510(b); AS 46.14.550; AS 46.14.560; AS 46.14.990(1), (2), (3), (6), (7), (8), (10), (13), (15), (16), (17), (18), (22), (24), and (25); and AS 45.45.400(a); as effective on June 25, 1993.

(29) The Environmental Protection Agency (EPA) approves various amendments to the Alaska State Air Quality Control Plan which are contained in three separate submittals to EPA, dated February 6, 1997, June 1, 1998, and September 10, 1998, and which include the inspection and maintenance program.

(i) Incorporation by reference. (A) Air Quality Control Regulations, 18 AAC 50. Effective September 4, 1998: Section 700; Section 705; Section 710 (except for the incorporation by reference of sections 93.102(c), 93.102 (d), 93.104(d), 93.104(e)(2), 93.109(c)- (f), 93.118(e), 93.119(f)(3), 93.120(a)(2), 93.121(a)(1) and (b), and 93.124(b) of 40 CFR); Section 715; and Section 720.

(B) Emissions Inspection and Maintenance Requirements for Motor Vehicles 18 AAC 52.

(1) Effective January 1, 1998: Section 005; Section 010; 020; 023; 035; 037; 050; 060; except for subsections (8)(c), (8)(d)(2) and (8)(e); 065; 070; 080; 085; 095; 100; 105; 405; 415; except subsection (f)(1); 420, except subsection (a)(11); 425; 440; 500; 515; 520, except subsection (c)(9); 525; 527; 530, except subsections (b)(3), (c)(4)(C) and (d)(9); 535; 540; 545; 546; 590.

(2) Effective January 1, 1997: Section 055; 090.

(3) Remove the following provisions of 18 AAC 52, effective January 1, 1997: Section 060, subsection 8 (c) and 8 (e); Section 520, subsection (c)(9).

(4) Remove the following provisions of 18 AAC 52, effective January 1, 1998:
Environmental Protection Agency § 52.74

Section 060, subsection 8 (d)(2); Section 415, subsection (f)(1); Section 420, subsection (a) (11); Section 530, subsection (b)(3) and (d)(9).

(5) Remove the following provisions of 18 AAC 52, effective January 4, 1995: Section 530, subsection (c) (4)(c).

(C) Fuel Requirements for Motor Vehicles 18 AAC 53.

(1) Effective October 31, 1997: Section 05; 07; 10; 20; 30; 35; 40; 45; 60; 70; 80; 90; 200; 105; 120; 130; 140; 150; 160; 170; 190 and effective September 4, 1998, Section 990.

(2) Remove the following provision of 18 AAC 53.015, Expansion of Control Area, effective October 31, 1997.


(31) The Environmental Protection Agency (EPA) approves various amendments to the Alaska State Air Quality Control Plan which are contained in two separate submittals to EPA, dated February 24, 2000 and February 2, 2001, and which include the inspection and maintenance and fuels program.

(i) Incorporation by reference. (A) Air Quality Control Regulations, 18 AAC 50. Effective December 30, 2000: Section 090. (B) Emissions Inspection and Maintenance Requirements for Motor Vehicles 18 AAC 52.

(1) Effective January 1, 2000: Sections 005; 020; 025; 035; 057; 059; 060; 065; 070; 085; 100; 105; 410; 415; 420; 440; 500; 510; 515; 520; 525; 527; 530; 535; and 540.

(2) Effective December 30, 2000: Sections 050 and 990.

(C) Fuel Requirements for Motor Vehicles 18 AAC 53. Effective December 30, 2000: Section 080.


(i) Incorporation by reference. (A) Air Quality Control Regulations, 18 AAC 50.030, as adopted 7/27/01, effective 9/21/01. (B) Assembly Ordinance 2001–17 mandating a Fairbanks North Star Borough motor vehicle plug-in program, as adopted 4/12/2001, effective 4/13/01.

(ii) Additional material. Volume II, Section III.C of the State Air Quality Control Plan adopted 7/27/01, effective 9/21/01; Volume III.C3, III.C.5, C.11, and
(33) [Reserved]

(34) On February 18, 2004, the Alaska Department of Environmental Quality submitted a CO maintenance plan and requested the redesignation of Anchorage to attainment for CO. The State’s maintenance plan, attainment year emissions inventory, and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference. (A) 18 AAC 50.010, Ambient air quality standards, as effective June 21, 1998, except for subsections (7) and (8).

(B) 18 AAC 50.015, Air quality designations, classifications, and control regions, as in effect February 20, 2004.

(C) 18 AAC 50.020, Baseline Dates and Maximum Allowable Increases, 18 AAC 50.045 Prohibitions; 18 AAC 50.055 Industrial Processes and Fuel-Burning Equipment [except (d)(2)(B)]; 18 AAC 50.100 Nonroad Engines; 18 AAC 50.200 Information Requests; 18 AAC 50.201 Ambient Air Quality Investigation; 18 AAC 50.205 Certification; 18 AAC 50.215 Ambient Air Quality Analysis Methods [except (c)(2)]; 18 AAC 50.245 Air Episodes and Advisories; 18 AAC 50.250 Procedures and Criteria for Revising Air Quality Classifications; 18 AAC 50.301 Permit Continuity; 18 AAC 50.302 Construction Permits; 18 AAC 50.306 Prevention of Significant Deterioration (PSD) Permits [except (b)(2) and (b)(3)]; 18 AAC 50.311 Nonattainment Area Major Stationary Source Permits; 18 AAC 50.345 Construction and Operating Permits: Standard Permit Conditions [except (b), (c)(3), and (1)]; 18 AAC 50.508 Minor Permits Requested by the Owner or Operator [except (1) and (2)]; 18 AAC 50.546 Minor Permits: Revisions [except (b)]; 18 AAC 50.560 General Minor Permits; 18 AAC 50.900 Small Business. All provisions in this paragraph are State effective October 1, 2004.

(5) 18 AAC 50.542 Minor Permit: Review and Issuance [except (b)(2), (f)(4), (f)(5), and (g)(1) but only with respect to clean units and pollution control projects]; State effective December 1, 2004.

(6) 18 AAC 50.225 Owner-Requested Limits; 18 AAC 50.230 Preapproved Emission Limits [except (d)]; 18 AAC 50.544 Minor Permits: Content [except (e)]. All provisions in this paragraph are State effective January 29, 2005.
(7) 18 AAC 50.035 Documents, Procedures, and Methods Adopted By Reference [except (b)(4)]; 18 AAC 50.040 Federal Standards Adopted by Reference [except (a), (b), (c), (d), (e), (g), (h)(17), (h)(18), (h)(19), (i)(7), (i)(8), (i)(9), and (j)]; 18 AAC 50.502 Minor Permits for Air Quality Protection [except (g)(1) and (g)(2)]; 18 AAC 50.540 Minor Permit: Application [except (f) and (g)]; 18 AAC 50.990 Definitions [except (21), and (77)]. All provisions in this paragraph are State effective December 3, 2005.

(B) Remove the following provisions from the current incorporation by reference:

(1) 18 AAC 50.030 State Air Quality Control Plan; State effective September 21, 2001.

(2) 18 AAC 50.035 (b)(4) Documents, Procedures and Methods Adopted by Reference; State Effective January 18, 1997.

(3) 18 AAC 50.090 Ice Fog Limitations; State effective May 26, 1972.

(4) 18 AAC 50.220(c)(2) Enforceable Test Methods; State effective January 18, 1997.

(5) 18 AAC 50.300 Permit to Operate and 18 AAC 50.400 Application Review & Issuance of Permit to Operate. The provisions in this paragraph were State effective July 21, 1991 and April 23, 1994.

(6) 18 AAC 50.520 Emissions and Ambient Monitoring; State effective July 21, 1991.

(7) 18 AAC 50.530 Circumvention; State effective June 7, 1987.

(8) 18 AAC 50.310 Revocation or Suspension of Permit; State effective May 4, 1980.

(9) 18 AAC 50.400 Permit Administration Fees; 18 AAC 50.420 Billing Procedures; and 18 AAC 50.430 Appeal Procedures. The provisions of this paragraph were State effective January 18, 1997.

(10) 18 AAC 50.600 Reclassification Procedures & Criteria; State effective November 1, 1982.

(11) 18 AAC 50.620 State Air Quality Control Plan; State effective January 4, 1995.


(ii) Additional Material.

(A) The following section of ADEC’s air quality regulations: 18 AAC 50.030 State Air Quality Control Plan, State effective October 1, 2004.

(37) On March 29, 2002, December 11, 2006 and June 5, 2008 the Alaska Department of Environmental Conservation submitted revisions to the SIP approved inspection and maintenance program for Carbon Monoxide. The SIP revisions meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) The following new and revised sections of ADEC’s air quality regulations:

(1) 18 AAC 50.030 Air Quality Control as in effect May 17, 2008.

(2) 18 AAC 52 Emissions Inspection and Maintenance Requirements for Motor Vehicles as in effect May 17, 2008.


(ii) Additional material

(A) The following revised sections of Alaska’s air quality regulations:

(1) State Air Quality Control Plan—Vol. II Analysis of Problems, Control Actions, Section II: Air Quality Program, April 4, 2008

(2) State Air Quality Control Plan—Vol. II Analysis of Problems, Control Actions, Section III.A. Statewide Carbon Monoxide Control Program, April 4, 2008

(3) State Air Quality Control Plan—Vol. II Analysis of Problems, Control Actions, Section III.B. Anchorage Transportation Control Program, September 19, 2006


(5) State Air Quality Control Plan—Vol. II Analysis of Problems, Control Actions, Section III.C. Fairbanks Transportation Control Program, April 4, 2008


On November 19, 2010, the Alaska Department of Environmental Conservation (ADEC) submitted a revision to the State of Alaska Implementation Plan that adds a definition of “Subject to regulation” as it applies to greenhouse gases in Alaska’s Prevention of Significant Deterioration (PSD) permit rule.

Incorporation by reference. (A) The following section of ADEC’s air quality regulations: The incorporation by reference date for 40 CFR 52.21 in 18 AAC 50.040(h), introductory paragraph, but only with respect to its incorporation by reference of the definition of “Subject to regulation” in 40 CFR 52.21(b)(49) for the purpose of greenhouse gases only; State effective December 9, 2010.

On April 9, 2010, the Alaska Department of Environmental Conservation (ADEC) submitted a revision to the Alaska State Implementation Plan (SIP) to update the SIP to include the 2008 ozone standard at an 8-hour averaging period, the associated federal method for measuring and monitoring ozone in ambient air, and a general definition of ozone.

Incorporation by reference. (A) The following revised sections of Alaska Administrative Code Title 18: Chapter 50, effective April 1, 2010:

1. Article 1, Ambient Air Quality Management: Rule 010 Ambient Air Quality Standards, the undesignated introductory text, and (4); Rule 035 Documents, procedures, and methods adopted by reference, (b) the undesignated introductory text, and (b)(1), but only with respect to the incorporation by reference of 40 CFR part 50, Appendix P;

2. Article 2, Program Administration: Rule 215 Ambient Air Quality Analysis Methods, (a) introductory text, and (a)(2);

3. Article 9, General Provisions, Rule 990 Definitions, (129).

On November 19, 2010, and July 9, 2012, the Alaska Department of Environmental Conservation (ADEC) submitted revisions to the Alaska State Implementation Plan (SIP) to update the SIP to include federal Prevention of Significant Deterioration (PSD) program changes to regulate NOX as a precursor to ozone, and provisions to satisfy CAA section 128 conflict of interest disclosure requirements.

Incorporation by reference. (A) The following revised sections of Alaska Administrative Code Title 18, Chapter 50, effective December 9, 2010:

1. Article 1, Ambient Air Quality Management: Rule 040 Federal standards adopted by reference, (h) the undesignated introductory text, only with respect to 40 CFR Part 52 and (h)(4), only with respect to the incorporation by reference date for “significant” at 40 CFR 52.21(b)(23)(1);


Additional material. (A) The following sections of Alaska Administrative Code Title 2 and Title 9, effective February 20, 2005:

1. Title 2, Administration: Chapter 50, Alaska Public Offices Commission: Conflict of Interest, Campaign Disclosure, Legislative Financial Disclosure, and Regulations of Lobbying; Article 1, Public Official Financial Disclosure (2 AAC 50.010–2 AAC 50.200);

2. Title 9, Law: Chapter 52, Executive Branch Code of Ethics (9 AAC 52.010–9 AAC 52.990).

On April 4, 2011, the Alaska Department of Environmental Conservation submitted a SIP revision to meet the regional haze requirements of Clean Air Act sections 169A and 169B, and Federal Regulations 40 CFR 51.308, to implement a regional haze program in the State of Alaska for the first planning period through July 31, 2018.


Additional material. (A) The following section of ADEC’s air quality control regulations: 18 AAC 50.030 State Air Quality Control Plan; state effective date February 11, 2011;
On May 14, 2009, the Alaska Department of Environmental Conservation submitted a PM$_{10}$ limited maintenance plan and requested the redesignation of the Mendenhall Valley to attainment for PM$_{10}$. The state's limited maintenance plan and redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Alaska Administrative Code, Title 18, Chapter 50 Air Quality Control, Section 075 “Wood-fired heating devise visible emission standards,” effective May 6, 2009.


§52.82 Extensions.

The Administrator, by authority delegated under section 186(a)(4) of the Clean Air Act, as amended in 1990, hereby extends for one year (until December 31, 1996) the attainment date for the MOA, Alaska CO nonattainment area.

§§52.83–52.95 [Reserved]

§52.96 Significant deterioration of air quality.

(a) The State of Alaska Department of Environmental Conservation Air Quality Control Regulations are approved as meeting the requirements of 40 CFR 51.166 and part C for preventing significant deterioration of air quality. The specific provisions approved are: 18 AAC 50.010 except (7) and (8); 18 AAC 50.015; 18 AAC 50.020; 18 AAC 50.035(a)(4), (a)(5), and (b)(1); 18 AAC 50.040(h); and 18 AAC 50.215 except (a)(4) as in effect on April 17, 2015; 18 AAC 50.990 as in effect on November 9, 2014; 18 AAC 50.306 as in effect on January 4, 2013; 18 AAC 50.345 except (b), (c)(3), and (l) as in effect on September 14, 2012; and 18 AAC 50.250 as in effect on October 1, 2004.

(b) The requirements of sections 160 through 165 of the Clean Air Act are not met for Indian reservations since the plan does not include approvable provisions for preventing the significant deterioration of air quality on Indian reservations and, therefore, the provisions of §52.21 except paragraph (a)(1) are hereby incorporated and made part of the applicable plan for Indian reservations in the State of Alaska.

§§52.97–52.99 [Reserved]

Subpart D—Arizona

§52.120 Identification of plan.

(a) Title of plan: “The State of Arizona Air Pollution Control Implementation Plan.”
(b) The plan was officially submitted on January 28, 1972.

(1) Arizona State Department of Health.

(i) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement: Arizona Revised Statutes section 36-1700 ("Declaration of Policy")

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

(1) Letter of intent to revise plan submitted on March 1, 1972, by the Arizona State Board of Health.

(2) Letter of intent to revise plan submitted on March 2, 1972, by the Governor.

(3) Revised implementation plan submitted on May 30, 1972, by the Governor.

(i) Maricopa County Bureau of Air Pollution Control

(A) Previously approved on July 27, 1972 and now deleted without replacement Rules 60 to 67.

(ii) Arizona State Department of Health

(A) Previously approved on July 27, 1972 in paragraph (c)(3) of this section and now deleted without replacement: Chapter 2 ("Legal Authority"), Section 2.9 ("Jurisdiction over Indian lands"); Arizona Revised Statutes sections 36-1700 ("Declaration of Policy") and 36-1801 ("Jurisdiction over Indian Lands"); and Arizona State Department of Health, Rules and Regulations for Air Pollution Control 7-1-4.3 ("Sulfur Emissions: Sulfite Pulp Mills") and 7-1-9.1 ("Policy and Legal Authority").

(4) Transportation control plan submitted on April 11, 1973, by the Governor.

(5) Amendments (Non-regulatory) to the transportation control plan submitted on May 10, 1973, by the Governor.

(6) Arizona Air Pollution Control Regulations (numbers in parentheses indicate recodification of regulations as identified in the Arizona State Implementation Plan Semi-Annual Report submitted to EPA on September 4, 1975).

7-1-1.1 (R9-3-101) (Policy and Legal Authority)
7-1-1.3 (R9-3-103) (Air Pollution Prohibited)
7-1-1.5 (R9-3-105) (Enforcement)
7-1-4.3 (R9-3-403) (Sulfur Emissions: Sulfite Pulp Mills)
7-1-4.4 (R9-3-404) (Sulphur Emissions: Sulfuric Acid Plants)
7-1-4.5 (R9-3-405) (Sulphur Emissions: Other Industries)
7-1-5.1 (R9-3-501) (Storage of Volatile Organic Compounds)
7-1-5.2 (R9-3-502) (Loading of Volatile Organic Compounds)
7-1-5.3 (R9-3-503) (Organic Compound Emissions: Pumps and Compressors)
7-1-5.4 (R9-3-504) (Organic Solvents)
7-1-6.1 (R9-3-601) (Carbon Monoxide Emissions: Industrial)
7-1-7.1 (R9-3-701) (Nitrogen Oxide Emissions: Fuel Burning Installations)
7-1-7.2 (R9-3-702) (Nitrogen Oxide Emissions: Nitric Acid Plants)
7-1-8.3 (R9-3-803) (New Installations)


(i) Arizona State Department of Health.

(A) Previously approved on July 31, 1978 in paragraph (c)(6) of this section and now deleted without replacement: Arizona Air Pollution Control Regulation 7-1-4.3 (R9-3-403) ("Sulfur Emissions: Sulfite Pulp Mills").

(7) Revised transportation control plan submitted on September 11, 1973, by the Governor.

(8) Letter supplementing the revised transportation control plan encouraging mass transit, carpooling, etc., submitted on September 21, 1973, by the Governor.

(9) Letter supplementing the revised transportation control plan encouraging mass transit, carpooling, etc., submitted on October 2, 1973, by the Governor.

(10) Maricopa County Air Pollution Control District Regulation III, Rule 31 (Particulate Matter Emissions) submitted on January 28, 1974.

(11) Arizona Air Pollution Control Regulation 7-1-1.7 (R9-3-107) (Unlawful open burning) submitted on February 19, 1974.

(12) Pima County Air Pollution Control District Regulation II, Rule 2 (Particulate matter emissions) submitted on March 19, 1974.

(13) Air quality maintenance area designation analysis submitted on April 17, 1974, by the Arizona Department of Health Services.

(14) Arizona Air Pollution Control Regulations.
(15) Arizona Air Pollution Control regulations 7–1–8.1 (R9–3–801) (Original State jurisdiction); 7–1–8.2 (R9–3–802) (Assertions of jurisdiction); 7–1–8.3 (R9–3–803) (Delegation of authority); 7–1–11.3 (R9–3–1203) (Suspension and revocation of permits); 7–1–11.4 (R9–3–1204) (Permits non-transferable); 7–1–11.5 (R9–3–1205) (Posting of permits); 7–1–11.6 (R9–3–1206) (Notice by permit agencies); 7–1–11.7 (R9–3–1207) (Equipment covered); 7–1–11.9 (R9–3–1209) (Permit Fees); and 7–1–1.4 (R9–3–104) (Recordkeeping and reporting) submitted September 27, 1974.

(16) Assertion of State Jurisdiction over Apache, Navajo, Santa Cruz and Yavapai Counties; Assertion of State Jurisdiction over Cochise County; and Assertion of State Jurisdiction over specific sources in Mohave County.

Submitted on February 3, 1975.

(17) Amendments to the Rules and Regulations of the Pima County Air Pollution Control District (Regulation 1: Rules 2, 4D, 4E, 4J, 8G, 16C, 28, and 30) submitted on February 20, 1975, by the Director, Arizona Department of Health Services (the Governor’s official representative).

(18) Air pollution control regulations for various counties submitted by the Governor on July 1, 1975, as follows:

(i) Coconino County Air Pollution Control Regulations.

12–1–1 (Legal Authority)
12–1–2 (Definitions)
12–1–3 (Air Pollution Prohibited)
12–2–2 (Operating Permits)
12–2–4 (Permit Fees)
12–2–5 (Permit Renewals)
12–2–7 (Testing of Installations)
12–2–8 (Compliance with Terms of Installation Permit)
12–2–9 (Notification of Denial of Permit)
12–2–10 (Appeals to the Hearing Board)
12–2–11 (Permits Not Transferable)
12–2–12 (Expiration of Installation Permit)
12–2–13 (Posting of Permits)
12–3–1 (Ambient Air Quality Standards)
12–3–2 (Emission Standards)
12–3–3 (Reporting of Emissions)
12–3–4 (Production of Records: Confidentiality)
12–3–5 (Monitoring Devices)
12–3–6 (Penalty for Violation)

(ii) Mohave County Air Pollution Control Regulations.

Sec. 1, Reg. 1 (Policy and Legal Authority)
Sec. 1, Reg. 2 (Definitions)
Sec. 1, Reg. 3 (Air Pollution Prohibited)
Sec. 1, Reg. 4 (Enforcement)
Sec. 2, Reg. 1 (Shade, Density or Opacity of Emissions)
Sec. 2, Reg. 2 (Dust Control)
Sec. 2, Reg. 3 (Processing of Animal or Vegetable Matter)
Sec. 2, Reg. 4 (Volatile and Odorous Materials)
Sec. 2, Reg. 5 (Storage and Handling of Petroleum Products)
Sec. 2, Reg. 6 (Exceptions requiring no Permit)
Sec. 2, Reg. 7 (Exceptions requiring Permit)
Sec. 2, Reg. 8 (Exceptions Under Special Circumstances)
Sec. 2, Reg. 9 (Misdemeanor: Penalty)
Sec. 2, Reg. 10 (Order of Abatement)
Sec. 2, Reg. 11 (Hearings on Orders of Abatement)
Sec. 2, Reg. 12 (Notice of Hearing; Publication; Service)
Sec. 2, Reg. 13 (Injunctive Relief)

(A) Previously approved on November 15, 1978 and now deleted without replacement Rules 12–7–2, 12–7–3, 12–7–5, and 12–7–6.

(B) Previously approved on November 15, 1978 in paragraph (i) of this section and now deleted without replacement Rules 12–1–1 through 12–1–3, 12–2–2, 12–2–4, 12–2–5, 12–2–7 through 12–2–13, 12–3–1, 12–3–3 through 12–3–6, 12–4–1 through 12–4–5, 12–5–1 through 12–5–4, 12–6–1 through 12–6–4, and 12–7–1.
(A) Previously approved on November 15, 1978 in paragraph (ii) of this section and now deleted without replacement Rules 1–1 through 1–4, 2–1 through 2–5, 3–1, 3–2, 3–6, 4–1, 4–2, 5–1, 6–1 through 6–4, and 7.

(iii) Yuma County Air Pollution Control Regulations.

8–1–1.1 (Policy and Legal Authority)
8–1–1.2 (Definitions)
8–1–1.3 (Air Pollution Prohibited)
8–1–1.4 (Recordkeeping and Reporting)
8–1–1.5 (Enforcement)
8–1–1.6 (Exceptions)
8–1–2.1 (Non-Specific Particulate)
8–1–2.2 (Sulfur Dioxide)
8–1–2.3 (Non-Methane Hydrocarbons)
8–1–2.4 (Photochemical Oxidants)
8–1–2.5 (Carbon Monoxide)
8–1–2.6 (Nitrogen Dioxide)
8–1–2.7 (Evaluation)
8–1–2.10 (Emergency Episode Criteria)
8–1–2.11 (Particulates—Incineration)
8–1–2.12 (Particulates—Wood Waste Burners)
8–1–2.13 (Particulates—Fuel Burning Equipment)
8–1–2.16 (Particulates—Process Industries)
8–1–2.17 (Fuel Burning Installations)
8–1–2.18 (Sulfur Emissions—Sulfite Pulp Mills)
8–1–2.19 (Sulfur Emissions—Sulfuric Acid Plants)
8–1–2.20 (Sulfur Emissions—Other Industries)
8–1–2.21 (Storage of Volatile Organic Compounds)
8–1–2.22 (Loading of Volatile Organic Compounds)
8–1–2.23 (Pumps and Compressors)
8–1–2.24 (Organic Solvents; Other Volatile Compounds)
8–1–2.25 (NO\textsubscript{2} Emissions—Fuel Burning Equipment)
8–1–2.26 (NO\textsubscript{2} Emissions—Nitric Acid Plants)
8–1–2.27 (Open Burning—Prohibition)
8–1–2.28 (Open Burning—Exceptions)

(A) Previously approved on November 15, 1978 and now deleted without replacement Rules 7–1–4.1 to 7–1–4.2 and 7–1–5.1 to 7–1–5.6.
(B) Previously approved on November 15, 1978 and now deleted without replacement Rules 7–1–2.2, 7–1–2.4, 7–1–2.7, 7–2–1.3, and 7–3–6.1.

(C) Previously approved on December 17, 1979 and now deleted without replacement Rule 7–2–1.8.

(D) Previously approved on November 15, 1978 in paragraph (c)(18)(iv) of this section and now deleted without replacement Rules 7–1–1.1, 7–1–1.3, 7–1–2.5, 7–1–2.6, 7–2–1.1, 7–2–1.2, 7–2–1.4, 7–2–1.5, 7–2–1.6, and 7–3–1.6.

(E) Previously approved on December 17, 1979 in paragraph (c)(18)(iv) of this section and now deleted without replacement Rule 7–2–1.8.


(G) Previously approved on December 17, 1979 in paragraph (c)(18)(iv) of this section and now deleted without replacement with respect to Gila County only Rule 7–3–2.5.


(20) Arizona Air Pollution Control Regulations R9–3–1002 (Definitions); R9–3–1003 (Vehicles To Be Inspected by the Mandatory Vehicular Emissions Inspection Program); R9–3–1004 (State Inspection Requirements); R9–3–1005 (Time of Inspections); R9–3–1006 (Mandatory Vehicular Emissions Inspection); R9–3–1007 (Evidence of Meeting State Inspection Requirements); R9–3–1008 (Procedure for Issuing Certificates of Waiver); R9–3–1010 (Low Emissions Tune Up); R9–3–1011 (Inspection Report); R9–3–1012 (Inspection Procedure and Fee); R9–3–1013 (Reinspections); R9–3–1016 (Licensing of Inspectors); R9–3–1017 (Inspection of Governmental Vehicles); R9–3–1018 (Certificate of Inspection); R9–3–1019 (Fleet Station Procedures and Permits); R9–3–1022 (Procedure for Waiving Inspections Due to Technical Difficulties); R9–3–1023 (Certificate of Exemption); R9–3–1025 (Inspection of State Stations); R9–3–1026 (Inspection of Fleet Stations); R9–3–1027 (Registration of Repair Industry Analysts); R9–3–1029 (Vehicle Emission Control Devices); and R9–3–1030 (Visible Emissions; Diesel-Powered Locomotives); submitted on February 11, 1977.

(21) Amendments to the rules and Regulations of the Pima County Air Pollution Control District (Regulation 1):

Rule 2 (paragraph uu-yy, Definitions); Regulation II (Fuel Burning Equipment); Rule 26 (paragraphs 1–4, Particulate Emissions), Rule 7A (paragraphs 1–6, Sulfur Dioxide Emissions), Rule 7B (paragraphs 1–4, Nitrogen Oxide Emission); Regulation VI: Rule 1A-H, (Ambient Air Quality Standards); Regulation VII (paragraph A-D, Standards of Performance for New Stationary Sources); and Regulation VIII (paragraphs A–C, Emission Standards for Hazardous Air Pollutants) submitted on September 30, 1976 by the Director, Arizona Department of Health Services (the Governor’s official representative).

(22)–(23) [Reserved]

(24) Arizona Air Pollution Control Regulations R9–3–1002 (Definitions); R9–3–1003 (Vehicles To Be Inspected by the Mandatory Vehicular Emissions Inspection Program); R9–3–1004 (State Inspection Requirements); R9–3–1005 (Time of Inspections); R9–3–1006 (Mandatory Vehicular Emissions Inspection); R9–3–1007 (Evidence of Meeting State Inspection Requirements); R9–3–1008 (Procedure for Issuing Certificates of Waiver); R9–3–1010 (Low Emissions Tune Up); R9–3–1011 (Inspection Report); R9–3–1012 (Inspection Procedure and Fee); R9–3–1013 (Reinspections); R9–3–1016 (Licensing of Inspectors); R9–3–1017 (Inspection of Governmental Vehicles); R9–3–1018 (Certificate of Inspection); R9–3–1019 (Fleet Station Procedures and Permits); R9–3–1022 (Procedure for Waiving Inspections Due to Technical Difficulties); R9–3–1023 (Certificate of Exemption); R9–3–1025 (Inspection of State Stations); R9–3–1026 (Inspection of Fleet Stations); R9–3–1027 (Registration of Repair Industry Analysts); R9–3–1029 (Vehicle Emission Control Devices); and R9–3–1030 (Visible Emissions; Diesel-Powered Locomotives); submitted on February 11, 1977.

(25) [Reserved]

(26) Maricopa County Air Pollution Control District Regulation IV, rule 41, paragraph B (Continuously Monitoring and Recording Emissions) submitted on July 29, 1977.
§ 52.120  40 CFR Ch. I (7–1–16 Edition)

(27) The following amendments to the plan were submitted on January 4, 1979 by the Governor’s designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.


(C) Previously approved in paragraphs (c)(27)(i)(A) and (B) of this section and now deleted without replacement: R9–3–101 (all paragraphs and nos. listed), paragraphs A to C, R9–3–319, R9–3–319, and Appendix 10 (Sections A10.1.3.3, A10.1.4. and A10.2.2 to A10.3.4.).

(D) Previously approved on April 23, 1982, in paragraph (c)(27)(i)(B) of this section and now deleted without replacement: R9–3–511 (Paragraph B), R9–3–512 (Paragraph B), R9–3–513 (Paragraphs B and C), and R9–3–517 (Paragraphs B and C).

(28) The following amendments to the plan were submitted on January 18, 1979 by the Governor’s designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.

(A) Rule 33, Storage and Handling of Petroleum Products.

(B) New or amended Rules 21G and 41.

(29) The following amendments to the plan were submitted on January 23, 1979, by the Governor’s designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.

(A) Arizona Testing Manual for Air Pollutant Emissions (excluding Sections 2.0 and 5.0).

(B) Previously approved on April 23, 1982, in paragraph (c)(29)(i)(A) of this section and now deleted without replacement: Arizona Testing Manual for Air Pollutant Emissions, Sections 3.0 and 4.0.

(30) Reserved

(31) Revisions to the Arizona Air Pollution Control Regulations submitted on March 21, 1979:


(32) The following amendments to the plan were submitted on February 23, 1979 by the Governor’s designee.

(i) Maricopa County Bureau of Air Pollution Control Rules and Regulations.

(A) Rule 33, Storage and Handling of Petroleum Products.

(B) New or amended Rules 21G and 41.

(29) The following amendments to the plan were submitted on January 23, 1979, by the Governor’s designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.

(A) Arizona Testing Manual for Air Pollutant Emissions (excluding Sections 2.0 and 5.0).

(B) Previously approved on April 23, 1982, in paragraph (c)(29)(i)(A) of this section and now deleted without replacement: Arizona Testing Manual for Air Pollutant Emissions, Sections 3.0 and 4.0.

(30) Reserved

(31) Revisions to the Arizona Air Pollution Control Regulations submitted on March 21, 1979:


(32) The following amendments to the plan were submitted on February 23, 1979 by the Governor’s designee.

(i) Nonattainment Area Plan for Carbon Monoxide and Photochemical Oxidants, Maricopa County Urban Planning Area.

(ii) Metropolitan Pima County Nonattainment Area Plan for CO was submitted by the Governor’s designee on March 20, 1979.
(34) The Metropolitan Pima County Nonattainment Area Plan for TSP was submitted by the Governor’s designee on March 27, 1979.

(35) The following amendments to the plan were submitted on April 10, 1979, by the Governor’s designee.

(i) Yuma County Air Pollution Control District.

(A) New or amended Rules 8–1–1.2 8–1–1.3 thru 8–1–1.6 and 8–1–1.13; 8–1–2.1 thru 8–1–2.6 and 8–1–2.8; 8–1–3.1 thru 8–1–3.6, 8–1–3.7 (except paragraph “F’’) and 8–1–3.8 thru 8–1–3.20; and Appendices I and II.

(B) Previously approved on April 12, 1982 in paragraph (i)(A) of this section and now deleted without replacement Rules 8–1–1.2 through 8–1–1.6, 8–1–1.8 through 8–1–1.13, 8–1–2.1 through 8–1–2.6, 8–1–2.8, 8–1–3.1 through 8–1–3.20, Appendices I, and Appendix II.

(36) The following amendments to the plan were submitted on July 3, 1979 by the Governor’s designee.

(i) Revision to the Nonattainment Area Plan for Carbon Monoxide and Photochemical Oxidants, Maricopa County Urban Planning Area.

(37) The following amendments to the plan were submitted on September 20, 1979 by the Governor’s designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.


(ii) “ASARCO Incorporated, Hayden Copper Smelter, State Implementation Plan Determination of Good Engineering Practice Stack Height,” September 17, 1979, issued by ADHS.

(38) The following amendment to the plan were submitted on October 9, 1979, by the Governor’s designee.

(i) Pima County Health Department.

(A) New or amended Regulation 10: Rules 101–103; Regulation 11: Rules 111–113; Regulation 12: Rules 121–123; Regulation 13: Rules 131–137; Regulation 14: Rules 141 and 143–147; Regulation 15: Rule 151; Regulation 16: Rules 161–165; Regulation 17: Rules 172–174; Regulation 18: Rules 181 and 182; Regulation 20: Rules 201–205; Regulation 21: Rules 211–215; Regulation 22: Rules 221–226; Regulation 23: Rules 231–232; Regulation 24: Rules 241 and 243–248; Regulation 25: Rules 251 and 252; Regulation 30: Rules 301 and 302; Regulation 31: Rules 312–316 and 318; Regulation 32: Rule 321; Regulation 33: Rules 331 and 332; Regulation 34: Rules 341–344; Regulation 40: Rules 402 and 403; Regulation 41: 411–413; Regulation 50: Rules 501–505 and 505–507; Regulation 51: Rules 511 and 512; Regulation 60: Rule 601; Regulation 61: Rule 611 (Paragraph A.1 to A.3) and Rule 612; Regulation 62: Rules 621–624; Regulation 63: Rule 631; Regulation 64: Rule 641; Regulation 70: Rules 701–705 and 706 (Paragraphs A to C, D.3, D.4, and E); Regulation 71: Rules 711–714; Regulation 72: Rules 721 and 722; Regulation 80: Rules 801–804; Regulation 81: Rule 811; Regulation 82: Rules 821–823; Regulation 90: Rules 901–904; Regulation 91: Rule 911 (except Methods 13–A, 13–B, 14, and 15), and Rules 912 and 913; Regulation 92: Rules 921–924; and Regulation 93: Rules 931 and 932.

(J) Previously approved on April 16, 1982 in paragraph (c)(38)(i)(Â) of this section and now deleted from the SIP without replacement Pima County Health Department Regulations: Regulation 13: Rules 131–137; Regulation 16: Rule 164; Regulation 18: Rules 181 and 182; Regulation 20: Rule 205; Regulation 21: Rule 214; and Regulation 24: Rules 245–248.

(B) New or amended Regulation 17: Rule 171, paragraphs B.1, B.1.a, B.7, B.8, C.1.a, C.1.b, C.2.a, C.2.c, C.2.d, C.3.a, and E.1.b; Regulation 42: Rules 421, 422, 423, 424, 425, and 426; and Regulation 50: Rule 504.

(C) Previously approved on April 16, 1982 and now deleted without replacement Rules 141, 143 to 147, 702, 711 to 714.

(39) The following amendments to the plan were submitted on November 8, 1979 by the Governor’s designee.

(i) Nonattainment Area Plan for Total Suspended Particulates, Maricopa County Urban Planning Area.

(40) [Reserved]

(41) The following amendments to the plan were submitted on February 15, 1980, by the Governor’s designee.

(i) 1.0 Air Quality Surveillance Network.
(42) The Technical Basis of New Source Review Regulations, Pima County, Arizona, February 6, 1980 (AQ–125–a) was submitted by the Governor’s designee on February 28, 1980.

(43) The following amendments to the plan were submitted on April 1, 1980 by the Governor’s designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.


(ii) Arizona Lead SIP Revision.

(44) The following amendments to the plan were submitted on June 23, 1980 by the Governor’s designee.

(i) Maricopa County Bureau of Air Pollution Control Rules and Regulations.

(A) Rule 34, Organic Solvents.

(B) New or amended Rules 2 (except #49 and 57), 3, 24, 25, 26, 27, 30, 31(A), (B), and (H), 32, (G), (H), (J), and (K), 40, 70–72, and 74 and deletion of “ee”.

(45) The following amendments to the plan were submitted on July 17, 1980 by the Governor’s designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.


(D) Previously approved in paragraphs (c)(43)(1)(A) and (B) of this section and now deleted without replacement: R9–3–301 (all paragraphs and nos. listed), R9–3–302 (all paragraphs listed), R9–3–303, R9–3–306 (all paragraphs listed), R9–3–307 (all paragraphs listed), and R9–3–518 (Paragraph A.1 to A.5).

(D) Previously approved on April 23, 1982, in paragraph (c)(43)(1)(B) of this section and now deleted without replacement: R9–3–311 (Paragraph A.1 to A.5), R9–3–312 (Paragraph A.1 to A.5), R9–3–313 (Paragraph A.1 to A.5), R9–3–314 (Paragraph A.1 to A.5), and R9–3–315 (Paragraph A.1 to A.5).
Environmental Protection Agency

§ 52.120

311 (all paragraphs listed), R9–3–509, and Appendix 10 (Sections A10.2 and A10.2.1).

(E) Previously approved on April 23, 1982, in paragraph (c)(45)(i)(B) of this section and now deleted without replacement: R9–3–511 (Paragraph A); R9–3–512 (Paragraph A); R9–3–513 (Paragraph A); R9–3–517 (Paragraph A); Section 3, Method 11; Section 3.16, Method 16; Section 3.19, Method 19; and Section 3.20, Method 20.

(46) The following amendments to the plan were submitted on August 7, 1980, by the Governor’s designee.

(i) Pinal-Gila Counties Air Quality Control District.

(A) New or amended Rules 7–1–1.2, 7–1–1.3(C), 7–3–1.1, 7–3–1.4(C), 7–3–1.7(F), and R9–3–3–4.

(B) Previously approved on April 12, 1982 in paragraph (c)(46)(i)(A) of this section and now deleted without replacement Rules 7–1–1.2 and 7–1–1.3(C).

(C) Previously approved on April 12, 1982 in paragraph (c)(46)(i)(A) of this section and now deleted without replacement with respect to Gila County only Rules 7–3–1.1, 7–3–1.4(C), 7–3–1.7(F), and 7–3–3–4.

(D) Previously approved on April 12, 1982 in paragraph (c)(46)(i)(A) of this section and now deleted without replacement with respect to Pinal County only Rule 7–3–3–4.

(47) The following amendments to the plan were submitted on September 10, 1980, by the Governor’s designee.

(i) Arizona Revised Statutes.


(ii) Arizona Revised Statutes.

(A) New or amended Rules R9–3–310 (Paragraphs A and B), R9–3–501 (Paragraph D), R9–3–503 (Paragraph C), R9–3–506 (Paragraph C to C.1), and Appendix 10 (Sections A10.1–A10.1.3.2).

(B) New or amended Rule R9–3–515 (Paragraph C.4.a. and C.4.b.).

(C) Previously approved in paragraph (c)(50)(i)(A) of this section and now deleted without replacement: R9–3–310 (Paragraphs A and B) and Appendix 10 (Sections A10.1–A10.1.3.2).

(51) The following amendments to the plan were submitted on June 1, 1981, by the Governor’s designee.

(i) Pima County Health Department.

(A) New or amended Regulation 14: Rule 142; Regulation 20: Rule 204; Regulation 24: Rule 242; Regulation 26: Rule 261; Regulation 50: Rule 504; Regulation
61: Rule 611 (Paragraph A); Regulation 70: Rule 706 (Paragraphs D.1 and D.2); and Regulation 91: Rule 911 (Methods 19 and 20).

(B) Previously approved on April 16, 1982 and now deleted without replacement Rule 142.

(52) The following amendments to the plan were submitted on August 5, 1981, by the Governor’s designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.


(ii) Arizona Revised Statutes.


(B) Previously approved on June 18, 1982 and now deleted without replacement Statutes 36–1709 to 36–1712, 36–1712.01 to 36–1712.04, 36–1713, 36–1713.01, and 36–1714 to 36–1716.

(53) The following amendments to the plan were submitted on March 8, 1982, by the Governor’s designee.

(i) Maricopa County Bureau of Air Pollution Control Rules and Regulations.

(A) Rules 2 (Nos. 11 and 33, and deletion of Nos. 18, 49, 50, 52, and 54), 28 and 33.

(ii) The Improvement Schedules for Transit System and Rideshare Program in Metropolitan Pima County.

(54) The following amendments to the plan were submitted on June 3, 1982 by the Governor’s designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.


(B) New or amended rules R9–3–101 (Nos. 3, 7, 8, 17, 18, 19, 20, 21, 29, 34, 35, 37, 50, 61, 62, 63, 68, 69, 75, 77, 78, 79, 88, 89, 90, 91, 98, 99, 101, 117, 122, 129, 133, 136, 146, and 157; 33 and 123 are deleted); R9–3–1007; R9–3–1008; R9–3–1019; R9–3–1023; R9–3–1025; R9–3–1027; R9–3–1030; R9–3–306 (paragraph A only); R9–3–320 (Repealed and Reserved); R9–3–1001 (paragraphs A, C, and D); Appendix 1; and Appendix 2.

(C) New or amended rules R9–3–101 (Nos. 4 to 6, 9 to 16, 22 to 28, 30 to 33, 36, 38 to 55, 57 to 60, 64 to 67, 70 to 74, 76, 80 to 87, 92 to 97, 100, 102 to 116, 118 to 121, 123 to 128, 130 to 132, 134, 135, 137 to 141, 142 to 145, 147 to 156, and 158 are renumbered only): R9–3–219; R9–3–502 (paragraph A to A.1 and A.2); R9–3–505 (paragraph B to B.1, B.2, B.3, and B.4); R9–3–508 (paragraph B to B.1, B.2, and B.5); R9–3–511 (paragraph A to A.1 and A.2); R9–3–513 (paragraph A to A.1 and A.2); R9–3–516 (paragraph A to A.1 and A.2); R9–3–517 (paragraph A to A.1); R9–3–518 (paragraph A to A.1 and A.2); R9–3–520 (paragraph A to A.1 and A.2); R9–3–521 (paragraph A to A.1 and A.2); R9–3–522 (paragraph A to A.1 and A.2); and Appendix 8 (Sections A8.3.1 and A8.3.2).


(E) Previously approved in paragraphs (c)(54)(i)(B) and (c)(54)(i)(C) of this section and now deleted without replacement: R9–3–101 (all nos. listed except no. 20).

(F) Previously approved on September 28, 1982, in paragraph (54)(i)(C), and now deleted without replacement: R9–3–219.

(G) Previously approved on September 28, 1982, in paragraph (c)(54)(i)(C) of this section and now deleted without replacement: R9–3–518 (paragraphs A to A.1 and A.2).

(H) Previously approved in paragraphs (c)(54)(i)(B), (C), and (D) of this section and now deleted without replacement: R9–3–301 (all paragraphs except paragraphs I and K); R9–3–302 (all paragraphs listed); R9–3–303 (all paragraphs listed); R9–3–304 (all paragraphs except paragraph H); R9–3–305; R9–3–306 (paragraph A only), and R9–3–1101 (all paragraphs listed).

(I) Previously approved on September 28, 1982, in paragraph (c)(54)(i)(C) of this section and now deleted without replacement: R9–3–511 (Paragraph A to A.1 and A.2), R9–3–513 (Paragraph A to A.1 and A.2), and R9–3–517 (Paragraph A to A.1).
(55) The following amendments to the plan were submitted by the Governor's designee on March 4, 1983.

(i) Incorporation by reference. (A) Maricopa County Health Department, Bureau of Air Quality Control.


(56) The following amendments to the plan were submitted on February 3, 1984, by the Governor's designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.


(C) Previously approved in paragraphs (c)(56)(i)(A) and (B) of this section and now deleted without replacement: R9–3–101 (Nos. 135 and 157), R9–3–218, R9–3–310, R9–3–322, R9–3–1101 and Appendix 11.

(57) The following amendments to the plan were submitted by the Governor's designee on April 17, 1985.

(i) Incorporation by reference. (A) Maricopa County Health Department, Bureau of Air Quality Control.

(1) New or amended regulations: rule 21.0: D.1., D.1.e, f, and g adopted on July 9, 1984.

(58) The following amendments to the plan were submitted by the Governor's designee on October 18, 1985.

(i) Incorporation by reference. (A) Pima County Health Department.

(1) New or amended regulations: Regulation 16: Rule 166; Regulation 17: Rules 171 and 175; Regulation 20: Rule 202; Regulation 37: Rules 371, 372, 373, Figure 371–A, Figure 371–C, and Figure 372; and Regulation 38, Rule 381, A1, 2, 3, 4, 5, and B, adopted on December 6, 1983.

(59) The following amendments to the plan were submitted by the Governor's designee on October 24, 1985.

(i) Incorporation by reference. (A) Arizona Department of Health Services.


(2) Previously approved in paragraph (c)(59)(i)(A)(I) of this section and now deleted without replacement: R9–3–303.

(60) The following amendments to the plan were submitted by the Governor's designee on October 5, 1987.

(i) Incorporation by reference. (A) Arizona Department of Health Services.


(2) Previously approved and now removed (without replacement), Rule R9–3–1014.


(61) The following amendments to the plan were submitted by the Governor's designee on January 6, 1988.


(62) The following amendments to the plan were submitted by the Governor's designee on March 23, 1988.

(i) Incorporation by reference. (A) Arizona Revised Statutes.


(2) Senate Bill 1360: Section 2: ARS 9–500.03 (added), Section 14: ARS 41–796.01 (added); Section 17: 49–454 (added), Section 18: 49–474.01 (added), and Section 25: ARS 49–571 (added), adopted on May 22, 1987.

(63) The following amendments to the plan were submitted by the governor's designee on May 26, 1988:

(i) Incorporation by reference. (A) Travel reduction ordinances for Pima County: Inter governmental Agreement (IGA) between Pima County, City of
§ 52.120  

40 CFR Ch. I (7–1–16 Edition)  

Tucson, City of South Tucson, Town of Oro Valley and Town of Marana, April 18, 1988; Pima County Ordinance No. 1988–72, City of Tucson ordinance No. 6914, City of South Tucson Resolutions No. 88–01, 88–05, Town of Oro Valley Resolutions No. 162, 326 and 327, Town of Marana Resolutions No. 88–06, 88–07 and Ordinance No. 88.06.

(64) The following amendments to the plan were submitted by the Governor’s designee on June 1, 1988.

(i) Incorporation by reference. (A) Letter from the Arizona Department of Environmental Quality, dated June 1, 1988, committing to administer the provisions of the Federal New Source Review regulations consistent with EPA’s requirements. The commitments apply to the issuance of, or revision to, permits for any source which is a major stationary source or major modification as defined in 40 Code of Federal Regulations, part 51, subpart I.

(65) The following amendments to the plan were submitted by the Governor’s designee on July 18, 1988.

(i) Incorporation by reference. (A) Arizona Revised Statutes.

(1) House Bill 2206, Section 2: ARS 15–1627 (amended); Section 6: Title 28, ARS Chapter 22, Article 1, ARS 28–2701, ARS 28–2702, ARS 28–2703, ARS 28–2704, and ARS 28–2705 (added); Section 7: ARS 41.101.03 (amended); Section 9: ARS 41–2605 (amended); Section 10: ARS 41–2066 (amended); Section 11: ARS 41–2083 (amended); Section 13: Title 41, Chapter 15, Article 6, ARS 41–2121: Nos. 1, 3, 4, 5, 6, 7, 8, and 9, ARS 41–2122, ARS 41–2123, ARS 41–2124 (added); Section 15: Title 49, Chapter 3, Article 1, ARS 49–403 to 49–406 (added); Section 17: Title 49, Chapter 3, Article 3, ARS 49–506 (added); Section 18; ARS 49–542 (amended); Section 19: ARS 49–550 (amended); Section 22: Title 49, Chapter 3, Article 5, ARS 49–553 (added); Section 23: Title 49, Chapter 3, Article 6, ARS 49–581, ARS 49–582, ARS 49–583, ARS 49–584, ARS 49–585, ARS 49–586, ARS 49–588, ARS 49–590, and ARS 49–593 (added); Section 25: Definition of major employer; Section 27: Appropriations; Section 29: Delayed effective dates, adopted on June 28, 1988.

(2) House Bill 2206 section 6 which added, under Arizona Revised Statutes, title 28, chapter 22, new sections 28–2701 through 28–2708, and section 13 which added, under Arizona Revised Statutes, title 41, chapter 15, Article 6 new sections 41–2125A and 41–2125B. (Oxygenated fuels program for Pima County.)

(66) The following amendments to the plan were submitted by the Governor’s designee on July 22, 1988.

(i) Incorporation by reference. (A) Letter from the Pima County Health Department, Office of Environmental Quality, dated April 24, 1988 committing to administer the New Source Review provisions of their regulations consistent with EPA’s requirements. The commitments apply to the issuance of, or revision to, permits for any source which is a major stationary source of major modification as defined in 40 Code of Federal Regulations, part 51, subpart I.

(ii) Letter from Maricopa County Department of Health Services, Division of Public Health, dated April 28, 1988 and submitted to EPA by the Arizona Department of Environmental Quality July 25, 1988, committing to administer the New Source Review provisions of their regulations, consistent with EPA’s requirements. These commitments apply to the issuance of, or revision to, permits for any source which is a major stationary source or major modification as defined in the Code of Federal Regulations, part 51, subpart I.

(C) Addendum to MAG 1987 Carbon Monoxide Plan for the Maricopa County Nonattainment Area, July 21, 1988 (supplemental information related to the SIP revision of July 18, 1988).

(D) Commitment in the July 22, 1988 submittal letter to apply the oxygenated fuels program of the July 18, 1988 submittal to Pima County.

(67) Regulations for the Maricopa County Bureau of Air Pollution Control were submitted on January 4, 1990 by the Governor’s designee.


(B) Amended Maricopa County Division of Air Pollution Control Rule 314, adopted July 13, 1988.

(C) Amended Regulation VI, Rule 600, revised on July 13, 1988.
(68) The following amendments to the plan were submitted by the Governor's designee on June 11, 1991.
   (i) Incorporation by reference. (A) Arizona Revised Statutes.
(69) The following amendment to the plan was submitted by the Governor's designee on May 27, 1994.
   (i) Incorporation by reference. (A) Arizona Department of Weights and Measures.
   (j) Letter from Grant Woods, Attorney General, State of Arizona, to John U. Hays, Director, Department of Weights and Measures, dated August 31, 1993, and enclosed Form R102 ("Certification of Rules and Order of Rule Adoption").
(70) New and amended regulations for the Maricopa County Environmental Services Department—Air Pollution Control were submitted on June 29, 1992, by the Governor's designee.
(71) New and amended regulations for the following agencies were submitted on August 15, 1994 by the Governor's designee.
   (i) Incorporation by reference. (A) Pinal County Air Quality Control District.
   (j) Chapter 1, Article 3, section 1–3–140, subsections 15, 21, 32, 33, 35, 36, 38, 39, 63, and 123, adopted on November 3, 1993; Chapter 3, Article 1, section 3–1–081(A)(8)(a), adopted on November 3, 1993; Chapter 3, Article 1, section 3–1–084, adopted on August 11, 1994; and Chapter 3, Article 1, section 3–1–107, adopted on November 3, 1993.
(72) New and amended plans and regulations for the following agencies were submitted on November 13, 1992 by the Governor's designee.
   (i) Incorporation by reference. (A) Arizona Department of Environmental Quality.
   (B) Maricopa County Environmental Quality and Community Services Agency.
(73) [Reserved]
(74) Plan revisions were submitted by the Governor's designee on March 3, 1994.
   (B) [Reserved]
(75) Program elements submitted on November 14, 1994, by the Governor's designee.
   (i) Incorporation by reference. (A) Arizona Department of Environmental Quality.
(76) Program elements were submitted on February 1, 1995 by the Governor's designee.
(77) Amended regulations for the following agency were submitted on December 19, 1994, by the Governor's designee.
   (i) Incorporation by reference. (A) Maricopa County Environmental Services Department.
(78) New and amended regulations for the Maricopa County Environmental Services Department—Air Pollution Control were submitted on February 4, 1993, by the Governor's designee.
§ 52.120

(B) Rule 100, Section 504 adopted on November 16, 1992.

(79) New and amended regulations for the following agencies were submitted on June 29, 1992 by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa County Environmental Quality and Community Services Agency.


(80) New and amended regulations for the following agencies were submitted on August 10, 1992 by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa County Environmental Quality and Community Services Agency.


(81) Amended regulation for the following agency was submitted on August 16, 1994, by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa County Environmental Services Department.


(82) New and amended rules and regulations for the Maricopa County Environmental Services Department—Air Pollution Control were submitted on August 31, 1995, by the Governor’s designee.


(B) [Reserved]
(C) Rule 351, revised on February 15, 1995.
(D) Rule 318 and Residential Woodburning Restriction Ordinance, adopted on October 5, 1994.
(E) Maricopa County.

(I) Ordinance P-7, Maricopa County Trip Reduction Ordinance, adopted May 26, 1994.

(83) New and revised rules and regulations for the Maricopa County Environmental Services Department—Air Pollution Control were submitted on February 26, 1997, by the Governor’s designee.

(B) Rule 336, adopted on July 13, 1988 and revised on June 19, 1996.

(84) Amended regulations for the Pinal County Air Quality Control District were submitted on November 27, 1995, by the Governor’s designee.


(G) Previously approved on April 9, 1996 in paragraph (c)(84)(i)(A) of this section and now deleted without replacement, Rule 3–1–020.

(H) Previously approved on April 9, 1996 in paragraph (c)(84)(i)(D) of this section and now deleted without replacement, Rule 3–1–130.


§ 52.120

(85) New and revised rules and regulations for the Maricopa County Environmental Services Department-Air Pollution Control were submitted on March 4, 1997, by the Governor’s designee.


(86) [Reserved]

(87) New and amended fuel regulations for the following Arizona Department of Environmental Quality plan revisions were submitted on April 29, 1997, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Revised Statutes.


(88) Plan revisions were submitted on May 7, 1997 by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa County Environmental Services Department.


(2) Resolution To Improve the Administration of Maricopa County’s Fugitive Dust Program and to Foster Interagency Cooperation, adopted May 14, 1997.

(B) The City of Phoenix, Arizona.

(1) A Resolution of the Phoenix City Council Stating the City’s Intent to Work Cooperatively with Maricopa County to Control the Generation of Fugitive Dust Pollution, adopted April 9, 1997.

(C) The City of Tempe, Arizona.

(1) A Resolution of the Council of the City of Tempe, Arizona, Stating Its Intent to Work Cooperatively with Maricopa County to Control the Generation of Fugitive Dust Pollution, adopted March 27, 1997.

(D) The Town of Gilbert, Arizona.

(1) A Resolution of the Mayor and the Common Council of the Town of Gilbert, Maricopa County, Arizona, Providing for the Town’s Intent to Work Cooperatively with Maricopa County, Arizona, to Control the Generation of Fugitive Dust Pollution, adopted April 15, 1997.

(E) The City of Chandler, Arizona.

(1) A Resolution of the City Council of the City of Chandler, Arizona, Stating the City’s Intent to Work Cooperatively with Maricopa County to Control the Generation of Fugitive Dust Pollution, adopted March 27, 1997.

(F) The City of Glendale, Arizona.

(1) A Resolution of the Council of the City of Chandler, Maricopa County, Arizona, Stating Its Intent to Work Cooperatively with Maricopa County to Control the Generation of Fugitive Dust Pollution, adopted March 25, 1997.

(G) The City of Scottsdale, Arizona.

(1) A Resolution of the Scottsdale City Council Stating the City’s Intent to Work Cooperatively with Maricopa County to Control the Generation of Fugitive Dust Pollution, adopted March 31, 1997.

(H) The City of Mesa, Arizona.

(1) A Resolution of the Mesa City Council Stating the City’s Intent to Work Cooperatively with Maricopa County to Control the Generation of Particulate Air Pollution and Directing City Staff to Develop a Particulate Pollution Control Ordinance Supported by Adequate Staffing Levels to Address Air Quality, adopted April 23, 1997.

(89) Plan revisions were submitted on September 12, 1997 by the Governor’s designee.


(90) Plan revisions were submitted on January 21, 1998 by the Governor’s designee.


(91) The following amendments to the plan were submitted on October 6, 1997 by the Governor’s designee.

(i) Incorporation by reference. (A) 1996 Carbon Monoxide Limited Maintenance Plan for the Tucson Air Planning Area (as updated August, 1997).

(1) Base year (1994) emissions inventory and contingency plan, including commitments to follow maintenance plan contingency procedures by the Pima Association of Governments and by the member jurisdictions: the town of Oro Valley, Arizona (Resolution No. (R) 96–38, adopted June 5, 1996), the
City of South Tucson (Resolution No. 96–16, adopted on June 10, 1996), Pima County (Resolution and Order No. 1996–120, adopted June 18, 1996), the City of Tucson (Resolution No. 17319, adopted June 24, 1996), and the town of Marana, Arizona (Resolution No. 96–55, adopted June 18, 1996).


(92) Plan revisions were submitted on March 3, 1995, by the Governor’s designee.

(A) Arizona State Administrative Code Title 18, Chapter 2, Article 14, adopted on December 23, 1994.

(93) Plan revisions were submitted on September 4, 1998 by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Revised Statute 49–457.

(94) New and amended rules and regulations for the Maricopa County Environmental Services Department-Air Pollution Control were submitted on August 4, 1999, by the Governor’s designee.


(B) Rule 318 and Residential Woodburning Restriction Ordinance, revised on April 21, 1999.


(D) Rule 316, adopted on April 21, 1999.

(E) Rule 344, adopted on April 7, 1999.

(F) Rule 349, adopted on April 7, 1999.

(G) Rule 331, revised on April 7, 1999.

(95) The following amendments to the plan were submitted on August 11, 1998 by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Revised Statutes.

(J) House Bill 2254, Section 1: ARS 41–3009.01 (amended); Section 2: 49–541.01 (amended); Section 3: 49–542 (amended); Section 4: 49–545 (amended); Section 5: 49–557 (amended); Section 6: 49–573 (amended); Section 7: 41–803 (amended) and Section 8: 41–401.01 (amended), adopted on May 18, 1999.

(2) House Bill 2189, Section 3: ARS 41–796.01 (amended); Section 9: 41–2121 (amended); Section 40: 49–401.01 (amended), Section 41: 49–402 (amended); Section 42: 49–404 (amended); Section 43: 49–454 (amended); Section 44: 49–541 (amended); and Section 46: 49–571 (amended), adopted on May 18, 1999.

(97) New and amended rules for the Arizona Department of Environmental Quality were submitted on March 26, 2001, by the Governor’s designee.


(98) Plan revisions were submitted on July 11, 2000 by the Governor’s designee.


(99) Plan revisions submitted on January 28, 2000 by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa County, Arizona.

(J) Residential Woodburning Restriction Ordinance adopted on November 17, 1999.

(100) Plan revisions submitted on February 16, 2000 by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa Association of Governments, Maricopa County, Arizona.

(I) Resolution to Adopt the Revised MAG 1999 Serious Area Particulate Plan for PM–10 for the Maricopa County Nonattainment Area (including Exhibit A, 2 pages), adopted on February 14, 2000.

(100) Plan revisions submitted on February 16, 2000 by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa County, Arizona.

(I) Resolution of the City Council of the City of Avondale, Maricopa County, Arizona, To Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM–10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 14 pages), adopted on September 15, 1997.
(2) Resolution No. 1949-99; A Resolution of the Council of the City of Avondale, Maricopa County, Arizona, Implementing Measures in the MAG 1998 Serious Area Particulate Plan for PM-10 for the Maricopa County Area (including Exhibit A, 7 pages), adopted on February 16, 1999.

(C) Town of Buckeye, Arizona.

(1) Resolution No. 15-97; A Resolution of the Town Council of the Town of Buckeye, Maricopa County, Arizona, To Implement Measures in the MAG 1997 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 5 pages), adopted on October 7, 1997.

(D) Town of Carefree, Arizona.

(1) Town of Carefree Resolution No. 97-16; A Resolution of the Mayor and Common Council of the Town of Carefree, Arizona, To Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM-10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 3 pages), adopted on September 2, 1997.

(2) Town of Carefree Resolution No. 98-24; A Resolution of the Mayor and Common Council of the Town of Carefree, Arizona, To Implement Measures in the MAG 1998 Serious Area Particulate Plan for PM-10 for the Maricopa County Area (including Exhibit A, 4 pages), adopted on September 1, 1998.

(3) Town of Carefree Ordinance No. 98-14; An Ordinance of the Town of Carefree, Maricopa County, Arizona, Adding Section 10-4 to the Town Code Relating to Clean-Burning Fireplaces, Providing Penalties for Violations (3 pages), adopted on September 1, 1998.

(E) Town of Cave Creek, Arizona.

(1) Resolution R97-28; A Resolution of the Mayor and Town Council of the Town of Cave Creek, Maricopa County, Arizona, Implementing Measures in the MAG 1997 Serious Area Particulate Plan for PM-10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 4 pages), adopted on September 2, 1997.

(2) Resolution R97-28; A Resolution of the Mayor and Town Council of the Town of Cave Creek, Maricopa County, Arizona, To Implement Measures in the MAG 1998 Serious Area Particulate Plan for PM-10 for the Maricopa County Area (including Exhibit A, 1 page), adopted on December 8, 1998.

(F) City of Chandler, Arizona.

(1) Resolution No. 2672; A Resolution of the City Council of the City of Chandler, Arizona To Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM-10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 16 pages), adopted on August 14, 1997.

(2) Resolution No. 2929; A Resolution of the City Council of the City of Chandler, Arizona, To Implement Measures in the MAG 1998 Serious Area Particulate Plan for PM-10 for the Maricopa County Area (including Exhibit A, 9 pages), adopted on October 8, 1998.

(G) City of El Mirage, Arizona.

(1) Resolution R97-08–20; Resolution To Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM-10 and MAG 1998 Serious Area Particulate Plan for PM-10 for the Maricopa County Area (including Exhibit A, 5 pages), adopted on August 27, 1998.


(3) Resolution No. R98–02–04; A Resolution To Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM-10 for the Maricopa County Area (including Exhibit A, 5 pages), adopted on February 12, 1998.

(H) Town of Fountain Hills, Arizona.

(1) Resolution No. 1997–49; A Resolution of the Common Council of the Town of Fountain Hills, Arizona, Adapting the MAG 1997 Particulate Plan for PM-10 for the Maricopa County Area and Committing to Certain Implementation Programs (including Exhibit B, 5 pages and cover), adopted on October 2, 1997.

(2) Town of Fountain Hills Resolution No. 1998–49; Resolution To Implement Measures in the MAG 1998 Serious Area Particulate Plan for PM-10
for the Maricopa County Area (including Exhibit A, 7 pages), adopted on October 1, 1998. [INCORPORATION NOTE: Incorporated materials are pages 4 to 10 of the 11-page resolution package; pages 1 and 2 are cover sheets with no substantive content and page 11 is a summary of measures previously adopted by the Town of Fountain Hills.]

(I) Town of Gilbert, Arizona.
(1) Resolution No. 1817; A Resolution of the Common Council of the Town of Gilbert, Maricopa County, Arizona, Authorizing the Implementation of the MAG 1997 Serious Area Particulate Plan for PM-10 and the MAG Serious Area Carbon Monoxide Plan for the Maricopa County Area (including 15 pages of attached material), adopted on June 10, 1997.

(2) Resolution No. 1864; A Resolution of the Common Council of the Town of Gilbert, Arizona, Implementing Measures in the MAG 1997 Serious Area Particulate Plan for PM-10 for the Maricopa County Area (including Attachment A, 5 pages), adopted on November 25, 1997. [INCORPORATION NOTE: Attachment A is referred to as Exhibit A in the text of the Resolution.]

(3) Ordinance 1066; An Ordinance of the Common Council of the Town of Gilbert, Arizona Amending the Code of Gilbert by Amending Chapter 30 Environment, by adding New Article II Fireplace Restrictions Prescribing Standards for Fireplaces, Woodstoves, and Other Solid-Fuel Burning Devices in New Construction; Providing for an Effective Date of January 1, 1999; Providing for Repeal of Conflicting Ordinances; Providing for Severability (3 pages), adopted on November 25, 1997.


(5) City of Glendale, Arizona.

(2) Resolution No. 3161 New Series; A Resolution of the Council of the City of Glendale, Maricopa County, Arizona, Implementing Measures in the MAG 1997 Serious Area Particulate Plan for PM-10 for the Maricopa County Area (including Exhibit A, 6 pages), adopted on October 28, 1997.


(K) City of Goodyear, Arizona.
(1) Resolution No. 97–604 Carbon Monoxide Plan; A Resolution of the Council of the City of Goodyear, Maricopa County, Arizona, Implementing Measures in the MAG 1997 Serious Area Particulate Plan for PM-10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 21 pages), adopted on September 9. [INCORPORATION NOTE: Adoption year not given on the resolution but is understood to be 1997 based on resolution number.]

(2) Resolution No. 98–645; A Resolution of the Council of the City of Goodyear, Maricopa County, Arizona, Implementing Measures in the MAG 1998 Serious Area Particulate Plan for PM-10 for the Maricopa County Area (including Attachment III, 7 pages), adopted on July 27, 1998.

(L) City of Mesa, Arizona.
(1) Resolution No. 7061; A Resolution of the City Council of the City of Mesa, Maricopa County, Arizona, to Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM-10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 13 pages plus index page), adopted on June 23, 1997.

(2) Resolution No. 7123; A Resolution of the City Council of the City of Mesa,

§ 52.120 40 CFR Ch. 1 (7–1–16 Edition)
Maricopa County, Arizona, to Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 10 pages), adopted on December 1, 1997.

(3) Resolution No. 7360; A Resolution of the City Council of the City of Mesa, Maricopa County, Arizona, to Implement Measures in the MAG Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 8 pages), adopted on May 3, 1999.

(4) Ordinance No. 3434; An Ordinance of the City Council of the City of Mesa, Maricopa County, Arizona, Relating to Fireplace Restrictions Amending Title 4, Chapter 1, Section 2 Establishing a Delayed Effective Date; and Providing Penalties for Violations (3 pages), adopted on February 2, 1998.

(M) Town of Paradise Valley, Arizona.

(1) Resolution Number 913; A Resolution of the Town of Paradise Valley, to Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM–10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 9 pages), adopted on October 9, 1997.

(2) Resolution Number 945; A Resolution of the Mayor and Town Council of the Town of Paradise Valley, Arizona, to Implement Measures in the MAG 1998 Serious Area Particulate Plan for PM–10 for the Maricopa County Area and Directing the Recording of This Resolution with the Maricopa County Recorder and Declaring an Emergency (including Exhibit A, 8 pages plus index page), adopted on July 23, 1998.

(3) Ordinance Number 454; An Ordinance of the Town of Paradise Valley, Arizona, Relating to Grading and Dust Control, Amending Article 5–13 of the Town Code and Sections 5–13–1 Through 5–13–5, Providing Penalties for Violations and Severability (5 pages), adopted on January 22, 1998. [INCORPORATION NOTE: There is an error in the ordinance’s title, ordinance amended only sections 5–13–1 to 5–13–4; see section 1 of the ordinance.]

(4) Ordinance Number 450; An Ordinance of the Town of Paradise Valley, Arizona, Adding Section 5–1–7 to the Town Code Relating to Clean-Burning Fireplaces, Providing Penalties for Violations (3 pages), adopted on December 18, 1997.

(N) City of Peoria, Arizona.


(2) Resolution No. 97–113; A Resolution of the Mayor and Council of the City of Peoria, Arizona, to Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 8 pages plus index page), adopted on October 21, 1997.

(3) Resolution No. 98–107; A Resolution of the Mayor and Council of the City of Peoria, Arizona, to Approve and Authorize the Acceptance to Implement Measures in the MAG 1998 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 7 pages), adopted on July 21, 1998.

(O) City of Phoenix, Arizona.

(1) Resolution No. 18949; A Resolution Stating the City’s Intent to Implement Measures to Reduce Air Pollution (including Exhibit A, 19 pages), adopted on July 2, 1997.

(2) Resolution No. 19006; A Resolution Stating the City’s Intent to Implement Measures to Reduce Air Pollution (including Exhibit A, 13 pages), adopted on November 19, 1997.

(3) Ordinance No. G4037; An Ordinance Amending Chapter 39, Article 2, Section 39–7 of the Phoenix City Code by Adding Subsection G Relating to Dust Free Parking Areas; and Amending Chapter 36, Article XI, Division I, Section 36–145 of the Phoenix City Code Relating to Parking on Non-Dust Free Lots, adopted on July 2, 1997 (5 pages).

(4) Resolution No. 19141; A Resolution Stating the City’s Intent to Implement Measures to Reduce Particulate Air Pollution (including Exhibit A, 13 pages), adopted on September 9, 1998.

(5) Ordinance No. G4062; An Ordinance Amending the Phoenix City Code
By Adding A New Chapter 40 “Environmental Protections,” By Regulating Fireplaces, Wood Stoves and Other Solid-Fuel Burning Devices and Providing that the Provisions of this Ordinance Shall Take Effect on December 31, 1998 (5 pages), adopted on December 10, 1997.

(P) Town of Queen Creek, Arizona.

(1) Resolution 129–97; A Resolution of the Town Council of the Town of Queen Creek, Maricopa County, Arizona to Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM–10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 3 pages), adopted on June 4, 1997.

(2) Resolution 145–97; A Resolution of the Town Council of the Town of Queen Creek, Maricopa County, Arizona to Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 1 page), adopted on November 5, 1997.

(3) Resolution 175–98; A Resolution of the Town Council of the Town of Queen Creek, Maricopa County, Arizona to Implement Measures in the MAG 1998 Serious Area Particulate Plan for the Maricopa County Area (including Exhibit A, 9 pages), adopted on September 16, 1998.

(Q) City of Scottsdale, Arizona.

(1) Resolution No. 4864; A Resolution of the City of Scottsdale, Maricopa County, Arizona, To Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM–10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 18 pages), adopted on June 12, 1997.

(2) Resolution No. 4942; Resolution of the Council of the City of Tempe Stating Its Intent to Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 6 pages), adopted on November 13, 1997.

(3) Resolution No. 98.42, Resolution of the Council of the City of Tempe Implementing Measures in the MAG 1998 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 8 pages), adopted on September 10, 1998.

(T) City of Tolleson, Arizona.

(1) Resolution No. 788, A Resolution of the Mayor and City Council of the City of Tolleson, Maricopa County, Arizona, Implementing Measures in the Maricopa Association of Governments (MAG) 1997 Serious Area Particulate Plan for PM–10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 12 pages), adopted on December 1, 1998.

(2) Resolution No. 808, A Resolution of the Mayor and City Council of the
City of Tolleson, Maricopa County, Arizona, Implementing Measures in the Maricopa Association of Governments (MAG) 1998 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A), adopted on July 28, 1998.

(2) Ordinance No. 376, N.S., An Ordinance of the City of Tolleson, Maricopa County, Arizona, Amending Chapter 7 of the Tolleson City Code by Adding a New Section 7–9, Prohibiting the Installation or Construction of a Fireplace or Wood Stove Unless It Meets the Standards Set Forth Herein (including Exhibit A, 4 pages), adopted on December 8, 1998.

(U) Town of Wickenburg, Arizona.

(1) Resolution No. 1308, Resolution To Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM–10 and MAG 1998 Serious Area Carbon Monoxide Plan for the Maricopa County Area (including Exhibit A, 4 pages), adopted on August 18, 1997.

(V) Town of Youngtown, Arizona.


(2) Resolution No. 98–15: Resolution To Implement Measures in the MAG 1998 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 8 pages), adopted on August 20, 1998.

(3) Resolution No 98–05: Resolution Stating Intent to Work Cooperatively with Maricopa County to Control the Generation of Fugitive Dust Pollution (including Exhibit A, 2 pages), adopted February 19, 1998.

(W) Maricopa County, Arizona.

(1) Resolution to Update Control Measure 6 in the Revised MAG 1999 Serious Area Particulate Plan for PM–10


(2) Resolution to Implement Measures in the MAG 1997 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 9 pages), adopted on November 19, 1997.

(3) Resolution to Implement Measures in the MAG 1998 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 10 pages), adopted on February 17, 1999.

(4) Resolution to Implement Measures in the MAG 1999 Serious Area Particulate Plan for PM–10 for the Maricopa County Area (including Exhibit A, 10 pages), adopted on December 15, 1999.

(X) Arizona Department of Transportation, Phoenix, Arizona.


(Y) Regional Public Transportation Authority, Phoenix, Arizona.


(Z) State of Arizona.

(1) Arizona Revised Statute Section 49–542(F)(7) as added in Section 31 of Arizona Senate Bill 1002, 42nd Legislative Session, 7th Special Session (1996), approved by the Governor July 18, 1996.

(101) Plan revisions submitted on March 2, 2000, by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa County Environmental Services Department.

(1) Rule 310 revised on February 16, 2000.

(2) Rule 310.01 adopted on February 16, 2000.

(3) Appendix C revised on February 16, 2000.

(102) Plan revisions submitted on January 8, 2002, by the Governor’s designee.

(i) Incorporation by reference. (1) Maricopa County, Arizona.

(1) Resolution to Update Control Measure 6 in the Revised MAG 1999 Serious Area Particulate Plan for PM–10
for the Maricopa County Area (including Exhibit A, 2 pages), adopted on December 19, 2001.

(103) The following plan was submitted on February 7, 2002, by the Governor's designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.

(1) Bullhead City Moderate Area PM\textsubscript{10} Maintenance Plan and Request for Redesignation to Attainment, adopted on February 7, 2002.

(104) The following plan was submitted on March 29, 2002, by the Governor's designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.

(1) Payson Moderate Area PM\textsubscript{10} Maintenance Plan and Request for Redesignation to Attainment, adopted on March 29, 2002.

(B) [Reserved]

(105) Amended rule for the following agency was submitted on March 22, 2002, by the Governor's designee.

(i) Incorporation by reference. (A) Maricopa County Environmental Services Department.


(106) Amended rule for the following agency was submitted on February 22, 2002, by the governor's designee.

(i) Incorporation by reference. (A) Maricopa County Environmental Services Department.

(1) Rule 140, revised on September 5, 2001.

(107) Amended rules for the following agency were submitted on October 7, 1998 by the Governor's designee.

(i) Incorporation by reference. (A) Pinal County Air Quality Control District.


(i) Incorporation by reference. (A) Arizona Revised Statutes.

(1) Section 49–541 as amended in Section 4 of Arizona House Bill 2204, 44th Legislature, 2nd Regular Session (1998), approved by the Governor on May 20, 1998.

(3) Section 49–541 as amended in Section 4 of Arizona House Bill 2189, 44th Legislature, 1st Regular Session (1999), approved by the Governor on May 18, 1999.

(4) Section 49–542.01 repealed in Section 3 and Section 49–543 as amended in Section 5 of Arizona House Bill 2204, 44th Legislature, 2nd Regular Session (2000), approved by the Governor on April 28, 2000.

(5) Section 49–542.05 as added in Section 23 of Arizona Senate Bill 1004, 44th Legislature, 7th Special Session (2000), approved by the Governor on December 14, 2000.

(B) Arizona Administrative Code.

(1) Title 18, Chapter 2, Article 10 (except for AAC R 18–2–1020) “Motor Vehicles; Inspection and Maintenance” as adopted on December 31, 2000.


(i) Incorporation by reference. (A) Arizona Revised Statutes.

(1) Section 49–542 as amended in Section 9, Section 49–543 as amended in Section 11, and Section 49–541.01 repealed in Section 29 of Arizona House Bill 2538, 45th Legislature, 1st Regular Session (2001), approved by the Governor on May 7, 2001.

(B) Arizona Administrative Code.


(110) New and amended regulations were submitted on July 15, 1998, and supplemented on May 16, 2014, by the Governor's designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.


(111) The following plan was submitted on June 18, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.

(112) Revised regulations were submitted on August 15, 2001, by the Governor’s designee as part of the submittal entitled Supplement to Cleaner Burning Gasoline Program State Implementation Plan Revision. The incorporated materials from this submittal supercede those included in the submittals entitled SIP Revision, Arizona Cleaner Burning Gasoline Permanent Rules—Maricopa County Ozone Nonattainment Area, submitted on February 24, 1999, State Implementation Plan Revision for the Cleaner Burning Gasoline Program in the Maricopa County Ozone Nonattainment Area, submitted on March 29, 2001, and Arizona Cleaner Burning Gasoline Rule to Revise the State Implementation Plan for the Maricopa County Carbon Monoxide, Ozone, and PM10 Nonattainment Areas, submitted August 15, 2001.

(i) Incorporation by reference. (A) Arizona Revised Statutes.

(1) ARS sections 49–541(1)(a), (b), and (c), 41–2124, 41–2123, 41–2113(B)(4), 41–2115, and 41–2060(A)(2) (as codified on March 31, 2001).

(113) Revised statutes were submitted on January 22, 2004, by the Governor’s designee as part of the submittal entitled Supplement to Cleaner Burning Gasoline Program State Implementation Plan Revision. The incorporated materials from this submittal supercede those included in the submittals entitled SIP Revision, Arizona Cleaner Burning Gasoline Permanent Rules—Maricopa County Ozone Nonattainment Area, submitted on February 24, 1999, State Implementation Plan Revision for the Cleaner Burning Gasoline Program in the Maricopa County Ozone Nonattainment Area, submitted on March 29, 2001, and Arizona Cleaner Burning Gasoline Rule to Revise the State Implementation Plan for the Maricopa County Carbon Monoxide, Ozone, and PM10 Nonattainment Areas, submitted August 15, 2001.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.

(114) The following plan was submitted on June 21, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.

(115) Amended regulations were submitted on January 16, 2004, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.


(116) New and amended regulations were submitted on September 12, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.
(1) Rules R18-2-715 (sections F, G, and H) and R18-2-715.01 amended on August 9, 2002.

(117) Amended regulation was submitted on July 28, 2004, by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa County Environmental Services Department.


(118) The following plan was submitted on April 18, 2001, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.


(119) The following plan was submitted on June 16, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.


(120) [Reserved]

(121) A plan revision was submitted on April 20, 2005 by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa County Environmental Services Department.


(122) A plan revision was submitted on April 25, 2005 by the Governor’s designee.

(i) Incorporation by reference. (A) Maricopa County Environmental Services Department.

(I) Rule 358 adopted on April 20, 2005.

(123) The following plan was submitted on December 7, 1998, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.


(124) The following plan was submitted on December 14, 2000, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.


(125) The following plan was submitted on April 21, 2004, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.


(126) The following plan was submitted on December 14, 2001, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.


(127) The following plan was submitted on April 2, 2004, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.


(128) The following plan was submitted on September 16, 2005, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.
§ 52.120


(129) The following amended rule was submitted on September 12, 2005, by the Governor’s designee.

(i) Incorporation by reference.

(A) Pinal County Air Quality Control District.


(130) An amended regulation was submitted on March 1, 2006, by the Governor’s designee.

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality.


(131) The following amended rules were submitted on December 30, 2004, by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Environmental Quality.


(B) Pima County Department of Environmental Quality.


(C) Pinal County Air Quality Control District.


(132) The following plan revision was submitted on June 26, 2002, by the Governor’s designee.

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality.

(1) Final Miami Sulfur Dioxide Nonattainment Area State Implementation and Maintenance Plan (June 2002), excluding the cover page, and pages ii, 2, 3, 4, and 49; chapter 7 (“Maintenance Plan”); appendix A (“SIP Support Information”), sections A.1 (“Pertinent Sections of the Arizona Administrative Code”) and A.2 (“Information Regarding Revisions to AAC R18–2–715 and R18–2–715.01, ‘Standards of Performance for Primary Copper Smelters: Site Specific Requirements; Compliance and Monitoring’ ’); and appendix D (“SIP Public Hearing Documentation”), adopted on June 26, 2002 by the Arizona Department of Environmental Quality.

(2) Submittal of Corrections to the Final Miami Sulfur Dioxide Nonattainment Area State Implementation and Maintenance Plan (June 2002), letter and enclosures (replacement pages for the cover page and pages ii, 2, 3, 4 and 49), dated June 30, 2004.

(133) The following statute and plan were submitted on December 23, 2005 by the Governor’s designee.

(i) Incorporation by reference.

(A) Arizona Revised Statutes.

(1) Section 49–542 as amended in section 1 of the Arizona House Bill 2357, 47th Legislature, 1st Regular Session (2005) and approved by the Governor on April 13, 2005.

(ii) Additional material.

(A) Arizona Department of Environmental Quality.

(1) Final Arizona State Implementation Plan Revision, Basic and Enhanced Vehicle Emissions Inspection/Maintenance Programs (December
2005), adopted by the Arizona Department of Environmental Quality on December 23, 2005, excluding appendices.

(134) The following plan was submitted on October 3, 2006 by the Governor’s designee.

(i) Incorporation by reference.
(A) Arizona Department of Environmental Quality.

(135) An amended regulation was submitted on June 8, 2006, by the Governor’s designee.

(i) Incorporation by reference.
(A) Maricopa County Environmental Services Department.

(136) The following plan was submitted on May 24, 2007 by the Governor’s designee.

(i) Incorporation by reference.
(A) Arizona Department of Environmental Quality.

(137) The Administrator is approving the following elements of the Revised PM–10 State Implementation Plan for the Salt River Area, September 2005, submitted on October 7, 2005, by the Governor’s designee.

(i) Incorporation by reference.
(A) Maricopa County Air Quality Department.

(2) Rule 318, revised on April 7, 2004.


(B) City of Apache Junction.


(C) City of Avondale.


(D) Town of Buckeye.


(E) City of Chandler.

(I) Resolution No. 3782: Resolution to Implement Measures to Reduce Reentrained Dust Emissions from Identified Paved Roads in Chandler As Part of the Revised PM–10 State Implementation Plan for Air Quality (including Exhibit A and Exhibit B), adopted on October 14, 2004.

(F) City of El Mirage.


(G) Town of Fountain Hills.


(H) City of Gilbert.


Salt River Area (including Exhibit A and Protocol to Reduce Reentrained Dust Emissions from Targeted Paved Roads), adopted on November 18, 2004.

(H) Town of Gilbert.


(J) Town of Paradise Valley.


(L) City of Mesa.

(M) City of Peoria.

(N) City of Phoenix.

(O) City of Tolleson.
§ 52.120


(B) Maricopa County Air Quality Department.


(140) The following amended rules were submitted on July 10, 2008, by the Governor’s designee.

(i) Incorporation by reference.

(A) Maricopa County.


(B) Maricopa County Air Quality Department.


(141) The following amended rules were submitted on January 9, 2008, by the Governor’s designee.

(i) Incorporation by reference.

(A) Maricopa County Air Quality Department.

(1) Rule 310.01, adopted on June 16, 1999, and revised on February 17, 2005.

(2) Application for Dust Control Permit, adopted on June 22, 2005.


(139) The following plan was submitted on July 5, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Maricopa County Air Quality Department


(140) The following plan was submitted on June 7, 2007 by the Governor’s designee.

(i) Incorporation by reference.


(140) The following amended rules were submitted on July 10, 2008, by the Governor’s designee.

(i) Incorporation by reference.
Inspection Program (VEIP), Revised to include supporting documents authorizing the VEIP from 2009 to 2017 (Chapter 171, Senate Bill 1531 from the 48th Regular Session of the Arizona Legislature and Arizona Revised Statute text A.R.S. 41–3017.01(a)), adopted as a Supplement to the Carbon Monoxide Limited Maintenance Plan for the Tucson Air Planning Area (for 2010) by the Pima Association of Governments on May 28, 2009, and adopted and submitted by the Arizona Department of Environmental Quality on June 22, 2009.

(145) New and amended regulations were submitted on June 12, 2009 by the Governor’s designee.

(1) Incorporation by Reference.

(A) Pinal County Air Quality Control District.


(146) The following plan was submitted on April 12, 2010 by the Governor’s designee.

(i) Incorporation by reference.

(A) Maricopa County Air Quality Department.


(2) Rule 310.01, “Fugitive Dust From Non-Traditional Sources of Fugitive Dust,” adopted on January 27, 2010.

(147) The following plan was submitted on July 10, 2008 by the Governor’s designee.

(i) Incorporation by reference.

(A) Maricopa County Air Quality Department.

(1) Appendix C—“Fugitive Dust Test Methods,” adopted on March 26, 2008.

(148) The following plan revision was submitted on September 21, 2009 by the Governor’s designee.

(i) Incorporation by reference. (A) Arizona Department of Weights and Measures. (I) Arizona Revised Statutes, title 41 (State Government), chapter 15 (Department of Weights and Measures), as
amended and supplemented by the general and permanent laws enacted through the First Special Session, and legislation effective January 11, 2011 of the First Regular Session of the Fiftieth Legislature (2011):

(i) Article 1 (General Provisions), section 41–2051 ("Definitions"), subsections (6) ("Certification"), (10) ("Department"), (11) ("Diesel fuel"), (12) ("Director"), and (13) ("E85"), amended by Laws 2008, Ch. 254, §2;

(ii) Article 6 (Motor Fuel), section 41–2121 ("Definitions"), subsection (5) ("Gasoline") amended by Laws 2007, Ch. 181, §2; and

(iii) Article 7 (Gasoline Vapor Control), section 41–2131 ("Definitions"), added by Laws 1992, Ch. 299, §6; section 41–2132 ("Stage I and stage II vapor recovery systems"), amended by Laws 2010, Ch. 181, §2; and section 41–2133 ("Compliance schedules"), amended by Laws 1999, Ch. 295, §17.


(3) Arizona Administrative Code, title 20, chapter 2, article 9 (Gasoline Vapor Control):


(149) The following plan was submitted on June 13, 2007 by the Governor’s designee.

(i) [Reserved]

(ii) Additional Materials. (A) Arizona Department of Environmental Quality. Letter dated June 13, 2007 from Stephen A. Owens, Director, ADQ, to Wayne Nastri, Regional Administrator, United States Environmental Protection Agency, Region IX.

(2) Eight-Hour Ozone Plan for the Maricopa Nonattainment Area, dated June 2007, including Appendices, Volumes One and Two.

(150) The following plan was submitted on August 24, 2012, by the Governor’s designee.

(i) [Reserved]

(ii) Additional material.

(A) Arizona Department of Environmental Quality.


(151) The following plan revisions were submitted on August 15, 1994 by the Governor’s designee.

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality.

(1) Rule R18–2–220, Air pollution emergency episodes, Department of Environmental Quality-Air Pollution Control, amended effective September 26, 1990.

(2) A letter from Eric C. Massey, Director, Air Quality, Arizona Department of Environmental Quality, to Jared Blumenfeld, Regional Administrator, US EPA, dated August 30, 2012, certifying that the attached copy of a document titled “Procedures for Prevention of Emergency Episodes: 1988 Edition” is a true and correct copy of the original and is an official publication of the Arizona Department of Environmental Quality.


(152) The following plan was submitted August 24, 2012, by the Governor’s designee.

(i) Incorporated by reference.

(A) Arizona Department of Environmental Quality.

(1) Arizona Administrative Code, title 18, chapter 2, article 3 (Permits and Permit Revisions):

(i) Section R18–2–327 (“Annual Emissions Inventory Questionnaire”), effective on December 7, 1995.
(B) Maricopa County Air Quality Department.
(ii) Additional materials.
(A) Arizona Department of Environmental Quality.
(i) “Final Supplement to the Arizona State Implementation Plan under Clean Air Act Section 110(a)(1) and (2): Implementation of 2006 PM$_{2.5}$ National Ambient Air Quality Standards, 1997 PM$_{2.5}$ National Ambient Air Quality Standards, and 1997 8-Hour Ozone National Ambient Air Quality Standards,” August 2012, adopted by the Arizona Department of Environmental Quality on August 24, 2012, excluding the appendices.
(A) Title 28 (transportation), chapter 7 (certification of title and registration), article 5 (registration requirements generally), section 28–2153 (“Registration requirement; exceptions; assessment; violation; classification”);
(B) Title 35 (public finances), chapter 2 (state management of public monies), section 35–313 (“Investment of trust and treasury monies; loan of securities”);
(C) Title 38 (public officers and employees), chapter 1 (general provisions), article 1 (definitions), section 38–101 (“Definitions”) and article 8 (conflict of interest of officers and employees), sections 38–501 (“Application of article”), 38–502 (“Definitions”), 38–503 (“Conflict of interest; exemptions; employment prohibition”), 38–504 (“Prohibited acts”), 38–505 (“Additional income prohibited for services”) 38–506 (“Remedies”), 38–507 (“Opinions of the attorney general, county attorneys, city or town attorneys and house and senate ethics committee”), 38–508 (“Authority of public officers and employees to act”), 38–509 (“Filing of disclosures”), 38–510 (“Penalties”), and 38–511 (“Cancellation of political subdivision and state contracts; definition”);
(D) Title 49 (the environment), chapter 1 (general provisions), article 1 (department of environmental quality), section 49–103 (“Department employees; legal counsel”), subsections (A)(2), (A)(4), (B)(3), and (B)(5) of section 49–104 (“Powers and duties of the department and director”), and sections 49–106 (“Statewide application of rules”) and 49–107 (“Local delegation of state authority”);
(E) The following plan was submitted on October 14, 2009, by the Governor’s designee.
(i) [Reserved]
(ii) Additional materials.
(A) Arizona Department of Environmental Quality.
(i) “Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and (2): Implementation of 2006 PM$_{2.5}$ National Ambient Air Quality Standards, 1997 PM$_{2.5}$ National Ambient Air Quality Standards, and
§ 52.120

1997 8-Hour Ozone National Ambient Air Quality Standards,” September 2009, adopted by the Arizona Department of Environmental Quality on October 14, 2009, excluding the appendices.

(154) The following plan was submitted February 28, 2011, by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(i) Arizona State Implementation Plan, Regional Haze Under Section 306 of the Federal Regional Haze Rule: Appendix D, Arizona BART—Supplemental Information:

(ii) Table 1.1—NO\textsubscript{X} BART, entry for AEPCO [Apache], ST1 [Unit 1] only.

(ii) Table 1.2—PM\textsubscript{2.5} BART, entries for AEPCO [Apache], APS Cholla Power Plant and SRP Coronado Generating Station.

(iii) Table 1.3—SO\textsubscript{2} BART, entries for AEPCO, APS Cholla Power Plant and SRP Coronado Generating Station.

(2) Arizona State Implementation Plan, Regional Haze Under Section 306 of the Federal Regional Haze Rule (January 2011), excluding:

(i) Chapter 6: table 6.1; chapter 10: sections 10.4, 10.6 (regarding Unit I4 at the Irvington [Sundt] Generating Station), 10.7, and 10.8; chapter 11: chapter 12: sections 12.7.3 (“Emission Limitation and Schedules of Compliance”) and 12.7.6 (“Enforceability of Arizona’s Measures”); and chapter 13: section 13.2.3 (“Arizona and Other State Emission Reduction Obligations”);

(ii) Appendix D: chapter I; chapter V (regarding Unit I4 at the Irvington [Sundt] Generating Station); chapter VI, sections C and D; chapter VII; chapter IX; chapter X, section E.1; chapter XI, section D; chapter XII, sections B and C; chapter XIII, sections B, C, and D; and chapter XIV, section D; and

(iii) Appendix E.

(155) The following plan was submitted on November 6, 2009 by the Governor’s designee.

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality.

(i) Affidavit by Efrem K. Sepulveda, Law Librarian, Arizona State Library, Archives and Public Records, certifying authenticity of reproduction of A.R.S. §49–542 (2008 edition) plus title page to pocket part of Title 49 (the environment), section 49–542 (“Emissions inspection program; powers and duties of director; administration; periodic inspection; minimum standards and rules; exceptions; definition”).

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(i) Final Arizona State Implementation Plan Revision, Exemption of Motorcycles from Vehicle Emissions Inspections and Maintenance Program Requirements in Area A (October 2009), adopted by the Arizona Department of Environmental Quality on November 6, 2009, excluding appendices A and C.

(156) The following plan was submitted on January 11, 2011 by the Governor’s designee.

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality.


(2) Arizona Revised Statutes (West Group, 2001 Cumulative Pocket Part): title 49 (the environment), section 49–541 (“Definitions”), subsection 1 [Definition of Area A].

(3) Arizona Revised Statutes (Thomson West, 2008): Title 9 (cities and towns), chapter 4 (general powers), article 8 (miscellaneous), section 9–500.04.
("Air quality control: definitions"), excluding paragraphs A.1, A.2, A.4, and A.10; paragraphs B through G; and paragraph I.

(4) Arizona Revised Statutes (West, 2012): Title 11 (counties), chapter 6 (county planning and zoning), article 6 (air quality), section 11–877 ("Air quality control measures").


(i) Title 49 (the environment), chapter 3 (air quality), article 2 (state air pollution control), section 49–457.01 ("Leaf blower use restrictions and training; leaf blowers equipment sellers; informational material; outreach; applicability"); and

(ii) Title 49 (the environment), chapter 3 (air quality), article 3 (county air pollution control), sections 49–474.01 ("Additional board duties in vehicle emissions control areas; definitions"), excluding paragraphs A.1 through A.3, A.9, A.10, paragraphs C through G, and paragraph I; 49–474.05 ("Dust control; training; site coordinators"); and 49–474.06 ("Dust control; subcontractor registration; fee").

(6) Arizona Revised Statutes (Thomson/West, 2008): Title 9 (cities and towns), chapter 4 (general powers), article 8 (miscellaneous), section 9–500.27 ("Off-road vehicle ordinance; applicability; violation; classification"), excluding paragraphs D and E.

(7) Arizona Revised Statutes (West, 2012): Title 11 (counties), chapter 6 (county planning and zoning), article 6 (air quality), section 11–871 ("Emissions control; no burn; exemptions; penalty"), excluding paragraphs C through E.

(8) Arizona Revised Statutes (West, 2012): Title 28 (transportation), chapter 3 (traffic and vehicle regulation), article 18 (vehicle size, weight and load), section 28–1098 ("Vehicle loads; restrictions; civil penalties"), excluding paragraphs B and C.

(9) Arizona Revised Statutes (West, 2012 Cumulative Pocket Part):

(i) Title 49 (the environment), chapter 3 (air quality), article 2 (state air pollution control), sections 49–457.03 ("Off-road vehicles; pollution advisory days; applicability; penalties"), excluding paragraphs C and D; and 49–457.04 ("Off-highway vehicle and all-terrain vehicle dealers; informational material; outreach; applicability"); and

(ii) Title 49 (the environment), chapter 3 (air quality), article 3 (county air pollution control), section 49–451 ("Unlawful open burning; exceptions; civil penalty; definition"), excluding paragraph A.1, paragraphs B.2 through B.6, and paragraphs D, E, G, and H.

(10) Arizona Revised Statutes (West, 2012 Cumulative Pocket Part): Title 49 (the environment), chapter 3 (air quality), article 3 (county air pollution control), section 49–457.05 ("Dust action general permit; best management practices; applicability; definitions"), excluding paragraph C and paragraphs E, F, G, and H.

(II) Arizona Department of Environmental Quality, Air Quality Division, Dust Action General Permit, including attachments A, B, and C, issued December 30, 2011.

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) 2012 Five Percent Plan for PM–10 for the Maricopa County Nonattainment Area, and Appendices Volume One and Volume Two, adopted May 23, 2012.

(2) 2012 Five Percent Plan for PM–10 for the Pinal County Township 1 North, Range 8 East Nonattainment Area, adopted May 25, 2012.

(i) The following plan was submitted May 3, 2013, by the Governor’s designee.

(1) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality (ADEQ).

(1) Arizona State Implementation Plan Revision, Regional Haze Under Section 308 of the Federal Regional Haze Rule (May 2013), excluding:

(i) Chapter 10, section 10.7 (regarding ASARCO Hayden Smelter (PM 10 emissions) and Chemical Lime Company—Nelson Lime Plant);

(ii) Chapter 11, except subsection 11.3.1(3) ("Focus on SO2 and NOx pollutants");

(iii) Appendix D: chapter I, except for the footnotes in tables 1.1, 1.2 and 1.3 to the entries for AEPCO [Apache], and the entry in table 1.2 for Freeport-McMoRan Miami Smelter; chapter VI, section C (regarding PM10 emissions...
§ 52.120

from ASARCO Hayden smelter); chapter XII, section C, and chapter XIII, subsection D; and
(iv) Appendix E.

(159) The following plan was submitted on January 23, 2012 by the Governor’s Designee.
(i) [Reserved]
(ii) Additional Materials.
(A) Arizona Department of Environmental Quality
(160) The following plan was submitted on March 23, 2009, by the Governor’s designee.
(i) [Reserved]
(ii) Additional materials.
(A) Arizona Department of Environmental Quality.
(1) MAG Eight-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa Nonattainment Area (February 2009), adopted by the Arizona Department of Environmental Quality on March 23, 2009, excluding the appendices.

(161) The following plan revision was submitted on July 28, 2011, and supplemented on May 16, 2014, by the Governor’s designee.
(i) Incorporation by reference.
(A) Arizona Department of Environmental Quality.
(I) West’s Arizona Revised Statutes, 2012–2013 Compact Edition; title 49 (“Environment”), chapter 3 (“Air Quality”), article 2 (“State Air Pollution Control”) section 49–426 (“Permits; duties of director; exceptions; applications; objections; fees”), excluding paragraphs (D), (E)(1), (F), (I), (J), and (M).

(3) Arizona Administrative Code, title 18 (“Environmental Quality”), chapter 2 (“Department of Environmental Quality—Air Pollution Control”), supp. 09–2, June 30, 2009; R18–2–732 (“Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinertors’’).

(4) Arizona Administrative Code, title 18 (“Environmental Quality”), chapter 2 (“Department of Environmental Quality—Air Pollution Control”), supp. 12–2, June 30, 2012; R18–2–204 (“Carbon Monoxide’’); R18–2–719 (“Standards of Performance for Existing Stationary Rotating Machinery’’); and Appendix 2 (“Test Methods and Protocols’’).


(162) The following plan revision was submitted on October 29, 2012, and supplemented on September 6, 2013 and July 2, 2014, by the Governor’s designee.
(i) Incorporation by reference.
(A) Arizona Department of Environmental Quality

(2) Arizona Administrative Code, title 18 (“Environmental Quality”), chapter 2 (“Department of Environmental Quality—Air Pollution Control”), supp. 12–2, June 30, 2012; R18–2–
§ 52.120

101 ("Definitions"), excluding definitions (2), (20), (32), (87), (109), and (122); R18–2–102 ("Incorporated Materials"); R18–2–201 ("Particulate matter: PM_{10} and PM_{2.5}"); R18–2–202 ("Sulfur Oxides (Sulfur Dioxide)"); R18–2–203 ("Ozone: One-hour Standard and Eight-hour Averaged Standard") R18–2–205 ("Nitrogen Oxides (Nitrogen Dioxide)"); R18–2–206 ("Lead"); R18–2–210 ("Attainment, Nonattainment, and Unclassifiable Area Designations"); R18–2–215 ("Ambient air quality monitoring, interpretation, and procedures"); R18–2–216 ("Interpretation of Ambient Air Quality Standards and Evaluation of Air Quality Data"); and R18–2–701 ("Definitions").


(ii) Additional materials.

(A) Arizona Department of Environmental Quality.


2. Memorandum, "Proposed Final Permits to be Treated as Appealable Agency Actions," dated February 10, 2015, from Eric Massey, Air Quality Division Director to Balaji Vaidyanathan, Permit Section Manager, submitted on February 23, 2015.


163 The following plan was submitted on August 27, 2012 by the Governor’s Designee.

(i) Incorporation by Reference.

(A) Maricopa County Air Quality Department.

(164) A plan revision was submitted on September 6, 2013 by the Governor’s Designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) “Arizona State Implementation Plan Revision for the Nogales PM_{2.5} Nonattainment Area”, dated September 2013, including appendices A and B.

(165) The following plan was submitted May 13, 2014, by the Governor’s designee:

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality.

(1) Significant Revision No. 59195 to Air Quality Control Permit No. 55412, excluding section V.D., issued May 13, 2014.

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) Arizona State Implementation Plan, Revision to the Arizona Regional Haze Plan for Arizona Electric Power Cooperative, Incorporated, Apache Generating Station, excluding the appendices.

(166) The following plan was submitted on October 14, 2011, by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and (2); Implementation of the 2008 Lead National Ambient Air Quality Standards, excluding the appendices.

(167) The following plan was submitted on December 27, 2012 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and (2); 2008 8-hour Ozone NAAQS, excluding the appendices.

(168) The following plan was submitted on December 6, 2013 by the Governor’s designee.

(i) Incorporation by reference.

(A) Maricopa County Air Quality Department.

(1) Maricopa County Air Pollution Control Regulations, Rule 100 (“General Provisions and Definitions”), section 100 (“General”), subsection 108 (“Hearing Board”), revised September 25, 2013.

(169) The following plan was submitted on December 19, 2013 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and (2); 2008 8-hour Ozone NAAQS, excluding the appendices.
Environmental Protection Agency

§ 52.121 Classification of regions.

The Arizona plan is evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>AQCR (constituent counties)</th>
<th>PM</th>
<th>SO$_2$</th>
<th>NO$_x$</th>
<th>CO</th>
<th>O$_3$</th>
</tr>
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<tr>
<td>Maricopa Intrastate (Maricopa)</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>I</td>
<td>I</td>
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<tr>
<td>Pima Intrastate (Pima)</td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Northern Arizona Intrastate (Apache, Coconino, Navajo, Yavapai)</td>
<td>I</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Mohave-Yuma Intrastate (Mohave, Yuma)</td>
<td>I</td>
<td>III</td>
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<td>III</td>
</tr>
<tr>
<td>Central Arizona Intrastate (Gila, Pinal)</td>
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<td>IA</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Southeast Arizona Intrastate (Coconee, Graham, Greenelee, Santa Cruz)</td>
<td>I</td>
<td>IA</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>

§ 52.122 Negative declarations.

(a) The following air pollution control districts submitted negative declarations for volatile organic compound source categories to satisfy the requirements of section 182 of the Clean Air Act, as amended. The following negative declarations are approved as additional information to the State Implementation Plan.

(1) Maricopa County Environmental Services Department.

(ii) Appendices A and B.

(172) The following plan was submitted July 2, 2014, by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) MAG 2014 Eight-Hour Ozone Plan—Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area (June 2014), excluding:

(i) Sections titled “A Nonattainment Area Preconstruction Permit Program—CAA section 182(a)(2)(C),” “New Source Review—CAA, Title I, Part D,” and “Offset Requirements: 1:1 to 1 (Ratio of Total Emission Reductions of Volatile Organic Compounds to Total Increased Emissions)—CAA Section 182(a)(4)” on pages 8 and 9 and section titled “Meet Transportation Conformity Requirements—CAA Section 176(c)” on pages 10 and 11.

(173) The following plan was submitted April 2, 2013 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.


(174) The following plan was submitted on December 3, 2015 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) SIP Revision: Clean Air Act Section 110(a)(2)(D), 2008 Ozone National Ambient Air Quality Standards (December 3, 2015).

[37 FR 10849, May 31, 1972]

EDITORIAL NOTE: For Federal Register citations affecting § 52.120, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.122 Negative declarations.

(a) The following air pollution control districts submitted negative declarations for volatile organic compound source categories to satisfy the requirements of section 182 of the Clean Air Act, as amended. The following negative declarations are approved as additional information to the State Implementation Plan.

(1) Maricopa County Environmental Services Department.

(ii) Appendices A and B.

(172) The following plan was submitted July 2, 2014, by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) MAG 2014 Eight-Hour Ozone Plan—Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area (June 2014), excluding:

(i) Sections titled “A Nonattainment Area Preconstruction Permit Program—CAA section 182(a)(2)(C),” “New Source Review—CAA, Title I, Part D,” and “Offset Requirements: 1:1 to 1 (Ratio of Total Emission Reductions of Volatile Organic Compounds to Total Increased Emissions)—CAA Section 182(a)(4)” on pages 8 and 9 and section titled “Meet Transportation Conformity Requirements—CAA Section 176(c)” on pages 10 and 11.

(173) The following plan was submitted on April 2, 2013 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.


(174) The following plan was submitted on December 3, 2015 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) SIP Revision: Clean Air Act Section 110(a)(2)(D), 2008 Ozone National Ambient Air Quality Standards (December 3, 2015).

[37 FR 10849, May 31, 1972]

EDITORIAL NOTE: For Federal Register citations affecting § 52.120, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.122 Negative declarations.

(a) The following air pollution control districts submitted negative declarations for volatile organic compound source categories to satisfy the requirements of section 182 of the Clean Air Act, as amended. The following negative declarations are approved as additional information to the State Implementation Plan.

(1) Maricopa County Environmental Services Department.

(ii) Appendices A and B.

(172) The following plan was submitted July 2, 2014, by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) MAG 2014 Eight-Hour Ozone Plan—Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area (June 2014), excluding:

(i) Sections titled “A Nonattainment Area Preconstruction Permit Program—CAA section 182(a)(2)(C),” “New Source Review—CAA, Title I, Part D,” and “Offset Requirements: 1:1 to 1 (Ratio of Total Emission Reductions of Volatile Organic Compounds to Total Increased Emissions)—CAA Section 182(a)(4)” on pages 8 and 9 and section titled “Meet Transportation Conformity Requirements—CAA Section 176(c)” on pages 10 and 11.

(173) The following plan was submitted on April 2, 2013 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.


(174) The following plan was submitted on December 3, 2015 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) SIP Revision: Clean Air Act Section 110(a)(2)(D), 2008 Ozone National Ambient Air Quality Standards (December 3, 2015).

[37 FR 10849, May 31, 1972]

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§ 52.122 Negative declarations.

(a) The following air pollution control districts submitted negative declarations for volatile organic compound source categories to satisfy the requirements of section 182 of the Clean Air Act, as amended. The following negative declarations are approved as additional information to the State Implementation Plan.

(1) Maricopa County Environmental Services Department.

(ii) Appendices A and B.

(172) The following plan was submitted July 2, 2014, by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) MAG 2014 Eight-Hour Ozone Plan—Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area (June 2014), excluding:

(i) Sections titled “A Nonattainment Area Preconstruction Permit Program—CAA section 182(a)(2)(C),” “New Source Review—CAA, Title I, Part D,” and “Offset Requirements: 1:1 to 1 (Ratio of Total Emission Reductions of Volatile Organic Compounds to Total Increased Emissions)—CAA Section 182(a)(4)” on pages 8 and 9 and section titled “Meet Transportation Conformity Requirements—CAA Section 176(c)” on pages 10 and 11.

(173) The following plan was submitted on April 2, 2013 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.


(174) The following plan was submitted on December 3, 2015 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) SIP Revision: Clean Air Act Section 110(a)(2)(D), 2008 Ozone National Ambient Air Quality Standards (December 3, 2015).

[37 FR 10849, May 31, 1972]

EDITORIAL NOTE: For Federal Register citations affecting § 52.120, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.
§ 52.123 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approved Arizona’s plan for the attainment of the national standards.

(b) With the exception set forth in §§ 52.130 and 52.135, the Administrator approves the plan with respect to Part D, Title I of the Clean Air Act as amended in 1977, for the nonattainment areas listed in this paragraph.

(c) With the exceptions set forth in this subpart, the Administrator approves the plan with respect to Part D, Title I of the Clean Air Act as amended in 1977, for the nonattainment areas listed in this paragraph.

1. For TSP, the portion of the Tucson TSP Air Planning Area falling both within the area described by connecting the geographic points in the order listed below in this paragraph and within the townships and sections described below in this paragraph:

Latitude 32°38.5' N, Longitude 111°24.0' W
Latitude 32°26.5' N, Longitude 110°47.5' W
Latitude 32°12.5' N, Longitude 110°32.5' W
Latitude 31°49.5' N, Longitude 110°25.5' W
Latitude 31°42.5' N, Longitude 110°59.5' W
Latitude 31°32.5' N, Longitude 111°12.5' W
Latitude 31°24.5' N, Longitude 111°29.0' W
(and return to initial point)

T9S, R9–13E
T10S, R9–13E
T13S, R13E: sections 5, 8–19, 13–17, 20–28, 33–36, 6 (NE and SE quarters only) and 7 (NE and SE quarters only)
T13S, R14E: sections 19–21, 26–35
T14S, R13E: sections 1–3, 10–14, 23–25
T14S, R14E: sections 3–9, 17–19, 30
T17S, R19E
T18S, R19E
T20S, R14–15E

(d) With the exceptions set forth in this subpart, the Administrator approves the plan with respect to Part D, Title I of the Clean Air Act, as amended in 1977, for the nonattainment areas listed in this paragraph. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the State Implementation Plan (SIP) depends on the adoption and submittal by January 1, 1981, of reasonably available control technology (RACT) requirements for sources covered by Control Technique Guidelines (CTG’s) published between January 1978 and January 1979.

1. Maricopa County Urban Planning Area for O₃

2. [Reserved]

3. The following portion of the Tucson TSP Air Planning Area: The area described by connecting the following geographic points in the order listed below:

Latitude 32°38.5' N, Longitude 111°24.0' W
Latitude 32°26.5' N, Longitude 110°47.5' W
Latitude 32°12.5' N, Longitude 110°32.5' W
Latitude 31°49.5' N, Longitude 110°25.5' W
Latitude 31°42.0' N, Longitude 110°59.5' W
Latitude 31°32.5' N, Longitude 111°12.5' W
Latitude 31°24.5' N, Longitude 111°29.0' W
(and return to initial point)

Excluding the area within the following townships:

T9S, R9–11E
T10S, R9–13E
T13S, R13E: sections 5, 8–19, 13–17, 20–28, 33–36, 6 (NE and SE quarters only) and 7 (NE and SE quarters only)
T13S, R14E: sections 19–21, 26–35
T14S, R13E: sections 1–3, 10–14, 23–25
T14S, R14E: sections 3–9, 17–19, 30
T17S, R19E
T18S, R19E
T20S, R14–15E


1. [Reserved]

2. The Administrator approves the attainment and reasonable further
progress demonstrations for the Maryvale PM–10 monitoring site and Salt River PM–10 monitoring site.

(iii) The approvals in paragraphs (f)(1) (i) and (ii) of this section are applicable only to the plan identified in paragraph (f)(1) of this section and do not constitute the Administrator's final decision as to the State's full compliance with the requirements of Clean Air Act sections 189(a)(1)(C) and 189(b)(1)(B) for RACM and BACM and sections 189(a)(1)(B), 189(b)(1)(A) and 189(c)(1) for attainment and reasonable further progress.

(g) Pursuant to the Federal planning authority in section 110(c) of the Clean Air Act, the Administrator finds that the applicable implementation plan for the Maricopa County ozone nonattainment area demonstrates the 15 percent VOC rate of progress required under section 182(b)(1)(A)(i).

(h) Pursuant to the federal planning authority in section 110(c) of the Clean Air Act, the Administrator finds that the applicable implementation plan for the Maricopa County PM–10 nonattainment area provides for the implementation of reasonably available control measures as required by section 189(a)(1)(C) and demonstrates attainment by the applicable attainment date as required and allowed by sections 172(c)(2) and 189(a)(1)(B).

(i) The Administrator approves the Maintenance Plan for the Tucson Air Planning Area submitted by the Arizona Department of Environmental Quality on October 6, 1997 as meeting requirements if section 175(A) of the Clean Air Act and the requirements of EPA's Limited Maintenance Plan option. The Administrator approves the Emissions Inventory contained in the Maintenance Plan as meeting the requirements of section 172(c)(3) of the Clean Air Act.

(j) The Administrator is approving the following elements of the Metropolitan Phoenix PM–10 Nonattainment Area Serious Area PM–10 Plan as contained in Revised Maricopa Association of Governments 1999 Serious Area Particulate Plan for PM–10 for the Maricopa County Nonattainment Area, February 28, 2000, submitted February 16, 2000 and Maricopa County PM–10 Serious Area State Implementation Plan Revision, Agricultural Best Management Practices (BMP), ADEQ, June 2000, submitted on June 13, 2001:

1. 1994 Base year emission inventory pursuant to Clean Air Act section 172(c)(3).

2. The Provisions for implementing on all significant source categories reasonably available control measures (except for agricultural sources) and best available control measures for the annual and 24-hour PM–10 NAAQS pursuant to section Clean Air Act sections 189(a)(1)(c) and 189(b)(1)(B).

3. The demonstration of the impracticability of attainment by December 31, 2001 for the annual and 24-hour PM–10 NAAQS pursuant to Clean Air Act section 189(b)(1)(A)(ii).

4. The demonstration of attainment by the most expeditious alternative date practicable for the annual and 24-hour PM–10 NAAQS pursuant to Clean Air Act section 189(b)(1)(A)(ii).

5. The demonstration of reasonable further progress for the annual and 24-hour PM–10 NAAQS pursuant to Clean Air Act section 172(c)(2).

6. The quantitative milestones for the annual and 24-hour PM–10 NAAQS pursuant to Clean Air Act section 189(c).

7. The inclusion of the most stringent measures for the annual and 24-hour PM–10 NAAQS pursuant to Clean Air Act section 189(e).

8. The demonstration that major sources of PM–10 precursors do not contribute significantly to violations for the annual and 24-hour PM–10 NAAQS pursuant to Clean Air Act section 189(e).

9. The contingency measures for the annual and 24-hour PM–10 NAAQS pursuant to Clean Air Act section 172(c)(9).

10. The transportation conformity budget for the annual and 24-hour PM–10 NAAQS pursuant to Clean Air Act section 176(c).

11. The provisions for assuring adequate resources, personnel, and legal authority to carry out the plan for the annual and 24-hour PM–10 NAAQS pursuant to Clean Air Act section 110(a)(2)(E)(i).

(k) The Administrator approves the revised Enhanced Vehicle Inspection and Maintenance Program for the Maricopa County carbon monoxide and...
162

§52.124 ozone nonattainment area submitted by the Arizona Department of Environmental Quality on July 6, 2001 and April 10, 2002 as meeting the requirements of Clean Air Act sections 182(c)(3) and 187(a)(6) and the requirements for high enhanced inspection and maintenance programs contained in 40 CFR part 51, subpart S.

(l) 1997 8-hour ozone NAAQS: The SIPs submitted on October 14, 2009 and August 24, 2012 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(ii), (J) and (K) for all portions of the Arizona SIP.

(m) 1997 PM2.5 NAAQS: The SIPs submitted on October 14, 2009 and August 24, 2012 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality), (D)(ii), (J) and (K) for all portions of the Arizona SIP.

(n) 2006 PM2.5 NAAQS: The SIPs submitted on October 14, 2009 and August 24, 2012 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality), (D)(ii), (J) and (K) for all portions of the Arizona SIP.

(o) 2008 8-hour ozone NAAQS: The SIPs submitted on October 14, 2011, December 27, 2012, and December 3, 2015 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(i)(II), (D)(ii), (J) and (K) for all portions of the Arizona SIP.

(p) 2008 Lead (Pb) NAAQS: The SIPs submitted on October 14, 2011 and December 27, 2012 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(ii), (J) and (K) for all portions of the Arizona SIP.


§52.125 Control strategy and regulations: Sulfur oxides.

(a)(1) The requirements of subpart G of this chapter are not met since the control strategy does not analyze the impact of smelter fugitive emissions on ambient air quality (except at Hayden, Arizona) in the Central Arizona Intrastate, the Pima Intrastate, and the Southeast Arizona Intrastate (Cochise and Greenlee counties) Regions. Arizona must submit these smelter fugitive emissions control strategies to EPA by August 1, 1984. In addition, the requirements of §51.281 of this chapter are not met since the plan does not require permanent control of fugitive smelter emissions necessary to attain and maintain the national standards for sulfur oxides. The control strategy for Hayden shows that these controls are required to attain and maintain the national standards, and the fugitive control strategy analyses required above may show that they are required for some or all of the other smelter towns in Arizona. Arizona must submit all fugitive emissions control regulations necessary to attain and maintain the national standards for sulfur oxides to EPA by August 1, 1984. Therefore, the control strategies and regulations for the six smelter areas in the Central Arizona Intrastate, the Pima Intrastate and the Southeast Arizona Intrastate (Cochise and Greenlee counties) Regions are incomplete due to Arizona’s failure to address the fugitive emissions problems at copper smelters.

(b) The requirements of subpart G and §51.281 of this chapter are not met
Environmental Protection Agency § 52.125

since the plan does not provide the degree of control necessary to attain and maintain the national standards for sulfur oxides in the Northern Arizona Intrastate Region. Therefore, Regulation 7–1–4.2(C) (fuel burning installations) of the Arizona Rules and Regulations for Air Pollution Control, as it pertains to existing sources, is disapproved in the Northern Arizona Intrastate Region for steam power generating installations having a total rated capacity equal to or greater than 6,500 million B.t.u. per hour.

(c) Replacement regulation for Regulation 7–1–4.2(C) (Fossil fuel-fired steam generators in the Northern Arizona Intrastate Region). (1) This paragraph is applicable to the fossil fuel-fired steam generating equipment designated as Units 1, 2, and 3 at the Navajo Power Plant in the Northern Arizona Intrastate Region (§ 81.270 of this chapter).

(2) No owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

\[ E = 12,245 \text{ S or } e = 1,540 \text{ S} \]

Where:

- \( E \) = Allowable sulfur oxides emissions (lb./hr.) from all affected units.
- \( e \) = Allowable sulfur oxides emissions (gm./sec.) from all affected units.
- \( S \) = Sulfur content, in percent by weight, prior to any pretreatment of the fuel being burned.

(3) For the purposes of this paragraph:

(i) \( E \) shall not exceed 21,270 lb./hr. (2,680 gm./sec.).

(ii) If the sum of sulfur oxides emissions from Units 1, 2, and 3 would be less than 3,780 lb./hr. (475 gm./sec.) without the use of emission control equipment, the requirements of paragraphs (2), (4)(i) and (5) of this paragraph (c), shall not apply for the period of time that the emissions remain below this level.

(iii) The applicability of paragraph (c)(2)(ii) of this section may be determined through a sulfur balance utilizing the analyzed sulfur content of the fuel being burned and the total rate of fuel consumption in all affected units.

(4)(i) No owner or operator of the fossil fuel-fired steam generating equipment subject to this paragraph shall discharge or cause the discharge of sulfur oxides into the atmosphere from any affected unit in excess of the amount prescribed by the following equations, except as provided in paragraph (3)(ii) of this paragraph (c).

\[ E_1 = 0.333 \times E \text{ or } e_1 = 0.333 \times e \]

Where:

- \( E_1 \) = Allowable sulfur oxides emissions (lb./hr.) from each affected unit.
- \( e_1 \) = Allowable sulfur oxides emissions (gm./sec.) from each affected unit.

(ii) The owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable may submit a request to redesiginate the allowable emissions specified in paragraph (c)(4)(i) of this section. Such a request shall be submitted no later than December 2, 1974, and shall demonstrate that sulfur oxides emissions on a total plant basis will not exceed those specified in paragraphs (2) and (3)(i) of this paragraph (c). Upon receipt and evaluation of such request, the Administrator shall consider such and if appropriate, redesignate the allowable emissions specified in paragraph (c)(4)(i) of this section.

(5) All sulfur oxides control equipment at the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall be operated at the maximum practicable efficiency at all times, without regard to the allowable sulfur oxides emissions, determined according to paragraph (2) or (3) of this paragraph (c), except as provided in paragraph (3)(ii) of this paragraph (c).

(6) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(7) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in
§ 60.46(c)(2) and (c)(4) of this chapter. The test methods for determining the sulfur content of fuel shall be those specified in §60.45(c) and (d) of this chapter.

(d)-(e) [Reserved]

(f)(1) Paragraphs B through E of regulation 7–1–4.2 (R9–3–402) (Sulfur Emissions: Fuel Burning Installations) of the Arizona Air Pollution Control Regulations are disapproved because they could allow existing oil fired facilities to use dispersion dependent techniques alone as a means of attaining and maintaining the national ambient air quality standards. The regulation does not assure the attainment and maintenance of the national standards in a manner which is consistent with the intent of sections 110(a)(2)(B) and 123(a)(2) of the Clean Air Act.

(2) The approval of paragraphs A and F of regulation 7–1–4.2 as to coal fired facilities does not apply to the Salt River Project Agricultural Improvement and Power District-Navajo Generating Station.

(3) Paragraphs B through E of regulation 8–1–4.2 (Sulfur Emissions—Fuel Burning Installations) of the Yuma County Air Pollution Control Regulations are disapproved because they could allow existing facilities to use dispersion dependent techniques alone as a means of attaining and maintaining the National Ambient Air Quality Standards. This regulation does not assure the attainment and maintenance of the national standards in a manner which is consistent with the intent of sections 110(a)(2)(B) and 123(a)(2) of the Clean Air Act.

(4) Paragraphs B through E of regulation 7–1–3.6 (process industries) of the Arizona Rules and Regulations for Air Pollution Control is disapproved for Gila, Maricopa, Pima, Pinal, and Santa Cruz Counties. Therefore, Regulation 7–1–3.6 (process industries) of the Arizona Rules and Regulations for Air Pollution Control is disapproved for Gila, Maricopa, Pima, Pinal, and Santa Cruz Counties.

§ 52.126 Control strategy and regulations: Particulate matter.

(a) The requirements of subpart G and §51.281 of this chapter are not met since the plan does not provide the degree of control necessary to attain and maintain the national standards for particulate matter in Gila, Maricopa, Pima, Pinal, and Santa Cruz Counties. Therefore, Regulation 7–1–3.6 (process industries) of the Arizona Rules and Regulations for Air Pollution Control is disapproved for Gila, Maricopa, Pima, Pinal, and Santa Cruz Counties.

(b) Replacement regulation for Regulation 7–1–3.6 of the Arizona Rules and Regulations for Air Pollution Control (Gila, Maricopa, Pima, Pinal, and Santa Cruz Counties). (1) No owner or operator of any stationary process source in Gila, Maricopa, Pima, Pinal, or Santa Cruz County shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the hourly rate shown in the following table for the process weight rate identified for such source:
Environmental Protection Agency § 52.128

<table>
<thead>
<tr>
<th>Process weight rate</th>
<th>Emission rate</th>
<th>Process weight rate</th>
<th>Emission rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>0.36</td>
<td>60,000</td>
<td>29.60</td>
</tr>
<tr>
<td>100</td>
<td>0.55</td>
<td>80,000</td>
<td>31.19</td>
</tr>
<tr>
<td>500</td>
<td>1.53</td>
<td>120,000</td>
<td>33.28</td>
</tr>
<tr>
<td>1,000</td>
<td>2.25</td>
<td>160,000</td>
<td>34.85</td>
</tr>
<tr>
<td>5,000</td>
<td>6.34</td>
<td>200,000</td>
<td>36.11</td>
</tr>
<tr>
<td>10,000</td>
<td>9.73</td>
<td>400,000</td>
<td>40.35</td>
</tr>
<tr>
<td>20,000</td>
<td>14.99</td>
<td>1,000,000</td>
<td>46.72</td>
</tr>
</tbody>
</table>

(2) Paragraph (b)(1) of this section shall not apply to incinerators, fuel burning installations, or Portland cement plants having a process weight rate in excess of 250,000 lb/h.

(3) No owner or operator of a Portland cement plant in Gila, Maricopa, Pima, Pinal, or Santa Cruz County with a process weight rate in excess of 250,000 lb/hr shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the amount specified in §60.62 of this chapter.

(4) Compliance with this paragraph shall be in accordance with the provisions of §52.134(a).

(5) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced are contained in the appendix to part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using method 5. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft³ (1.70 m³), corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2 and traversing according to method 1. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 4.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(c) The requirements of §51.281 of this chapter are not met since the plan does not contain regulations for Mohave and Yuma Counties in the Mohave-Yuma Intrastate Region or Pinal-Gila Counties in the Central Arizona Intrastate Region which provide enforceable and reproducible test procedures for the determination of compliance with the emission standards. Therefore paragraph C of section 3, regulation 2 (Particulates: Other Sources) of the Mohave County Air Pollution Control Regulations, paragraph B of regulation 8–1–3.6 (Particulates—Process Industries) of the Yuma County Air Pollution Control Regulations, and paragraph C of regulation 7–3–1.4 (Particulate Emissions—Incineration) and paragraph F of regulation 7–3–1.7 (Particulate Emissions—Fuel Burning Equipment) of the Rules and Regulations for Pinal-Gila Counties Air Quality Control District are disapproved.


§ 52.128 Rule for unpaved parking lots, unpaved roads and vacant lots.

(a) General—(1) Purpose. The purpose of this section is to limit the emissions of particulate matter into the ambient air from human activity on unpaved parking lots, unpaved roads and vacant lots.

(2) Applicability. The provisions of this section shall apply to owners/operators of unpaved roads, unpaved parking lots and vacant lots and responsible parties for weed abatement on vacant lots in the Phoenix PM–10 nonattainment area. This section does not apply to unpaved roads, unpaved parking lots or vacant lots located on an industrial facility, construction, or earth-moving site that has an approved permit issued by Maricopa County Environmental Services Division under Rule 200, Section 305, Rule 210 or Rule 220 containing a Dust Control Plan approved under Rule 310 covering all unpaved parking lots, unpaved roads and vacant lots.
lots. This section does not apply to the two Indian Reservations (the Salt River Pima-Maricopa Indian Community and the Fort McDowell Mojave-Apache Indian Community) and a portion of a third reservation (the Gila River Indian Community) in the Phoenix PM-10 nonattainment area. Nothing in this definition shall preclude applicability of this section to vacant lots with disturbed surface areas due to construction, earth-moving, weed abatement or other dust generating operations which have been terminated for over eight months.

(3) The test methods described in Appendix A of this section shall be used when testing is necessary to determine whether a surface has been stabilized as defined in paragraph (b)(16) of this section.

(b) Definitions—(1) Average daily trips (ADT). The average number of vehicles that cross a given surface during a specified 24-hour time period as determined by the Institute of Transportation Engineers Trip Generation Report (6th edition, 1997) or tube counts.

(2) Chemical/organic stabilizer—Any non-toxic chemical or organic dust suppressant other than water which meets any specifications, criteria, or tests required by any federal, state, or local water agency and is not prohibited for use by any applicable law, rule or regulation.

(3) Disturbed surface area—Any portion of the earth’s surface, or materials placed thereon, which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural condition, thereby increasing the potential for emission of fugitive dust.

(4) Dust suppressants—Water, hygroscopic materials, solution of water and chemical surfactant, foam, or non-toxic chemical/organic stabilizers not prohibited for use by any applicable law, rule or regulation, as a treatment material to reduce fugitive dust emissions.

(5) EPA—United States Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105.

(6) Fugitive dust—The particulate matter entrained in the ambient air which is caused from man-made and natural activities such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. This excludes particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from pile-drivers.

(7) Lot—A parcel of land identified on a final or parcel map recorded in the office of the Maricopa County recorder with a separate and distinct number or letter.

(8) Low use unpaved parking lot—A lot on which vehicles are parked no more than thirty-five (35) days a year, excluding days where the exemption in paragraph (c)(2) of this section applies.

(9) Motor vehicle—A self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as, but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.

(10) Off-road motor vehicle—any wheeled vehicle which is used off paved roadways and includes but is not limited to the following:

(i) Any motor cycle or motor-driven cycle;

(ii) Any motor vehicle commonly referred to as a sand buggy, dune buggy, or all terrain vehicle.

(11) Owner/operator—any person who owns, leases, operates, controls, maintains or supervises a fugitive dust source subject to the requirements of this section.

(12) Paving—Applying asphalt, recycled asphalt, concrete, or asphaltic concrete to a roadway surface.

(13) Phoenix PM-10 nonattainment area—such area as defined in 40 CFR 81.303, excluding Apache Junction.

(14) PM-10—Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by reference or equivalent methods that meet the requirements specified for PM–10 in 40 CFR part 50, Appendix J.
(15) **Reasonably available control measures (RACM)**—Techniques used to prevent the emission and/or airborne transport of fugitive dust and dirt.

(16) **Stabilized surface**—(i) Any unpaved road or unpaved parking lot surface where:

(A) Any fugitive dust plume emanating from vehicular movement does not exceed 20 percent opacity as determined in section I.A of Appendix A of this section; and

(B) Silt loading (weight of silt per square foot) is less than 0.33 ounces per square foot as determined by the test method in section I.B of Appendix A of this section or where silt loading is greater than or equal to 0.33 ounces per square foot and silt content does not exceed six (6) percent for unpaved road surfaces or eight (8) percent for unpaved parking lot surfaces as determined by the test method in section I.B of Appendix A of this section.

(ii) Any vacant lot surface with:

(A) A visible crust which is sufficient as determined in section II.1 of Appendix A of this section;

(B) A threshold friction velocity (TFV), corrected for non-erodible elements, of 100 cm/second or higher as determined in section II.2 of Appendix A of this section;

(C) Flat vegetation cover equal to at least 50 percent as determined in section II.3 of Appendix A of this section;

(D) Standing vegetation cover equal to or greater than 30 percent as determined in section II.4 of Appendix A of this section; or

(E) Standing vegetation cover equal to or greater than 10 percent as determined in section II.4 of Appendix A of this section where threshold friction velocity, corrected for non-erodible elements, as determined in section II.2 of Appendix A of this section is equal to or greater than 43 cm/second.

(17) **Unpaved parking lot**—A privately or publicly owned or operated area utilized for parking vehicles that is not paved and is not a Low use unpaved parking lot.

(18) **Unpaved road**—Any road, equipment path or driveway used by motor vehicles or off-road motor vehicles that is not paved which is open to public access and owned/operated by any federal, state, county, municipal or other governmental or quasi-governmental agencies.

(19) **Urban or suburban open area**—An unsubdivided or undeveloped tract of land adjoining a residential, industrial or commercial area, located on public or private property.

(20) **Vacant lot**—A subdivided residential, industrial, institutional, governmental or commercial lot which contains no approved or permitted buildings or structures of a temporary or permanent nature.

(c) **Exemptions.** The following requirements in paragraph (d) of this section do not apply:

(1) In paragraphs (d)(1), (d)(2) and (d)(4)(ii) of this section: Any unpaved parking lot or vacant lot 5,000 square feet or less.

(2) In paragraphs (d)(1) and (d)(2) of this section: Any unpaved parking lot on any day in which ten (10) or fewer vehicles enter.

(3) In paragraphs (d)(4)(i) and (d)(4)(ii) of this section: Any vacant lot with less than 0.50 acre (21,780 square feet) of disturbed surface area(s).

(4) In paragraph (d) of this section: Non-routine or emergency maintenance of flood control channels and water retention basins.

(5) In paragraph (d) of this section: Vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality and/or commercial acceptance. Such facilities and operations shall be exempted from the provisions of this section only if such testing is not feasible within enclosed facilities.

(6) In paragraph (d)(4)(i) of this section: Weed abatement operations performed on any vacant lot or property under the order of a governing agency for the control of a potential fire hazard or otherwise unhealthy condition provided that mowing, cutting, or another similar process is used to maintain weed stubble at least three (3) inches above the soil surface. This includes the application of herbicides provided that the clean-up of any debris does not disturb the soil surface.

(7) In paragraph (d)(4)(i) of this section: Weed abatement operations that
receive an approved Earth Moving permit under Maricopa County Rule 200, Section 305 (adopted 11/15/93).

(d) Requirements—(1) Unpaved parking lots. Any owners/operators of an unpaved parking lot shall implement one of the following RACM on any surface area(s) of the lot on which vehicles enter and park.

(i) Pave; or

(ii) Apply chemical/organic stabilizers in sufficient concentration and frequency to maintain a stabilized surface; or

(iii) Apply and maintain surface gravel uniformly such that the surface is stabilized; or

(iv) Apply and maintain an alternative control measure such that the surface is stabilized, provided that the alternative measure is not prohibited under paragraph (b)(2) or (b)(4) of this section.

(2) Any owners/operators of a low use unpaved parking lot as defined in paragraph (d)(8) of this section shall implement one of the RACM under paragraph (d)(1) of this section on any day(s) in which over 100 vehicles enter the lot, such that the surface area(s) on which vehicles enter and park is/are stabilized throughout the duration of time that vehicles are parked.

(3) Unpaved roads. Any owners/operators of existing unpaved roads with ADT volumes of 250 vehicles or greater shall implement one of the following RACM along the entire surface of the road or road segment that is located within the Phoenix non-attainment area by June 10, 2000:

(i) Pave; or

(ii) Apply chemical/organic stabilizers in sufficient concentration and frequency to maintain a stabilized surface; or

(iii) Apply and maintain surface gravel uniformly such that the surface is stabilized; or

(iv) Apply and maintain an alternative control measure such that the surface is stabilized, provided that the alternative measure is not prohibited under paragraph (b)(2) or (b)(4) of this section.

(4) Vacant lots. The following provisions shall be implemented as applicable.

(i) Weed abatement. No person shall remove vegetation from any vacant lot by blading, disk ing, plowing under or any other means without implementing all of the following RACM to prevent or minimize fugitive dust.

(A) Apply a dust suppressant(s) to the total surface area subject to disturbance immediately prior to or during the weed abatement.

(B) Prevent or eliminate material track-out onto paved surfaces and access points adjoining paved surfaces.

(C) Apply a dust suppressant(s), gravel, compaction or alternative control measure immediately following weed abatement to the entire disturbed surface area such that the surface is stabilized.

(ii) Disturbed surfaces. Any owners/operators of an urban or suburban open area or vacant lot of which any portion has a disturbed surface area(s) that remain(s) unoccupied, unused, vacant or undeveloped for more than fifteen (15) calendar days shall implement one of the following RACM within sixty (60) calendar days following the disturbance.

(A) Establish ground cover vegetation on all disturbed surface areas in sufficient quantity to maintain a stabilized surface; or

(B) Apply a dust suppressant(s) to all disturbed surface areas in sufficient quantity and frequency to maintain a stabilized surface; or

(C) Restore to a natural state, i.e. as existing in or produced by nature without cultivation or artificial influence, such that all disturbed surface areas are stabilized; or

(D) Apply and maintain surface gravel uniformly such that all disturbed surface areas are stabilized; or

(E) Apply and maintain an alternative control measure such that the surface is stabilized, provided that the alternative measure is not prohibited under paragraph (b)(2) or (b)(4) of this section.

(iii) Motor vehicle disturbances. Any owners/operators of an urban or suburban open area or vacant lot of which any portion has a disturbed surface area due to motor vehicle or off-road motor vehicle use or parking, notwithstanding weed abatement operations or use or parking by the owner(s), shall
implement one of the following RACM within 60 calendar days following the initial determination of disturbance.

(A) Prevent motor vehicle and off-road motor vehicle trespass/parking by applying fencing, shrubs, trees, barriers or other effective measures; or

(B) Apply and maintain surface gravel or chemical/organic stabilizer uniformly such that all disturbed surface areas are stabilized.

(5) Implementation date of RACM. All of the requirements in paragraph (d) of this section shall be effective eight (8) months from September 2, 1998. For requirements in paragraph (d)(4)(ii) and (d)(4)(iii) of this section, RACM shall be implemented within eight (8) months from September 2, 1998, or within 60 calendar days following the disturbance, whichever is later.

(e) Monitoring and records. (1) Any owners/operators that are subject to the provisions of this section shall compile and retain records that provide evidence of control measure application, indicating the type of treatment or measure, extent of coverage and date applied. For control measures involving chemical/organic stabilization, records shall also indicate the type of product applied, vendor name, label instructions for approved usage, and the method, frequency, concentration and quantity of application.

(2) Copies of control measure records and dust control plans along with supporting documentation shall be retained for at least three years.

(3) Agency surveys. (i) EPA or other appropriate entity shall conduct a survey of the number and size (or length) of unpaved roads, unpaved parking lots, and vacant lots subject to the provisions of this section located within the Phoenix PM–10 nonattainment area beginning no later than 365 days from September 2, 1998.

(ii) EPA or other appropriate entity shall conduct a survey at least every three years within the Phoenix PM–10 nonattainment area beginning no later than 365 days from September 2, 1998, which includes:

(A) An estimate of the percentage of unpaved roads, unpaved parking lots, and vacant lots subject to this section to which RACM as required in this section have been applied; and

(B) A description of the most frequently applied RACM and estimates of their control effectiveness.

APPENDIX A TO §52.128—TEST METHODS TO DETERMINE WHETHER A SURFACE IS STABILIZED

1. Unpaved Roads and Unpaved Parking Lots

A. Opacity Observations

Conduct opacity observations in accordance with Reference Method 9 (40 CFR Part 60, appendix A) and Methods 203A and 203C of this appendix, with opacity readings taken at five second observation intervals and two consecutive readings per plume beginning with the first reading at zero seconds, in accordance with Method 203C, sections 2.3.2. and 2.4.2 of this appendix. Conduct visible opacity tests only on dry unpaved surfaces (i.e. when the surface is not damp to the touch) and on days when average wind speeds do not exceed 15 miles per hour (mph).

(i) Method 203A—Visual Determination of Opacity of Emissions From Stationary Sources for Time-Arranged Regulations

Method 203A is virtually identical to EPA’s Method 9 (40 CFR Part 60 Appendix A) except for the data-reduction procedures, which provide for averaging times other than 6 minutes. That is, using Method 203A with a 6-minute averaging time would be the same as following EPA Method 9 (40 CFR Part 60, Appendix A). Additionally, Method 203A provides procedures for fugitive dust applications. The certification procedures provided in section 3 are virtually identical to Method 9 (40 CFR Part 60, Appendix A) and are provided here, in full, for clarity and convenience.

1. Applicability and Principle

1.1 Applicability. This method is applicable for the determination of the opacity of emissions from sources of visible emissions for time-averaged regulations. A time-averaged regulation is any regulation that requires averaging visible emission data to determine the opacity of visible emissions over a specific time period.

1.2 Principle. The opacity of emissions from sources of visible emissions is determined visually by an observer qualified according to the procedures of section 3.

2. Procedures

An observer qualified in accordance with section 3 of this method shall use the following procedures for visually determining the opacity of emissions.

2.1 Procedures for Emissions from Stationary Sources. These procedures are not applicable to this section.
2.2 Procedures for Fugitive Process Dust Emissions. These procedures are applicable for the determination of the opacity of fugitive emissions by a qualified observer. The qualified field observer should do the following:

2.2.1 Position. Stand at a position at least 5 meters from the fugitive dust source in order to provide a clear view of the emissions with the sun oriented in the 140-degree sector to the back. Consistent as much as possible with maintaining the above requirements, make opacity observations from a position such that the line of vision is approximately perpendicular to the plume and wind direction. As much as possible, if multiple plumes are involved, do not include more than one plume in the line of sight at one time.

2.2.2 Field Records. Record the name of the plant or site, fugitive source location, source type [pile, stack industrial process unit, incinerator, open burning operation activity, material handling (transfer, loading, sorting, etc.)], method of control used, if any, observer’s name, certification data and affiliation, and a sketch of the observer’s position relative to the fugitive source. Also, record the time, estimated distance to the fugitive source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer’s position relative to the fugitive source, and color of the plume and type of background on the visible emission observation form when opacity readings are initiated and completed.

2.2.3 Observations. Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. For roads, storage piles, and parking lots, make opacity observations approximately 1 meter above the surface from which the plume is generated. For other fugitive sources, make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. For intermittent sources, the initial observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume but, instead, observe the plume momentarily at 15-second intervals.

2.3 Recording Observations. Record the opacity observations to the nearest 5 percent every 15 seconds on an observational record sheet. Each momentary observation recorded represents the average opacity of emissions for a 15-second period.

2.4 Data Reduction for Time-Averaged Regulations. A set of observations is composed of an appropriate number of consecutive observations determined by the averaging time specified. Divide the recorded observations into sets of appropriate time lengths for the specified averaging time. Sets must consist of consecutive observations; however, observations immediately preceding and following interrupted observations shall be deemed consecutive. Sets need not be consecutive in time and in no case shall two sets overlap, resulting in multiple violations. For each set of observations, calculate the appropriate average opacity.

3. Qualification and Testing

3.1 Certification Requirements. To receive certification as a qualified observer, a candidate must be tested and demonstrate the ability to assign opacity readings in 5 percent increments to 25 different black plumes and 25 different white plumes, with an error not to exceed 15 percent opacity on any one reading and an average error not to exceed 7.5 percent opacity in each category. Candidates shall be tested according to the procedures described in paragraph 3.2. Any smoke generator used pursuant to paragraph 3.2 shall be equipped with a smoke meter which meets the requirements of paragraph 3.3. Certification tests that do not meet the requirements of paragraphs 3.2 and 3.3 are not valid.

The certification shall be valid for a period of 6 months, and after each 6-month period, the qualification procedures must be repeated by an observer in order to retain certification.

3.2 Certification Procedure. The certification test consists of showing the candidate a complete run of 50 plumes, 25 black plumes and 25 white plumes, generated by a smoke generator. Plumes shall be presented in random order within each set of 25 black and 25 white plumes. The candidate assigns an opacity value to each plume and records the observation on a suitable form. At the completion of each run of 50 readings, the score of the candidate is determined. If a candidate fails to qualify, the complete run of 50 readings must be repeated in any retest. The smoke test may be administered as part of a smoke school or training program, and may be preceded by training or familiarization runs of the smoke generator during which candidates are shown black and white plumes of known opacity.

3.3 Smoke Generator Specifications. Any smoke generator used for the purpose of paragraph 3.2 shall be equipped with a smoke meter installed to measure opacity across the diameter of the smoke generator stack. The smoke meter output shall display instack opacity, based upon a path length equal to the stack exit diameter on a full 0 to 100 percent chart recorder scale. The smoke meter optical design and performance shall meet the specifications shown in Table A. The smoke meter shall be calibrated as prescribed in paragraph 3.3.1 prior to conducting each smoke reading test. At the completion of each test, the zero and span
drift, shall be checked, and if the drift exceeds ±1 percent opacity, the condition shall be corrected prior to conducting any subsequent tests. The smoke meter shall be demonstrated at the time of installation to meet the specifications listed in Table A. This demonstration shall be repeated following any subsequent repair or replacement of the photocell or associated electronic circuitry including the chart recorder or output meter, or every 6 months, whichever occurs first.

3.3.1 Calibration. The smoke meter is calibrated after allowing a minimum of 30 minutes warm-up by alternately producing simulated opacity of 0 percent and 100 percent. When stable response at 0 percent or 100 percent is noted, the smoke meter is adjusted to produce an output of 0 percent or 100 percent, as appropriate. This calibration shall be repeated until stable 0 percent and 100 percent readings are produced without adjustment. Simulated 0 percent and 100 percent opacity values may be produced by alternately switching the power to the light source on and off while the smoke generator is not producing smoke.

3.3.2 Smoke Meter Evaluation. The smoke meter design and performance are to be evaluated as follows:

3.3.2.1 Light Source. Verify from manufacturer’s data and from voltage measurements made at the lamp, as installed, that the lamp is operated within ±5 percent of the nominal rated voltage.

3.3.2.2 Spectral Response of Photocell. Verify from manufacturer’s data that the photocell has a photopic response; i.e., the spectral sensitivity of the cell shall closely approximate the standard spectral-luminosity curve for photopic vision which is referenced in (b) of Table A.

3.3.2.3 Angle of View. Check construction geometry to ensure that the total angle of view of the smoke plume, as seen by the photocell, does not exceed 15 degrees. Calculate the total angle of view as follows:

\[ \phi_v = 2 \tan^{-1} \frac{d}{2L} \]

Where:
- \( \phi_v \) = total angle of projection;
- \( d \) = the sum of the length of the lamp filament + the diameter of the limiting aperture; and
- \( L \) = the distance from the lamp to the limiting aperture.

3.3.2.4 Angle of Projection. Check construction geometry to ensure that the total angle of projection of the lamp on the smoke plume does not exceed 15 degrees. Calculate the total angle of projection as follows:

\[ \phi_p = 2 \tan^{-1} \frac{d}{2L} \]

Where:
- \( \phi_p \) = total angle of projection;
- \( d \) = the sum of the length of the lamp filament + the diameter of the limiting aperture; and
- \( L \) = the distance from the lamp to the limiting aperture.

3.3.2.5 Calibration Error. Using neutral-density filters of known opacity, check the error between the actual response and the theoretical linear response of the smoke meter. This check is accomplished by first calibrating the smoke meter according to 3.3.1 and then inserting a series of three neutral-density filters of nominal opacity of 20, 50, and 75 percent in the smoke meter path length. Use filters calibrated within ±2 percent. Care should be taken when inserting the filters to prevent stray light from affecting the meter. Make a total of five non-consecutive readings for each filter. The maximum opacity error on any one reading shall be ±3 percent.

3.3.2.6 Zero and Span Drift. Determine the zero and span drift by calibrating and operating the smoke generator in a normal manner over a 1-hour period. The drift is measured by checking the zero and span at the end of this period.

3.3.2.7 Response Time. Determine the response time by producing the series of five simulated 0 percent and 100 percent opacity values and observing the time required to reach stable response. Opacity values of 0 percent and 100 percent may be simulated by alternately switching the power to the light source on and off while the smoke generator is not operating.

4. References


4. Office of Air Quality Planning and Standards. “Opacity Error for Averaging and Nonaveraging Data Reduction and Reporting


(ii) Method 203C—Visual Determination of Opacity of Emissions From Stationary Sources for Instantaneous Limitation Regulations

Method 203C is virtually identical to EPA’s Method 9 (40 CFR Part 60, Appendix A), except for the data-reduction procedures which have been modified for application to instantaneous limitation regulations. Additionally, Method 203C provides procedures for fugitive dust applications which were unavailable when Method 9 was promulgated. The certification procedures in section 3 are identical to Method 9. These certification procedures are provided in Method 203A as well, and, therefore, have not been repeated in this method.

1. Applicability and Principle

1.1 Applicability. This method is applicable for the determination of the opacity of emissions from sources of visible emissions for instantaneous limitations. An instantaneous limitation regulation is an opacity limit which is never to be exceeded.

1.2 Principle. The opacity of emissions from sources of visible emissions is determined visually by a qualified observer.

2. Procedures

The observer qualified in accordance with section 3 of this method shall use the following procedures for visually determining the opacity of emissions.

2.1 Procedures for Emissions From Stationary Sources. Same as 2.1. Method 203A.

2.1.1 Position. Same as 2.1.1, Method 203A.

2.1.2 Field Records. Same as 2.1.2, Method 203A.

2.1.3 Observations. Make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present.

Do not look continuously at the plume. Instead, observe the plume momentarily at the interval specified in the subject regulation. Unless otherwise specified, a 15-second observation interval is assumed.

2.1.3.1 Attached Steam Plumes. Same as 2.1.3.1, Method 203A.

2.1.3.2 Detached Steam Plumes. Same as 2.1.3.2, Method 203A.

2.2 Procedures for Fugitive Process Dust Emissions.

2.2.1 Position. Same as section 2.2.1, Method 203A.

2.2.2 Field Records. Same as section 2.2.2, Method 203A.

2.2.3 Observations.

2.2.3.1 Observations for a 15-second Observation Interval Regulations. Same as section 2.2.3, Method 203A.

2.2.3.2 Observations for a 5-second Observation Interval Regulations. Same as section 2.2.3, Method 203A, except, observe the plume momentarily at 5-second intervals.

2.3 Recording Observations. Record opacity observations to the nearest 5 percent at the prescribed interval on an observational record sheet. Each momentary observation recorded represents the average of emissions for the prescribed period. If a 5-second observation period is not specified in the applicable regulation, a 15-second interval is assumed. The overall time for which recordings are made shall be of a length appropriate to the regulation for which opacity is being measured.

2.3.1 Recording Observations for 15-second Observation Interval Regulations. Record opacity observations to the nearest 5 percent at 15-second intervals on an observational record sheet. Each momentary observation recorded represents the average of emissions for a 15-second period.

2.3.2 Recording Observations for 5-second Observation Interval Regulations. Record opacity observations to the nearest 5 percent at 5-second intervals on an observational record sheet. Each momentary observation recorded represents the average of emissions for a 5-second period.

2.4 Data Reduction for Instantaneous Limitation Regulations. For an instantaneous limitation regulation, a 1-minute averaging time will be used. Divide the observations recorded on the record sheet into sets of consecutive observations. A set is composed of the consecutive observations made in 1 minute. Sets need not be consecutive in time, and in no case shall two sets overlap. Reduce opacity observations by dividing the sum of all observations recorded in a set by the number of observations recorded in each set.

2.4.1 Data Reduction for 15-second Observation Intervals. Reduce opacity observations by averaging four consecutive observations recorded at 15-second intervals. Divide the observations recorded on the record sheet into sets of consecutive observations. A set is composed of the consecutive observations made in 1 minute. Sets need not be consecutive in time, and in no case shall two sets overlap. Reduce opacity observations by dividing the sum of all observations recorded in a set by the number of observations recorded in each set.

2.4.2 Data Reduction for 5-second Observation Intervals. Reduce opacity observations by averaging twelve consecutive observations recorded at 5-second intervals. Divide the observations recorded on the record sheet into sets of 12 consecutive observations. For each
set of 12 observations, calculate the average by summing the opacity of the 12 observations and dividing this sum by 12.

3. Qualification and Test

   Same as section 3, Method 203A.

   **TABLE A—Smoke Meter Design and Performance Specifications**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Light Source</td>
<td>Incandescent lamp operated at nominal rated voltage.</td>
</tr>
<tr>
<td>b. Spectral response of photodetector</td>
<td>Photopic (daylight spectral response of the human eye—Reference 4.1 of section 4.).</td>
</tr>
<tr>
<td>c. Angle of view</td>
<td>15 degrees maximum total angle.</td>
</tr>
<tr>
<td>d. Angle of projection</td>
<td>15 degrees maximum total angle.</td>
</tr>
<tr>
<td>e. Calibration error</td>
<td>±1 percent opacity, maximum.</td>
</tr>
<tr>
<td>f. Zero and span drift</td>
<td>±1 percent opacity, 30 minutes.</td>
</tr>
<tr>
<td>g. Response time</td>
<td>≤5 seconds.</td>
</tr>
</tbody>
</table>

   **B. Silt Content**

   Conduct the following test method to determine the silt loading and silt content of unpaved road and unpaved parking lot surfaces.

   (i) Collect a sample of loose surface material from an area 30 cm by 30 cm (1 foot by 1 foot) in size to a depth of approximately 1 cm or until a hard subsurface is reached, whichever occurs first. Use a brush and dustpan or other similar device. Collect the sample from a routinely-traveled portion of the surface which receives a preponderance of vehicle traffic, i.e. as commonly evidenced by tire tracks. Conduct sweeping slowly so that fine surface material is not released into the air. Only collect samples from surfaces that are not wet or damp due to precipitation or dew.

   (ii) Obtain a shallow, lightweight container and a scale with readings in half ounce increments or less. Place the scale on a level surface and zero it with the weight of the empty container. Transfer the entire sample collected to the container, minimizing escape of particles into the air. Weigh the sample and record its weight.

   (iii) Obtain and stack a set of sieves with the following openings: 4 mm, 2 mm, 1 mm, 0.5 mm, and 0.25 mm. Place the sieves in order according to size openings beginning with the largest size opening at the top. Place a collector pan underneath the bottom sieve. Pour the entire sample into the top sieve, minimizing escape of particles into the air by positioning the sieve/collector pan unit in an enclosed or wind barricaded area. Cover the sieve/collector pan unit with a lid. Shake the covered sieve/collector pan unit vigorously for a period of at least one (1) minute in both the horizontal and vertical planes. Remove the lid from the sieve/collector pan unit and disassemble each sieve separately beginning with the largest sieve. As each sieve is removed, examine it for a complete separation of material in order to ensure that all material has been sifted to the finest sieve through which it can pass. If not, reassemble and cover the sieve/collector pan unit and shake it for period of at least one (1) minute. After disassembling the sieve/collector pan unit, transfer the material which is captured in the collector pan into the lightweight container originally used to collect and weigh the sample. Minimize escape of particles into the air when transferring the material into the container. Weigh the container with the material from the collector pan and record its weight. Multiply the resulting weight by 0.38 if the source is an unpaved road or by 0.55 if the source is an unpaved parking lot to estimate silt loading. Divide by the total sample weight and multiply by 100 to arrive at the percent silt content.

   (iv) As an alternative to conducting the procedure described above in section I.B.(ii) and section I.B.(iii) of this appendix, the sample (collected according to section I.B.(ii) of this appendix) may be taken to an independent testing laboratory or engineering facility for silt loading (e.g. net weight < 200 mesh) and silt content analysis according to the following test method from “Procedures For Laboratory Analysis Of Surface/Bulk Dust Loading Samples”, (Fifth Edition, Volume I, Appendix C.2.3 “Silt Analysis”, 1996), AP-42, Office of Air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.

   1. Objective—Several open dust emission factors have been found to be correlated with the silt content(< 200 mesh) of the material being disturbed. The basic procedure for silt content determination is mechanical, dry sieving. For sources other than paved roads, the same sample which was oven-dried to determine moisture content is then mechanically sieved.

   2.1 Procedure—Select the appropriate 20-cm (8-in.) diameter, 5-cm (2-in.) deep sieve sizes.

   Recommended U. S. Standard Series sizes are ¾ in., No. 4, No. 10, No. 100, No. 140, No. 200, and a pan. Comparable Tyler Series sizes can also be used. The No. 20 and the No. 200 are mandatory. The others can be varied if the recommended sieves are not available, or if buildup on 1 particulate sieve during sieving indicates that an intermediate sieve should be inserted.

   2.2 Obtain a mechanical sieving device, such as a vibratory shaker or a Roto-Tap without the tapping function.
2.3 Clean the sieves with compressed air and/or a soft brush. Any material lodged in the sieve openings or adhering to the sides of the sieve should be removed, without handling the screen roughly, if possible.

2.4 Obtain a scale (capacity of at least 1600 grams [g] or 3.5 lb) and record make, capacity, smallest division, date of last calibration, and accuracy. (See Figure A)

2.5 Weigh the sieves and pan to determine tare weights. Check the zero before every weighing. Record the weights.

2.6 After nesting the sieves in decreasing order of size, and with pan at the bottom, dump dried laboratory sample (preferably immediately after moisture analysis) into the top sieve. The sample should weigh between 400 and 1600 g (0.9 and 3.5 lb). This amount will vary for finely textured materials, and 100 to 300 g may be sufficient when 90% of the sample passes a No. 8 (2.36 mm) sieve. Brush any fine material adhering to the sides of the container into the top sieve and cover the top sieve with a special lid normally purchased with the pan.

2.7 Place nested sieves into the mechanical sieving device and sieve for 10 minutes (min). Remove pan containing minus No. 200 and weigh. Repeat the sieving at 10-min intervals until the difference between 2 successive pan sample weighings (with the pan tare weight subtracted) is less than 3.0%. Do not sieve longer than 40 min.

2.8 Weigh each sieve and its contents and record the weight. Check the zero before every weighing.

2.9 Collect the laboratory sample. Place the sample in a separate container if further analysis is expected.

2.10 Calculate the percent of mass less than the 200 mesh screen (75 micrometers [µm]). This is the silt content.

Figure A. Example silt analysis form.

Silt Analysis

Dated:__________
By:__________
Sample No:_______Sample Weight (after drying)

Material:__________Pan + Sample:____________

Pan:______________Split Sample Balance:__________

Dry Sample:__________Make:__________Capacity:__________

Smallest Division:__________Final Weight

% Silt = (Net Weight <200 Mesh) ÷ [Total Net Weight x 100] = ______% SIEVING

<table>
<thead>
<tr>
<th>Screen</th>
<th>Tare weight (screen)</th>
<th>Final weight (screen + sample)</th>
<th>Net weight (sample)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>% in.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 mesh.</td>
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</tr>
<tr>
<td>10 mesh.</td>
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<td></td>
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</tr>
<tr>
<td>20 mesh.</td>
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</tr>
<tr>
<td>40 mesh.</td>
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<tr>
<td>100 mesh.</td>
<td></td>
<td></td>
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<td>140 mesh.</td>
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<td>200 mesh.</td>
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<tr>
<td>Pan.</td>
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(v) The silt loading and percent silt content for any given unpaved road surface or unpaved parking lot surface shall be based on the average of at least three (3) samples that are representative of routinely-traveled portions of the road or parking lot surface. In order to simplify the sieve test procedures in section I.B.(ii) and section I.B.(iii) of this appendix, the three samples may be combined as long as all material is sifted to the finest sieve through which it can pass, each sample weighs within 1 ounce of the other two samples, and the combined weight of the samples and unit area from which they were collected is calculated and recorded accurately.

II. Vacant Lots

The following test methods shall be used for determining whether a vacant lot, or portion thereof, has a stabilized surface.

Should a disturbed vacant lot contain more than one type of disturbance, soil, vegetation or other characteristics which are visibly distinguishable, test each representative surface for stability separately in random areas according to the test methods in section II. of this appendix and include or eliminate it from the total size assessment of disturbed surface area(s) depending upon test method results. A vacant lot surface shall be considered stabilized if any of the test methods in section II. of this appendix
Environmental Protection Agency

§ 52.128

1. Visible Crust Determination

(i) Where a visible crust exists, drop a steel ball with a diameter of 15.9 millimeters (0.625 inches) and a mass ranging from 16 to 17 grams from a distance of 30 centimeters (one foot) directly above (at a 90 degree angle perpendicular to) the soil surface. If blowsand is present, clear the blowsand from the surfaces on which the visible crust test method is conducted. Blowsand is defined as thin deposits of loose uncombined grains covering less than 50 percent of a vacant lot which have not originated from the representative vacant lot surface being tested. If material covers a visible crust which is not blowsand, apply the test method in section II.2 of this appendix to the loose material to determine whether the surface is stabilized.

(ii) A sufficient crust is defined under the following conditions: once a ball has been dropped according to section II.1.(i) of this appendix, the ball does not sink into the surface so that it is partially or fully surrounded by loose grains and, upon removing the ball, the surface upon which it fell has not been pulverized so that loose grains are visible.

(iii) Conduct three tests, dropping the ball once per test, within a survey area the size of one foot by one foot. The survey area shall be considered sufficiently crusted if at least two out of three tests meet the definition in section II.1.(i) of this appendix. Select at least two other survey areas that represent the disturbed surface area and repeat this procedure. Whether a sufficient crust covers the disturbed surface area shall be based on a determination that all of the survey areas tested are sufficiently crusted.

(iv) At any given site, the existence of a sufficient crust covering one portion of a disturbed surface may not represent the existence or protectiveness of a crust on another disturbed surface(s). Repeat the visible crust test as often as necessary on each representative disturbed surface area for an accurate assessment of all disturbed surfaces at a given site.

2. Determination of Threshold Friction Velocity (TFV)

For disturbed surface areas that are not crusted or vegetated, determine threshold friction velocity (TFV) according to the following sieving field procedure (based on a 1962 laboratory procedure published by W. S. Chepil).

(i) Obtain and stack a set of sieves with the following openings: 4 millimeters (mm), 2 mm, 1 mm, 0.5 mm, and 0.25 mm. Place the sieves in order according to size openings beginning with the largest size opening at the top. Place a collector pan underneath the bottom (0.25 mm) sieve. Collect a sample of loose surface material from an area at least 30 cm by 30 cm in size to a depth of approximately 1 cm using a brush and dustpan or other similar device. Only collect soil samples from dry surfaces (i.e. when the surface is not damp to the touch). Remove any rocks larger than 1 cm in diameter from the sample. Pour the sample into the top sieve (4 mm opening) and cover the sieve/collector pan unit with a lid. Minimize escape of particles into the air when transferring surface soil into the sieve/collector pan unit. Move the covered sieve/collector pan unit by hand using a broad, circular arm motion in the horizontal plane. Complete twenty circular arm movements, ten clockwise and ten counterclockwise, at a speed just necessary to achieve some relative horizontal motion between the sieves and the particles. Remove the lid from the sieve/collector pan unit and disassemble each sieve separately beginning with the largest sieve. As each sieve is removed, examine it for loose particles. If loose particles have not been sifted to the finest sieve through which they can pass, reassemble and cover the sieve/collector pan unit and gently rotate it an additional ten times. After disassembling the sieve/collector pan unit, slightly tilt and gently tap each sieve and the collector pan so that material aligns along one side. In doing so, minimize escape of particles into the air. Line up the sieves and collector pan in a row and visibly inspect the relative quantities of catch in order to determine which sieve (or whether the collector pan) contains the greatest volume of material. If a visual determination of relative volumes of catch among sieves is difficult, use a graduated cylinder to measure the volume. Estimate TFV for the sieve catch with the greatest volume using Table 1, which provides a correlation between sieve opening size and TFV.

<table>
<thead>
<tr>
<th>Table 1 (Metric Units)—Determination of Threshold Friction Velocity (TFV)</th>
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<tr>
<td>Tyler Sieve No.</td>
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<td>18</td>
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<td>35</td>
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<tr>
<td>60</td>
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<tr>
<td>Collector Pan</td>
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</table>

Collect at least three (3) soil samples which are representative of the disturbed surface area, repeat the above TFV test method for each sample and average the resulting TFVs together to determine the TFV uncorrected for non-erodible elements.

(ii) Non-erodible elements are distinct elements on the disturbed surface area that are larger than one (1) cm in diameter, remain...


3. Determination of Flat Vegetation Cover

Flat vegetation includes attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind. Flat vegetation which is dead but firmly attached shall be considered equally protective as live vegetation. Stones or other aggregate larger than one centimeter in diameter shall be considered protective cover in the course of conducting the line transect method. Where flat vegetation exists, conduct the following line transect method.

(i) Stretch a one-hundred (100) foot measuring tape across a disturbed surface area. Firmly anchor both ends of the measuring tape into the surface using a tool such as a screwdriver with the tape stretched taut and close to the soil surface. If vegetation exists in regular rows, place the tape diagonally (at approximately a 45 degree angle) away from a parallel or perpendicular position to the vegetated rows. Pinpoint an area the size of a 3/32 inch diameter brazing rod or wooden dowel centered above each one-foot interval mark along one edge of the tape. Count the number of times that flat vegetation lies directly underneath each pinpoint area at one-foot intervals. Consistently observe the underlying surface from a 90 degree angle directly above each pinpoint on one side of the tape. Do not count the underlying surface as vegetated if any portion of the pinpoint extends beyond the edge of the vegetation for under the pinpoint in any direction. If clumps of vegetation or vegetative debris lie underneath the pinpointed area, count the surface as vegetated unless bare soil is visible directly below the pinpointed area. When 100 observations have been made, add together the number of times a surface was counted as vegetated. This total represents the percent of flat vegetation cover (e.g. if 35 positive counts were made, then vegetation cover is 35 percent). If the disturbed surface area is too small for 100 observations, make as many observations as possible. Then multiply the count of vegetated surface areas by the appropriate conversion factor to obtain percent cover. For example, if vegetation was counted 20 times within a total of 50 observations, divide 20 by 50 and multiply by 100 to obtain a flat vegetation cover of 40 percent.

(ii) Conduct the above line transect test method an additional two (2) times on areas representative of the disturbed surface and average results.

4. Determination of Standing Vegetation Cover

Standing vegetation includes vegetation that is attached (rooted) with a predominant vertical orientation. Standing vegetation which is dead but firmly rooted shall be considered equally protective as live vegetation. Conduct the following standing vegetation test method to determine if 30 percent cover or more exists. If the resulting percent cover is less than 30 percent but equal to or greater than 10 percent, then conduct the Threshold Friction Velocity test in section II.2 of this appendix in order to determine whether the disturbed surface area is stabilized according to paragraph (b)(15)(i)(E) of this section.

(i) For standing vegetation that consists of large, separate vegetative structures (e.g. example, shrubs and sagebrush), select a survey area representing the disturbed surface that is the shape of a square with sides equal to at least ten (10) times the average height.
of the vegetative structures. For smaller standing vegetation, select a survey area of three (3) feet by 3 feet.

(ii) Count the number of standing vegetative structures within the survey area. Count vegetation which grows in clumps as a single unit. Where different types of vegetation exist and/or vegetation of different height and width exists, separate the vegetative structures with similar dimensions into groups. Count the number of vegetative structures in each group within the survey area. Select an individual structure within each group that represents the average height and width of the vegetation in the group. If the structure is dense i.e., when looking at it vertically from base to top there is little or zero open air space within its perimeter), calculate and record its frontal silhouette area according to Equation 6 of this appendix. Also use Equation 6 if the survey area is larger than nine square feet, estimating the average height and width of the vegetation. Otherwise, use the procedure in section II.4.(iii) of this appendix to calculate the Frontal Silhouette Area. Then calculate the percent cover of standing vegetation according to Equations 7, 8 and 9 of this appendix. (Ensure consistent units of measurement, e.g. square feet or square inches when calculating percent cover.)

(iii) Vegetative Density Factor. Cut a single, representative piece of vegetation (or consolidated vegetative structure) to within 1 cm of surface soil. Using a white paper grid or transparent grid over white paper, lay the vegetation flat on top of the grid (but do not apply pressure to flatten the structure). Grid boxes of one inch or one half inch squares are sufficient for most vegetation when conducting this procedure. Using a marker or pencil, outline the shape of the vegetation along its outer perimeter according to Figure B, C or D of this appendix, as appropriate. (Note: Figure C differs from Figure D primarily in that the width of vegetation in Figure C is narrow at its base and gradually broadens to its tallest height. In Figure D, the width of the vegetation generally becomes narrower from its midpoint to its tallest height.) Remove the vegetation and count and record the total number of gridline intersections within the outlined area, but do not count gridline intersections that connect with the outlined shape. There must be at least 10 gridline intersections within the outlined area and preferably more than 20, otherwise, use smaller grid boxes. Draw small circles (no greater than a 3/32 inch diameter) at each gridline intersection counted within the outlined area. Replace the vegetation on the grid within its outlined shape. From a distance of approximately two feet directly above the grid, observe each circled gridline intersection. Count and record the number of circled gridline intersections that are not covered by any piece of the vegetation. To calculate percent vegetative density, use Equations 10 and 11 of this appendix. If percent vegetative density is equal to or greater than 30, use the equation (Eq. 14, 15 or 16) that matches the outline used to trace the vegetation (Figure B, C or D) to calculate its Frontal Silhouette Area. If percent vegetative density is less than 30, use Equations 12 and 13 of this appendix to calculate the frontal silhouette area.

(iv) Within a disturbed surface area that contains multiple types of vegetation with each vegetation type uniformly distributed, results of the percent cover associated with the individual vegetation types may be added together.

(v) Repeat this procedure on an additional two (2) distinct survey areas representing the disturbed surface and average the results.

\[
\text{Height} \times \text{Width} = \text{Frontal Silhouette Area}
\]

Eq. 6

(\text{Frontal Silhouette Area of Individual Vegetative Structure} \times \text{Number of Vegetation Structures Per Group} = \text{Group Frontal Silhouette Area of Group})

Eq. 7

\text{Frontal Silhouette Area of Group 1 + Frontal Silhouette Area of Group 2 (etc.)} = \text{Total Frontal Silhouette Area}

Eq. 8

(\text{Total Frontal Silhouette Area/Survey Area Area}) \times 100 = \text{Percent Cover of Standing Vegetation}

Eq. 9

\text{([Number of circled gridlines within the outlined area counted that are not covered by vegetation / Total number of gridline intersections within the outlined area] \times 100] = Percent Open Space}

Eq. 10

\text{Percent Vegetative Density/100 = Vegetative Density}

Eq. 12

\[
\text{Vegetative Frontal Silhouette Area} = \left[ \begin{array}{c} \text{Max. Height} \times \text{Width} \\ \text{Vegetative Density} \end{array} \right]^{0.5} \\
0.4
\]

Eq. 13
Alternative Test Methods

Alternative test methods may be used upon obtaining the written approval of the EPA.

[64 FR 71308, Dec. 21, 1999]

§ 52.129 Review of new sources and modifications.

(a) [Reserved]

(b) National standards not met. The requirements of §51.160(a) of this chapter are not met in the Pima Intrastate Region since the Rules and Regulations of the Pima County Air Pollution Control

Figure B

Cylinder:

Frontal Silhouette Area = maximum (max.) height X max. width

Eq. 14

Figure C

Inverted Cone:

Frontal Silhouette Area = max. height X 1/2 max. width

Eq. 15

Figure D

Upper Sphere:

Frontal Silhouette Area = (3.14 X max. height X 1/2 max. width)/2

Eq. 16
Environmental Protection Agency § 52.129

District are not adequate to prevent construction or modification of a source which would interfere with the attainment or maintenance of the national standards.

(c) Regulation for review of new sources and modifications. (1) The requirements of this paragraph are applicable to any stationary source in the Pima Intrastate Region (§81.269 of this chapter), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any new source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (c)(3) of this section.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4)(i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (c)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

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

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator’s preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this paragraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant’s response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and
§ 52.129  
shall set forth his reasons for condition- 
tional approval or denial. Such notifi- 
cation shall be made available for pub- 
lic inspection in at least one location in 
the region in which the source would 
be located.  
(vi) The Administrator may extend 
each of the time periods specified in 
paragraph (c)(4) (ii), (iv) or (v) of this 
section by no more than 30 days, or 
such other period as agreed to by the 
aplicant and the Administrator.  
(5) The Administrator may cancel an 
approval if the construction is not 
begun within 2 years from the date of 
issuance, or if during the construction, 
work is suspended for 1 year.  
(6) Approval to construct or modify 
shall not relieve any owner or operator 
of the responsibility to comply with 
any local, State or Federal regulation 
which is part of the applicable plan.  
(7) Approval to construct or modify 
shall not be required for:  
(i) The installation or alteration of 
an air pollutant detector, air pollut- 
ants recorder, combustion controller, 
or combustion shutoff.  
(ii) Airconditioning or ventilating 
systems not designed to remove air 
pollutants generated by or released 
from equipment.  
(iii) Fuel burning equipment, other 
than smokehouse generators, which 
have a heat input of not more than 250 
MBtu/h (62.5 billion g-cal/h) and burns 
only gaseous fuel containing not more 
than 20.0 grain H<sub>2</sub>S per 100 stdft<sup>3</sup> (45.8 
g/100 stdm<sup>3</sup>); has a heat input of not 
more than 1 MBtu/h (250 Mg-cal/h) and 
burns only distillate oil; or has a heat 
input of not more than 350,000 Btu/h 
(88.2 Mg-cal/h) and burns any other 
fuel.  
(iv) Mobile internal combustion 
engines.  
(v) Laboratory equipment used exclu- 
sively for chemical or physical anal- 
ysis.  
(vi) Other sources of minor signifi- 
cance specified by the Administrator.  
(8) Any owner or operator who con- 
structs, modifies, or operates a sta- 
tionary source not in accordance with 
the application, as approved and condi- 
tioned by the Administrator, or any 
owner or operator of a stationary 
source subject to this paragraph who 
commences construction or modifica- 
tion without applying for and receiving 
approval hereunder, shall be subject to 
enforcement action under section 113 of 
the Act.  
(d) Regulation for review of new sources 
and modifications: Federal Regulations.  
(i) This requirement is applicable to 
any stationary source subject to the 
requirements of §52.126(b), the con- 
struction or modification of which is 
commenced after the effective date of 
this regulation.  
(2) No owner or operator shall com- 
ence construction or modification of 
any stationary source after the effec- 
tive date of this regulation, without 
first obtaining approval from the Ad- 
ministrator of the location and design 
of such source.  
(i) Application for approval to con- 
struct or modify shall be made on 
forms furnished by the Administrator, 
or by other means prescribed by the 
Administrator.  
(ii) A separate application is required 
for each source.  
(iii) Each application shall be signed 
by the applicant.  
(iv) Each application shall be accom- 
panied by site information, plans, de- 
scriptions, specifications, and drawings 
showing the design of the source, the 
nature and amount of emissions, and 
the manner in which it will be operated 
and controlled.  
(v) Any additional information, 
plans, specifications, evidence, or docu- 
mentation that the Administrator may 
require shall be furnished upon request.  
(3) No approval to construct or mod- 
ify will be granted unless the applicant 
shows to the satisfaction of the Admin- 
istrator that the source will operate 
without causing a violation of 
§52.126(b).  
(4)(i) Within twenty (20) days after 
receipt of an application to construct, 
or any addition to such application, 
the Administrator shall advise the 
owner or operator of any deficiency in 
the information submitted in support 
of the application. In the event of such 
a deficiency, the date of receipt of the 
application for the purpose of para- 
graph (d)(4)(ii) of this section, shall be 
the date on which all required informa- 
tion is received by the Administrator.
(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

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

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

(iii) A copy of the notice required pursuant to this paragraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (d)(4)(ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may impose any reasonable conditions upon an approval including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require.

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with the methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and also may conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the
(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with the requirements of §52.126(b).

(9) Approval to construct or modify shall not relieve the owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

(10) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MMBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 20.0 grain H₂S per 100 stdft³ (45.8 g/100 stdm³); has a heat input of not more than 1 MMBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(11) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(e) Delegation of authority. (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to this section in accordance with paragraphs (g)(2), (3), and (4) of this section.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraphs (c)(4)(ii) and (d)(4)(iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have been delegated to a state or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (g)(2), (3), and (4) of this section.

§ 52.130 Source surveillance.

(a) The requirements of §51.211 of this chapter are not met since the plan does not contain legally enforceable procedures for requiring sources in the Northern Arizona, Mohave-Yuma, Central Arizona, and Southeast Arizona Intrastate Regions to maintain records of and periodically report on the nature and amounts of emissions.

(b) The requirements of §51.213 of this chapter are not met because the plan does not provide procedures for obtaining and maintaining data on actual emission reductions achieved as a result of implementing transportation control measures.

(c) Regulation for source recordkeeping and reporting. (1) The owner or operator of any stationary source in the Northern Arizona, Mohave-Yuma, Central Arizona, or Southeast Arizona Intrastate Region (§§ 81.270, 81.268, 81.271, and 81.272 of this chapter) shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

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

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures. All such emission data will be available during normal business hours at the regional office (region IX). The Administrator will designate one or more places in Arizona where such emission data and correlations will be available for public inspection.

(d) The requirements of §51.214 of this chapter are not met since the plan does not contain legally enforceable procedures for requiring certain stationary sources subject to emission standards to install, calibrate, operate, and maintain equipment for continuously monitoring and recording emissions, and to provide other information as specified in Appendix P of part 51 of this chapter.

(e) The requirements of §51.214 of this chapter are not met since the plan does not provide sufficient regulations to meet the minimum specifications of Appendix P in the Maricopa Intrastate Region. Additionally, Maricopa County Air Pollution Control Regulation IV, rule 41, paragraph B, sections 6.0–6.4 (Special Consideration) is disapproved since it does not contain the specific criteria for determining those physical limitations or extreme economic situations where alternative monitoring requirements would be applicable.

[37 FR 15081, July 27, 1972]

EDITORIAL NOTE: For Federal Register citations affecting §52.130, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.131 Control Strategy and regulations: Fine Particle Matter.

(a) Determination of Attainment: Effective February 6, 2013, EPA has determined that, based on 2009 to 2011 ambient air quality data, the Nogales PM\textsubscript{2.5} nonattainment area has attained the 2006 24-hour PM\textsubscript{2.5} NAAQS. This determination 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 for as long as this area continues to attain the 2006 24-hour PM\textsubscript{2.5} NAAQS. This determination 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 for as long as this area continues to attain the 2006 24-hour PM\textsubscript{2.5} NAAQS. If EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 2006 PM\textsubscript{2.5} NAAQS, the corresponding determination of attainment for that area shall be withdrawn.
(b) Determination of Attainment: Effective October 4, 2013, EPA has determined that, based on 2010 to 2012 ambient air quality data, the West Central Pinal PM$_{2.5}$ nonattainment area has attained the 2006 24-hour PM$_{2.5}$ NAAQS. This determination 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 for as long as this area continues to attain the 2006 24-hour PM$_{2.5}$ NAAQS. If EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 2006 PM$_{2.5}$ NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

§ 52.132 [Reserved]

§ 52.133 Rules and regulations.

(a) Regulation 7–1–1.4(A) (Exceptions) of the Arizona Rules and Regulations for Air Pollution Control, regulations 12–3–2 (Emission Standards) of the Coconino County Rules and Regulations for Air Pollution Control, section 3, regulation 5 (Exceptions) of the Mohave County Air Pollution Control Regulations, regulation 8–1–1.6 (Exceptions) of the Yuma County Air Pollution Control Regulations, and regulation 7–1–1.6 (Exceptions) of the Yuma County Air Pollution Control Regulations, all provide for an exemption from enforcement action if the violation is attributable to certain events. These events are too broad in scope and the source can obtain the exemption merely by reporting the occurrence. Therefore, the above regulations are disapproved since these regulations make all approved emission limiting regulations potentially unenforceable.

(b) Paragraph E of regulation 7–1–1.3 (Air Pollution Prohibited) prohibits any person from causing ground level concentrations to exceed ambient standards outside the boundaries of this operation. These regulations could allow violations of ambient air quality standards to occur in areas to which the general public has access, contrary to the requirements of section 110(a)(1) of the Clean Air Act. Therefore, these regulations are disapproved.

(c) The requirements of subpart G and §51.281 of this chapter are not met since the plan does not provide any enforceable regulations and a demonstration that such regulations will cause the attainment and maintenance of national ambient air quality standards in Graham and Greenlee Counties.

(d) Section 3, regulation 4 (Ground Level Concentrations) of the Mohave County Air Pollution Control Regulations, paragraph E of regulation 8–1–1.3 (Air Pollution Prohibited) of the Yuma County Air Pollution Control Regulations, and paragraph C of regulation 7–1–1.3 (Air Pollution Prohibited) of the Rules and Regulations for Pinal-Gila Counties Air Quality Control District prohibits any person from causing ground level concentrations to exceed ambient standards outside the boundaries of his operation. These regulations also do not fulfill the RACM/RACT requirements of section 189(a) of the CAA. Therefore, these regulations are disapproved.

(e) Rule R18–2–702 of the Arizona Department of Environmental Quality Rules and Regulations sets an opacity standard for emissions from stationary sources of PM$_{10}$. The standard does not fulfill the RACM/RACT requirements of section 189(a) of the CAA. The rule also does not comply with enforceability requirements of section 110(a) and SIP relaxation requirements of sections 110(l) and 193. Therefore, Rule R18–2–702 submitted on July 15, 1998 is disapproved.

(f) Rules 1–3–130 and 3–1–020 submitted on November 27, 1995 of the Pinal County Air Quality Control District regulations have limited enforceability because they reference rules not contained in the Arizona State Implementation Plan. Therefore, these rules are removed from the Arizona State Implementation Plan.

(g) Rules 1–2–110, 1–3–130, 3–1–020, and 4–1–010 submitted on October 7, 1998 of the Pinal County Air Quality Control
Environmental Protection Agency

District regulations have limited enforceability because they reference rules not contained in the Arizona State Implementation Plan. Therefore, these rules are disapproved.


§ 52.134 Compliance schedules.

(a) Federal compliance schedule. (1) Except as provided in paragraph (a)(2) of this section, the owner or operator of any stationary source subject to § 52.126(b) shall comply with such regulation on or before January 31, 1974.

The owner or operator of the source subject to § 52.125(c) shall comply with such regulation at initial start-up of such source unless a compliance schedule has been submitted pursuant to paragraph (a)(2) of this section.

(i) Any owner or operator in compliance with § 52.126(b) on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with § 52.125(c) or § 52.126(b) after the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(2) Any owner or operator of the stationary source subject to § 52.125(c) and paragraph (a)(1) of this section may, no later than July 23, 1973, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.125(c) as expeditiously as practicable but not later than July 31, 1977. Any owner or operator of a stationary source subject to § 52.126(b) and paragraph (a)(1) of this section may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.126(b) as expeditiously as practicable but not later than July 31, 1975.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(ii) Any compliance schedule for the stationary source subject to § 52.125(c) which extends beyond July 31, 1975, shall apply any reasonable interim measures of control designed to reduce the impact of such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.


§ 52.135 Resources.

(a) The requirements of § 51.280 of this chapter are not met because the transportation control plan does not contain a sufficient description of resources available to the State and local agencies and of additional resources needed to carry out the plan during the 5-year period following submittal.

[38 FR 16564, June 22, 1973, as amended at 51 FR 40677, Nov. 7, 1986]

§ 52.136 Control strategy for ozone: Oxides of nitrogen.

EPA is approving an exemption request submitted by the State of Arizona on April 13, 1994 for the Maricopa County ozone nonattainment area from the NOX RACT requirements contained in section 182(f) of the Clean Air Act. This approval exempts the Phoenix area from implementing the NOX requirements for RACT, new source review (NSR), and the applicable general and transportation conformity and inspection and maintenance (I/M) requirements of the CAA. The exemption
§ 52.137 Conformity procedures.

(a) Purpose. The purpose of this regulation is to provide procedures as part of the Arizona carbon monoxide implementation plans for metropolitan transportation planning organizations (MPOs) to use when determining conformity of transportation plans, programs, and projects. Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) prohibits MPOs from approving any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 110.

(b) Definitions.

(1) Applicable implementation plan or applicable plan means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under section 110 of the Clean Air Act, 42 U.S.C. 7410, or promulgated under section 110(c) of the CAA, 42 U.S.C. 7410(c).

(2) Carbon monoxide national ambient air quality standard (CO NAAQS) means the standards for carbon monoxide promulgated by the Administrator under section 109, 42 U.S.C. 7409, of the Clean Air Act and found in 40 CFR 50.8.

(3) Cause means resulting in a violation of the CO NAAQS in an area which previously did not have ambient CO concentrations above the CO NAAQS.

(4) Contribute means resulting in measurably higher average 8-hour ambient CO concentrations over the NAAQS or an increased number of violations of the NAAQS in an area which currently experiences CO levels above the standard.

(5) Metropolitan planning organization (MPO) means the organization designated under 23 U.S.C. 134 and 23 CFR part 450.106. For the specific purposes of this regulation, MPO means either the Maricopa Association of Governments or the Pima Association of Governments.

(6) Nonattainment area means for the specific purpose of this regulation either the Pima County carbon monoxide nonattainment area as described in 40 CFR 81.303 or the Maricopa County carbon monoxide nonattainment area as described in 40 CFR 81.303 (i.e., the MAG urban planning area).

(7) Transportation control measure (TCM) means any measure in an applicable implementation plan which is intended to reduce emissions from transportation sources.

(8) Transportation improvement program (TIP) means the staged multiyear program of transportation improvements including an annual (or biennial) element which is required in 23 CFR part 450.

(9) Unified planning work program or UPWP means the program required by 23 CFR 450.108(c) and endorsed by the metropolitan planning organization which describes urban transportation and transportation-related planning activities anticipated in the area during the next 1- to 2-year period including the planning work to be performed with federal planning assistance and with funds available under the Urban Mass Transportation Act (49 U.S.C.) section 9 or 9A. UPWPs are also known as overallwork programs or OWPs.

(c) Applicability. These procedures shall apply only to the Maricopa Association of Governments in its role as the designated metropolitan planning organization for Maricopa County, Arizona, and the Pima Association of Governments in its role as the designated metropolitan planning organization for Pima County, Arizona.

(d) Procedures—(1) Transportation Plans and Transportation Improvement Programs—(i) Documentation. The MPO shall prepare for each transportation plan and program (except for the unified planning work program), as part of the plan or program, a report documenting for each plan and program the following information:

(A) the disaggregated population projections and employment which were assumed in:

(1) the applicable plan, and

(2) the transportation plan/program;

(B) the levels of vehicle trips, vehicle miles traveled, and congestion that were:

§ 52.138 Conformity procedures.

(a) Purpose. The purpose of this regulation is to provide procedures as part of the Arizona carbon monoxide implementation plans for metropolitan transportation planning organizations (MPOs) to use when determining conformity of transportation plans, programs, and projects. Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) prohibits MPOs from approving any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 110.

(b) Definitions.

(1) Applicable implementation plan or applicable plan means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under section 110 of the Clean Air Act, 42 U.S.C. 7410, or promulgated under section 110(c) of the CAA, 42 U.S.C. 7410(c).

(2) Carbon monoxide national ambient air quality standard (CO NAAQS) means the standards for carbon monoxide promulgated by the Administrator under section 109, 42 U.S.C. 7409, of the Clean Air Act and found in 40 CFR 50.8.

(3) Cause means resulting in a violation of the CO NAAQS in an area which previously did not have ambient CO concentrations above the CO NAAQS.

(4) Contribute means resulting in measurably higher average 8-hour ambient CO concentrations over the NAAQS or an increased number of violations of the NAAQS in an area which currently experiences CO levels above the standard.

(5) Metropolitan planning organization (MPO) means the organization designated under 23 U.S.C. 134 and 23 CFR part 450.106. For the specific purposes of this regulation, MPO means either the Maricopa Association of Governments or the Pima Association of Governments.

(6) Nonattainment area means for the specific purpose of this regulation either the Pima County carbon monoxide nonattainment area as described in 40 CFR 81.303 or the Maricopa County carbon monoxide nonattainment area as described in 40 CFR 81.303 (i.e., the MAG urban planning area).

(7) Transportation control measure (TCM) means any measure in an applicable implementation plan which is intended to reduce emissions from transportation sources.

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(9) Unified planning work program or UPWP means the program required by 23 CFR 450.108(c) and endorsed by the metropolitan planning organization which describes urban transportation and transportation-related planning activities anticipated in the area during the next 1- to 2-year period including the planning work to be performed with federal planning assistance and with funds available under the Urban Mass Transportation Act (49 U.S.C.) section 9 or 9A. UPWPs are also known as overallwork programs or OWPs.

(c) Applicability. These procedures shall apply only to the Maricopa Association of Governments in its role as the designated metropolitan planning organization for Maricopa County, Arizona, and the Pima Association of Governments in its role as the designated metropolitan planning organization for Pima County, Arizona.

(d) Procedures—(1) Transportation Plans and Transportation Improvement Programs—(i) Documentation. The MPO shall prepare for each transportation plan and program (except for the unified planning work program), as part of the plan or program, a report documenting for each plan and program the following information:

(A) the disaggregated population projections and employment which were assumed in:

(1) the applicable plan, and

(2) the transportation plan/program;

(B) the levels of vehicle trips, vehicle miles traveled, and congestion that were:
(1) assumed in the applicable plan, and
(2) expected to result from the implementation of the plan/program over the period covered by the applicable plan, considering any growth likely to result from the implementation of the plan/program;
(C) for each major transportation control measure in the applicable implementation plan:
(1) the TCM’s implementation schedule and, if determined in the applicable plan, expected effectiveness in reducing CO emissions,
(2) the TCM’s current implementation status and, if feasible, its current effectiveness in reducing CO emissions, and
(3) actions in the plan/program which may beneficially or adversely affect the implementation and/or effectiveness of the TCM;
(D) the CO emission levels resulting from the implementation of the plan/program over the period covered by the applicable plan considering any growth likely to result from the implementation of the plan/program; and
(E) the ambient CO concentration levels, micro-scale and regional, resulting from the implementation of the plan/program over the period covered by the applicable plan considering any growth likely to result from the implementation of the plan or program.

(ii) Findings. Prior to approving a transportation plan/program, the MPO shall determine if the plan/program conforms to the applicable implementation plan. In making this determination, the MPO shall make and support each of the following findings for each transportation plan and program using the information documented in paragraph (d)(1)(i) of this section:
(A) that implementation of the transportation plan/program will provide for the implementation of TCMs in the applicable plan on the schedule set forth in the applicable plan;
(B) that CO emission levels, micro-scale and regional, resulting from the implementation of the plan/program will not delay attainment or achievement of any interim emission reductions needed for attainment and/or interfere with maintenance of the CONAAQS throughout the nonattainment area during the period covered by the applicable plan; and
(C) that implementation of the plan/program would not cause or contribute to a violation of the CO NAAQS anywhere within the nonattainment area during the period covered by the applicable plan.

(2) Amendments to a Transportation Plan or Transportation Implementation Program. Prior to approving any amendment to a transportation plan or program, the MPO shall first determine that the amendment does not substantially change the information provided under paragraph (d)(1)(i) of this section and does not change the findings in paragraph (d)(1)(ii) of this section with respect to the original plan or program.

(3) Transportation Projects. As part of any individual transportation project approval made by the MPO, the MPO shall determine whether the project conforms to the applicable implementation plan using the following procedure:
(1) For projects from a plan and TIP that has been found to conform under procedures in paragraph (d)(1) of this section within the last three years or from a Plan or TIP amendment that has been found to conform under procedures in paragraph (d)(2) of this section in the past three years, the MPO shall document as part of the approval document:
(A) the TIP project number;
(B) whether the project is an exempt project as defined in paragraph (e) of this section; and
(C) whether the design and scope of the project has changed significantly from the design and scope of the project as described in the conforming TIP:
(1) If the design and scope of the project has not changed significantly, the MPO may find the project conforming; or
(2) If the design and scope of the project has changed significantly or the design and scope of the project could not be determined from the TIP, the MPO shall use the procedures in paragraph (d)(3)(ii) of this section to determine if the project conforms to the applicable implementation plan.
(i) For projects not exempted under paragraph (e) of this section and not in a plan or a TIP that has been found to conform under procedures in paragraph (d)(1) of this section within the last three years:

(A) Documentation. The MPO shall document as part of the approval document for each such project:

(i) the disaggregated population and employment projections, to the extent they are used in

(ii) designing and scoping the project;

(ii) levels of vehicle trips, vehicle miles traveled, and congestion that are

(iii) assumed in the applicable plan, and

(ii) expected to result over the period covered by the applicable plan from the construction of the project considering any growth likely to result from the project;

(iii) for each transportation control measure in the applicable plan likely to be affected by the project:

(i) its implementation schedule and expected emission reduction effectiveness from the applicable plan,

(ii) its current implementation status and, if feasible, its current effectiveness, and

(iii) any actions as part of the project which may beneficially or adversely affect the implementation and/or effectiveness of the TCM;

(iv) CO emission levels which will result from the project over the period covered by the applicable plan considering any growth likely to result from the project; and

(v) ambient CO concentration levels which will result from the project over the period covered by the applicable plan considering any growth likely to result from the project.

(B) Findings. Prior to approving any transportation project, the MPO shall determine if the project conforms to the applicable implementation plan. In making this determination, the MPO shall make and support the following findings for each project using the information documented in paragraph (d)(2)(ii)(A) of this section:

(i) that the project will provide for the implementation of TCMs affected by the project on the schedule set forth in the applicable plan;

(ii) that CO emission levels, microscale and regional, resulting from the implementation of the project during the period covered by the applicable plan will not delay attainment or any required interim emission reductions and/or interfere with maintenance of the CO NAAQS in an area substantially affected by the project;

(iii) that the project will not cause or contribute to a violation of the CO NAAQS during the period covered by the applicable plan near the project; and

(iv) that the projected emissions from the project, when considered together with emissions projected for the conforming plan and program within the nonattainment area, do not cause the plan and program to exceed the emission reduction projections and schedules assigned to such plans and programs in the applicable implementation plan.

(e) Exempt Projects. An individual project is exempt from the requirements of paragraph (d) of this section if it is:

(1) located completely outside the nonattainment area;

(2) a safety project which is included in the statewide safety improvement program, will not alter the functional traffic capacity or capability of the facility being improved, and does not adversely affect the TCMs in the applicable plan;

(3) a transportation control measure from the approved applicable plan; or

(4) a mass transit project funded under the Urban Mass Transportation Act, 49 U.S.C.

§52.139 [Reserved]

§52.140 Monitoring transportation trends.

(a) This section is applicable to the State of Arizona.

(b) In order to assure the effectiveness of the inspection and maintenance program and the retrofit devices required under the Arizona implementation plan, the State shall monitor the actual per-vehicle emissions reductions occurring as a result of such measures.
All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State in accordance with §58.35 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(c) In order to assure the effective implementation of §§52.137, 52.138, and 52.139, the State shall monitor vehicle miles traveled and average vehicle speeds for each area in which such sections are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State of Arizona in accordance with §58.35 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table 1.

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<th>Time period</th>
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<th>VMT or average vehicle speed</th>
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(d) No later than March 1, 1974, the State shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:

1. The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.
2. The administrative procedures to be used.
3. A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of the geographical area to which the data apply; identification of the location at which the data will be collected; and the time periods during which the data will be collected.
4. The quarterly reports specified in paragraphs (b) and (c) of this section shall be submitted to the Administrator through the Regional Office, and shall be due within 45 days after the end of each reporting period.

(e) The quarterly reports specified in paragraphs (b) and (c) of this section shall be submitted to the Administrator through the Regional Office, and shall be due within 45 days after the end of each reporting period.

§ 52.145 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.
(b) Regulations for visibility monitoring and new source review. The provisions of §§52.26, 52.27 and 52.28, are hereby incorporated and made part of the applicable plan for the State of Arizona.

(c) Long-term strategy. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of Arizona.

(d) This paragraph is applicable to the fossil fuel-fired, steam-generating equipment designated as Units 1, 2, and 3 at the Navajo Generating Station in the Northern Arizona Intrastate Air Quality Control Region (§§1.270 of this chapter).

(1) Definitions.

Administrator means the Administrator of EPA or his/her designee.

Affected Unit(s) means the steam-generating unit(s) at the Navajo Generating Station, all of which are subject to the emission limitation in paragraph (d)(2) of this section, that has accumulated at least 365 boiler operating days since the passage of the date defined in paragraph (d)(6) of this section applicable to it.

Boiler Operating Day for each of the boiler units at the Navajo Generating Station is defined as a 24-hour calendar day (the period of time between 12:01 a.m. and 12:00 midnight in Page, Arizona) during which coal is combusted in that unit for the entire 24 hours.

Owner or Operator means the owner, participant in, or operator of the Navajo Generating Station to which this paragraph is applicable.

Unit-Week of Maintenance means a period of 7 days during which a fossil fuel-fired steam-generating unit is under repair, and no coal is combusted in the unit.

(2) Emission limitation. No owner or operator shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of 42 ng/J [0.10 pound per million British thermal units (lb/MMBtu)] heat input.

(3) Compliance determination. Until at least one unit qualifies as an affected unit, no compliance determination is appropriate. As each unit qualifies for treatment as an affected unit, it shall be included in the compliance determination. Compliance with this emission limit shall be determined daily on a plant-wide rolling annual basis as follows:

(i) For each boiler operating day at each steam generating unit subject to the emission limitation in paragraph (d)(2) of this section, the owner or operator shall record the unit's hourly SO₂ emissions using the data from the continuous emission monitoring systems, [required in paragraph (d)(4) of this section] and the daily electric energy generated by the unit (in megawatt-hours) as measured by the megawatt-hour meter for the unit.

(ii) Compute the average daily SO₂ emission rate in ng/J (lb/MMBtu) following the procedures set out in method 19, appendix A, 40 CFR part 60 in effect on October 3, 1991.

(iii) For each boiler operating day for each affected unit, calculate the product of the daily SO₂ emission rate (computed according to paragraph (d)(3)(ii) of this section) and the daily electric energy generated (recorded according to paragraph (d)(3)(i) of this section) for each unit.

(iv) For each affected unit, identify the previous 365 boiler operating days to be used in the compliance determination. Except as provided in paragraphs (d)(9) and (d)(10) of this section, all of the immediately preceding 365 boiler operating days will be used for compliance determinations.

(v) Sum, for all affected units, the products of the daily SO₂ emission rate-electric energy generated (as calculated according to paragraph (d)(3)(iii) of this section) for the boiler operating days identified in paragraph (d)(3)(iv) of this section.

(vi) Sum, for all affected units, the daily electric energy generated (recorded according to paragraph (d)(3)(i) of this section) for the boiler operating days identified in paragraph (d)(3)(iv) of this section.

(vii) Calculate the weighted plant-wide annual average SO₂ emission rate by dividing the sum of the products determined according to paragraph (d)(3)(v) of this section by the sum of the electric energy generated determined according to paragraph (d)(3)(vi) of this section.

(viii) The weighted plant-wide annual average SO₂ emission rate shall be used to determine compliance with the
emission limitation in paragraph (d)(2) of this section.

(4) Continuous emission monitoring. The owner or operator shall install, maintain, and operate continuous emission monitoring systems to determine compliance with the emission limitation in paragraph (d)(2) of this section as calculated in paragraph (d)(3) of this section. This equipment shall meet the specifications in appendix B of 40 CFR part 60 in effect on October 3, 1991. The owner or operator shall comply with the quality assurance procedures for continuous emission monitoring systems found in appendix F of 40 CFR part 60 in effect on October 3, 1991.

(5) Reporting requirements. For each steam generating unit subject to the emission limitation in paragraph (d)(2) of this section, the owner or operator:

(i) Shall furnish the Administrator written notification of the SO$_2$, oxygen, and carbon dioxide emissions according to the procedures found in 40 CFR §60.7 in effect on October 3, 1991.

(ii) Shall furnish the Administrator written notification of the daily electric energy generated in megawatt-hours.

(iii) Shall maintain records according to the procedures in 40 CFR 60.7 in effect on October 3, 1991.

(iv) Shall notify the Administrator by telephone or in writing within one business day of any outage of the control system needed for compliance with the emission limitation in paragraph (d)(2) of this section and shall submit a follow-up written report within 30 days of the repairs stating how the repairs were accomplished and justifying the amount of time taken for the repairs.

(6) Compliance dates. The requirements of this paragraph shall be applicable to one unit at the Navajo Generating Station beginning November 19, 1997, to two units beginning November 19, 1998, and to all units beginning on August 19, 1999.

(7) Schedule of compliance. The owner or operator shall take the following actions by the dates specified:

(i) By June 1, 1992, award binding contracts to an architectural and engineering firm to design and procure the control system needed for compliance with the emission limitation in paragraph (d)(2) of this section.

(ii) By January 1, 1995, initiate on-site construction or installation of a control system for the first unit.

(iii) By May 1, 1997, initiate start-up testing of the control system for the first unit.

(iv) By May 1, 1998, initiate start-up testing of the control system for the second unit.

(v) By February 1, 1999, initiate start-up testing of the control system for the third unit.

The interim deadlines will be extended if the owner or operators can demonstrate to the Administrator that compliance with the deadlines in paragraph (d)(6) of this section will not be affected.

(8) Reporting on compliance schedule. Within 30 days after the specified date for each deadline in the schedule of compliance (paragraph (d)(7) of this section, the owner or operator shall notify the Administrator in writing whether the deadline was met. If it was not met the notice shall include an explanation why it was not met and the steps which shall be taken to ensure future deadlines will be met.

(9) Exclusion for equipment failure during initial operation. For each unit, in determining compliance for the first year that such unit is required to meet the emission limitation in paragraph (d)(2) of this section, periods during which one of the following conditions were met shall be excluded:

(i) Equipment or systems do not meet designer's or manufacturer's performance expectations.

(ii) Field installation including engineering or construction precludes equipment or systems from performing as designed.

The periods to be excluded shall be determined by the Administrator based on the periodic reports of compliance with the emission limitation in paragraph (d)(2) of this section which shall identify the times proposed for exclusion and provide the reasons for the exclusion, including the reasons for the control system outage. The report also shall describe the actions taken to avoid the outage, to minimize its duration, and to reduce SO$_2$ emissions at the plant to the extent practicable.
while the control system was not fully operational. Whenever the time to be excluded exceeds a cumulative total of 30 days for any control system for any affected unit, the owner or operators shall submit a report within 15 days addressing the history of and prognosis for the performance of the control system.

(10) Exclusion for catastrophic failure. In addition to the exclusion of periods allowed in paragraph (d)(9) of this section, any periods of emissions from an affected unit for which the Administrator finds that the control equipment or system for such unit is out of service because of catastrophic failure of the control system which occurred for reasons beyond the control of the owner or operators and could not have been prevented by good engineering practices will be excluded from the compliance determination. Events which are the consequence of lack of appropriate maintenance or of intentional or negligent conduct or omissions of the owner or operators or the control system design, construction, or operating contractors do not constitute catastrophic failure.

(11) Equipment operation. The owner or operator shall optimally operate all equipment or systems needed to comply with the requirements of this paragraph consistent with good engineering practices to keep emissions at or below the emission limitation in paragraph (d)(2) of this section, and following outages of any control equipment or systems the control equipment or system will be returned to full operation as expeditiously as practicable.

(12) Maintenance scheduling. On March 16 of each year starting in 1993, the owner or operator shall prepare and submit to the Administrator a long-term maintenance plan for the Navajo Generating Station which accommodates the maintenance requirements for the other generating facilities on the Navajo Generating Station grid covering the period from March 16 to March 15 of the next year and showing at least 6 unit-weeks of maintenance for the Navajo Generating Station during the November 1 to March 15 period, except as provided in paragraph (d)(13) of this section. This plan shall be developed consistent with the criteria established by the Western States Coordinating Council of the North American Electric Reliability Council to ensure an adequate reserve margin of electric generating capacity. At the time that a plan is transmitted to the Administrator, the owner or operator shall notify the Administrator in writing if less than the full scheduled unit-weeks of maintenance were conducted for the period covered by the previous plan and shall furnish a written report stating how that year qualified for one of the exceptions identified in paragraph (d)(13) of this section.

(13) Exceptions for maintenance scheduling. The owner or operator shall conduct a full 6 unit-weeks of maintenance in accordance with the plan required in paragraph (d)(12) of this section unless the owner or operator can demonstrate to the satisfaction of the Administrator that a full 6 unit-weeks of maintenance during the November 1 to March 15 period should not be required because of the following:

(i) There is no need for 6 unit-weeks of scheduled periodic maintenance in the year covered by the plan;

(ii) The reserve margin on any electrical system served by the Navajo Generating Station would fall to an inadequate level, as defined by the criteria referred to in paragraph (d)(12) of this section.

(iii) The cost of compliance with this requirement would be excessive. The cost of compliance would be excessive when the economic savings to the owner or operator of moving maintenance out of the November 1 to March 15 period exceeds $50,000 per unit-day of maintenance moved.

(iv) A major forced outage at a unit occurs outside of the November 1 to March 15 period, and necessary periodic maintenance occurs during the period of forced outage.

If the Administrator determines that a full 6 unit-weeks of maintenance during the November 1 to March 15 period should not be required, the owner or operator shall nevertheless conduct that amount of scheduled maintenance that is not precluded by the Administrator. Generally, the owner or operator shall make best efforts to conduct as much scheduled maintenance as
practicable during the November 1 to March 15 period.

(e) Approval. On February 28, 2011, the Arizona Department of Environmental Quality submitted the “Arizona State Implementation Plan, Regional Haze Under Section 308 of the Federal Regional Haze Rule” (“Arizona Regional Haze SIP”).

(1) With the exception of the NOX BART determinations for Units ST2 and ST3 at AEPCO Apache Generating Station; Units 2, 3, and 4 at APS Cholla Power Plant; and Units 1 and 2 at SRP Coronado Generating Station, and the BART compliance provisions for all BART emissions limits at the eight units at the three power plants, the BART determinations for AEPCO Apache Generating Station, APS Cholla Power Plant, and SRP Coronado Generating Station in the Arizona Regional Haze SIP meet the applicable requirements of Clean Air Act sections 169A and 169B and the Regional Haze Rule in 40 CFR 51.301 through 51.308.

(2) The following portions of the Arizona Regional Haze SIP are disapproved because they do not meet the applicable requirements of Clean Air Act sections 169A and 169B and the Regional Haze Rule in 40 CFR 51.301 through 51.308:

(i) The determination that Unit I4 at TEP’s Irvington [Sundt] Generating Station is not BART-eligible;

(ii) The portions of the long-term strategy for regional haze related to emission reductions for out-of-state Class I areas, emissions limitations and schedules for compliance to achieve the reasonable progress goal and enforceability of emissions limitations and control measures.

(iii) The NOX BART determination for Units ST2 and ST3 at AEPCO Apache Generating Station;

(iv) The NOX BART determination for Units 2, 3, and 4 at APS Cholla Power Plant;

(v) The NOX BART determination for Units 1 and 2 at SRP Coronado Generating Station; and

(vi) The BART compliance provisions for all BART emissions limits at Units ST1, ST2 and ST3 at AEPCO Apache Generating Station, Units 2, 3, and 4 at APS Cholla Power Plant, and Units 1 and 2 at SRP Coronado Generating Station.

(f) Source-specific federal implementation plan for regional haze at Cholla Power Plant and Coronado Generating Station—(1) Applicability. This paragraph (f) applies to each owner/operator of the following coal-fired electricity generating units (EGUs) in the state of Arizona: Cholla Power Plant, Units 2, 3, and 4 and Coronado Generating Station, Units 1 and 2. The provisions of this paragraph (f) are severable, and if any provision of this paragraph (f), or the application of any provision of this paragraph (f) to any owner/operator or circumstance, is held invalid, the application of such provision to other owner/operators and other circumstances, and the remainder of this paragraph (f), shall not be affected thereby.

(2) Definitions. Terms not defined below shall have the meaning given to them in the Clean Air Act or EPA’s regulations implementing the Clean Air Act. For purposes of this paragraph (f):

ADEQ means the Arizona Department of Environmental Quality.

Boiler-operating day means a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the unit.

Coal-fired unit means any of the EGUs identified in paragraph (f)(1) of this section.

Continuous emission monitoring system or CEMS means the equipment required by 40 CFR part 75 and this paragraph (f).

Emissions limitation or emissions limit means any of the Federal Emission Limitations required by this paragraph (f) or any of the applicable PM10 and SO2 emissions limits for Cholla Power Plant and Coronado Generating Station submitted to EPA as part of the Arizona Regional Haze SIP in a letter dated February 28, 2011, and approved into the Arizona State Implementation Plan on December 5, 2012.

Flue Gas Desulfurization System or FGD means a pollution control device that employs flue gas desulfurization technology, including an absorber utilizing lime, fly ash, or limestone slurry, for the reduction of sulfur dioxide emissions.
§ 52.145  

Group of coal-fired units mean Units 1 and 2 for Coronado Generating Station and Units 2, 3, and 4 for Cholla Power Plant.

lb means pound(s).

NO\textsubscript{X} means nitrogen oxides expressed as nitrogen dioxide (NO\textsubscript{2}).

Owner(s)/operator(s) means any person(s) who own(s) or who operate(s), control(s), or supervise(s) one or more of the units identified in paragraph (f)(1) of this section.

MMBtu means million British thermal unit(s).

Operating hour means any hour that fossil fuel is fired in the unit.

PM\textsubscript{10} means filterable total particulate matter less than 10 microns and the condensable material in the impingers as measured by Methods 201A and 202 in 40 CFR part 51, appendix M.

Regional Administrator means the Regional Administrator of EPA Region IX or his/her authorized representative.

SO\textsubscript{2} means sulfur dioxide.

SO\textsubscript{2} removal efficiency means the quantity of SO\textsubscript{2} removed as calculated by the procedure in paragraph (f)(5)(iii)(B) of this section.

Unit means any of the EGUs identified in paragraph (f)(1) of this section.

Valid data means data recorded when the CEMS is not out-of-control as defined by 40 CFR part 75.

(3) Federal emission limitations—(i) NO\textsubscript{X} emission limitations. The owner/operator of each coal-fired unit subject to this paragraph (f) shall not emit NO\textsubscript{X} in excess of the following limitations, in pounds per million British thermal units (lb/MMBtu) from any coal-fired unit or group of coal-fired units. Each emission limit shall be based on a rolling 30-boiler-operating-day average, unless otherwise indicated in specific paragraphs.

<table>
<thead>
<tr>
<th>Coal fired unit or group of coal-fired units</th>
<th>Federal emission limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cholla Power Plant Units 2, 3, and 4</td>
<td>0.055</td>
</tr>
<tr>
<td>Coronado Generating Station Unit 1</td>
<td>0.065</td>
</tr>
<tr>
<td>Coronado Generating Station Unit 2</td>
<td>0.080</td>
</tr>
</tbody>
</table>

(ii) SO\textsubscript{2} removal efficiency requirement. The owners/operators of Cholla Power Plant Units 2, 3, and 4 shall achieve and maintain a 30-day rolling average SO\textsubscript{2} removal efficiency of 95 percent at each unit.

(4) Compliance dates. (i) The owners/operators of each unit subject to this paragraph (f) shall comply with the NO\textsubscript{X} and SO\textsubscript{2} emissions limitations and other NO\textsubscript{X}-related requirements of this paragraph (f) no later than December 5, 2017.

(ii) The owners/operators of each unit subject to this paragraph (f) shall comply with the applicable PM\textsubscript{10} and SO\textsubscript{2} emissions limits submitted to EPA as part of the Arizona Regional Haze SIP in a letter dated February 28, 2011, and approved into the Arizona State Implementation Plan on December 5, 2012, as well as the related compliance, record-keeping and reporting of this paragraph (f) no later than the following dates:

<table>
<thead>
<tr>
<th>Unit</th>
<th>Compliance date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cholla Power Plant, Unit 2</td>
<td>April 1, 2016</td>
</tr>
<tr>
<td>Cholla Power Plant, Unit 3</td>
<td>June 3, 2013</td>
</tr>
<tr>
<td>Cholla Power Plant, Unit 4</td>
<td>June 3, 2013</td>
</tr>
<tr>
<td>Coronado Generating Station, Unit 1</td>
<td>June 3, 2013</td>
</tr>
<tr>
<td>Coronado Generating Station, Unit 2</td>
<td>June 3, 2013</td>
</tr>
</tbody>
</table>

(iii) The owners/operators of Cholla Power Plant Units 2, 3 and 4 shall comply with the SO\textsubscript{2} removal efficiency requirement in paragraph (f)(5)(iii)(B) of this section all related compliance, record-keeping and reporting requirements no later than the following dates:

<table>
<thead>
<tr>
<th>Unit</th>
<th>Compliance date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cholla Power Plant, Unit 2</td>
<td>April 1, 2016</td>
</tr>
<tr>
<td>Cholla Power Plant, Unit 3</td>
<td>December 5, 2013</td>
</tr>
<tr>
<td>Cholla Power Plant, Unit 4</td>
<td>December 5, 2013</td>
</tr>
</tbody>
</table>

(5) Compliance determinations for NO\textsubscript{X} and SO\textsubscript{2}—(1) Continuous emission monitoring system. 

(A) At all times after the compliance date specified in paragraph (f)(4) of this
section, the owner/operator of each coal-fired unit shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure SO\textsubscript{2}, NO\textsubscript{X}, diluent, and stack gas volumetric flow rate from each unit. In addition, the owner/operator of Cholla Units 2, 3, and 4 shall calibrate, maintain, and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure SO\textsubscript{2} emissions and diluent at the inlet of the sulfur dioxide control device. All valid CEMS hourly data shall be used to determine compliance with the emission limitations for NO\textsubscript{X} and SO\textsubscript{2} in paragraph (f)(3) of this section for each unit. When the CEMS is out-of-control as defined by 40 CFR part 75, that CEMS data shall be treated as missing data, and not used to calculate the emission average. Each required CEMS must obtain valid data for at least 90 percent of the unit operating hours, on an annual basis.

(B) The owner/operator of each unit shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. In addition to these 40 CFR part 75 requirements, relative accuracy test audits shall be calculated for both the NO\textsubscript{X} and SO\textsubscript{2} pounds per hour measurement and the heat input measurement. The CEMS monitoring data shall not be bias adjusted. The inlet SO\textsubscript{2} and diluent monitors required by this rule shall also meet the Quality Assurance/Quality Control (QA/QC) requirements of 40 CFR part 75. The testing and evaluation of the inlet monitors and the calculations of relative accuracy for lb/hr of NO\textsubscript{X}, SO\textsubscript{2} and heat input shall be performed each time the 40 CFR part 75 CEMS undergo relative accuracy testing. In addition, relative accuracy test audits shall be performed in the units of lb/MMBtu for the inlet and outlet SO\textsubscript{2} monitors at Cholla Units 2, 3, and 4.

(1) Compliance Determinations for NO\textsubscript{X}.

(A) Cholla Power Plant. The 30-day rolling average NO\textsubscript{X} emission rate for the group of coal-fired units identified as Cholla Power Plant, Units 2, 3, and 4 shall be calculated for each calendar day, even if a unit is not in operation on that calendar day, in accordance with the following procedure: Step one, for each unit, sum the hourly pounds of NO\textsubscript{X} emitted during the current boiler-operating day (or most recent boiler-operating day if the unit is not in operation), and the preceding twenty-nine (29) boiler-operating days, to calculate the total pounds of NO\textsubscript{X} emitted over the most recent thirty (30) boiler-operating day period for each coal-fired unit; step two, for each unit, sum the hourly heat input, in MMBtu, during the current boiler-operating day (or most recent boiler-operating day if the unit is not in operation), and the preceding twenty-nine (29) boiler-operating days, to calculate the total heat input, in MMBtu, over the most recent thirty (30) boiler-operating day period for each coal-fired unit; step three, sum together the total pounds of NO\textsubscript{X} emitted from the group of coal-fired units over each unit’s most recent thirty (30) boiler-operating day period (the most recent 30 boiler-operating day periods for different units may be different); step four, sum together the total heat input from the group of coal-fired units over each unit’s most recent thirty (30) boiler-operating day period; and step five, divide the total pounds of NO\textsubscript{X} emitted from step three by the total heat input from step four for each group of coal-fired units, to calculate the 30-day rolling average NO\textsubscript{X} emission rate for each group of coal-fired units, in pounds of NO\textsubscript{X} per MMBtu, for each calendar day. Each 30-day rolling average NO\textsubscript{X} emission rate shall include all emissions and all heat input that occur during all periods within any boiler-operating day, including emissions from startup, shutdown, and malfunction.

(B) Coronado Generating Station. Compliance with the NO\textsubscript{X} emission limits for Coronado Unit 1 and Coronado Unit 2 in paragraph (f)(3)(i) of this section shall be determined on a rolling 30 boiler-operating-day basis. The 30-boiler-operating-day rolling NO\textsubscript{X} emission rate for each unit shall be calculated in accordance with the following procedure: Step one, sum the total pounds of NO\textsubscript{X} emitted from the unit during the current boiler operating day and the previous twenty-nine (29) boiler operating days; Step two, sum the total heat input to the unit in MMBtu during the current boiler operating day.
and the previous twenty-nine (29) boiler operating days; Step three, divide the total number of pounds of NOX emitted from that unit during the thirty (30) boiler operating days by the total heat input to the unit during the thirty (30) boiler operating days. A new 30-boiler-operating-day rolling average NOX emission rate shall be calculated for each new boiler operating day. Each 30-boiler-operating-day average NOX emission rate shall include all emissions that occur during all periods within any boiler operating day, including emissions from startup, shutdown, and malfunction.

(C) If a valid NOX pounds per hour or heat input is not available for any hour for a unit, that heat input and NOX pounds per hour shall not be used in the calculation of the 30-day rolling average.

(iii) Compliance determinations for SO2.

(A) The 30-day rolling average SO2 emission rate for each coal-fired unit shall be calculated in accordance with the following procedure: Step one, sum the total pounds of SO2 emitted from the unit during the current boiler-operating day and the previous twenty-nine (29) boiler-operating days; step two, sum the total heat input to the unit in MMBtu during the current boiler-operating day and the previous twenty-nine (29) boiler-operating day; and step three, divide the total number of pounds of SO2 emitted during the thirty (30) boiler-operating days by the total heat input during the thirty (30) boiler-operating days. A new 30-day rolling average SO2 emission rate shall be calculated for each new boiler-operating day. Each 30-day rolling average SO2 emission rate shall include all emissions and all heat input that occur during all periods within any boiler-operating day, including emissions from startup, shutdown, and malfunction.

(B) The 30-day rolling average SO2 removal efficiency for Cholla Units 2, 3, and 4 shall be calculated as follows: Step one, sum the total pounds of SO2 emitted as measured at the outlet of the FGD system for the unit during the current boiler-operating day and the previous twenty-nine (29) boiler-operating days as measured at the outlet of the FGD system for that unit; step two, sum the total pounds of SO2 delivered to the inlet of the FGD system for that unit (for each hour, the total pounds of SO2 delivered to the inlet of the FGD system for a unit shall be calculated by measuring the ratio of the lb/MMBtu SO2 inlet to the lb/MMBtu SO2 outlet and multiplying the outlet pounds of SO2 by that ratio); step three, subtract the outlet SO2 emissions calculated in step one from the inlet SO2 emissions calculated in step two; step four, divide the remainder calculated in step three by the inlet SO2 emissions calculated in step two; and step five, multiply the quotient calculated in step four by 100 to express as a percentage removal efficiency. A new 30-day rolling average SO2 removal efficiency shall be calculated for each new boiler-operating day, and shall include all emissions that occur during all periods within each boiler-operating day, including emissions from startup, shutdown, and malfunction.

(D) If both a valid inlet and outlet SO2 lb/MMBtu and an outlet value of lb/hr of SO2 are not available for any hour, that hour shall not be included in the calculation of the 30-day rolling average.

(6) Compliance determinations for particulate matter. Compliance with the particulate matter emission limitation for each coal-fired unit shall be determined from annual performance stack tests. Within sixty (60) days of the compliance deadline specified in paragraph (f)(4) of this section, and on at least an annual basis thereafter, the owner/operator of each unit shall conduct a stack test on each unit to measure PM10 using EPA Method 5, in 40 CFR part 60, Appendix A, or Method 201A/202 in 40 CFR Part 51, Appendix M. A test protocol shall be submitted to EPA and ADEQ a minimum of 30 days prior to the scheduled testing. The protocol shall identify which method(s) will be used to demonstrate compliance. Each test shall consist of three
runs, with each run at least 120 minutes in duration and each run collecting a minimum sample of 60 dry standard cubic feet. Results shall be reported in lb/MMBtu using the calculation in 40 CFR Part 60 Appendix A Method 19. In addition to annual stack tests, the owner/operator shall monitor particulate emissions for compliance with the emission limitations in accordance with the applicable Compliance Assurance Monitoring (CAM) plan developed and approved in accordance with 40 CFR Part 64. The averaging time for any other demonstration of the PM\textsubscript{10} compliance or exceedance shall be based on a 6-hour average.

(7) Recordkeeping. The owner or operator of each unit shall maintain the following records for at least five (5) years:

(i) All CEMS data, including the date, place, and time of sampling or measurement; parameters sampled or measured; and results.

(ii) Daily 30-day rolling emission rates for NO\textsubscript{x} and SO\textsubscript{2} and SO\textsubscript{2} removal efficiency, when applicable, for each unit, calculated in accordance with paragraph (f)(5) of this section.

(iii) Records of quality assurance and quality control activities for emissions measuring systems including, but not limited to, any records required by 40 CFR Part 75.

(iv) Records of the relative accuracy test for hourly NO\textsubscript{x} and SO\textsubscript{2} lb/hr measurement and hourly heat input measurement.

(v) Records of all major maintenance activities conducted on emission units, air pollution control equipment, and CEMS.

(vi) Any other records required by 40 CFR Part 75.

(8) Reporting. All reports and notifications under this paragraph (f) shall be submitted to the Director of Enforcement Division, U.S. EPA Region IX, at 75 Hawthorne Street, San Francisco, CA 94105.

(i) The owner/operator shall notify EPA within two weeks after completion of installation of combustion controls or Selective Catalytic Reactors on any of the units subject to this section.

(ii) Within 30 days after the applicable compliance date(s) in paragraph (f)(4) of this section and within 30 days of every second calendar quarter thereafter (i.e., semi-annually), the owner/operator of each unit shall submit a report that lists the daily 30-day rolling emission rates for NO\textsubscript{x} and SO\textsubscript{2} for each unit and, for Cholla Units 2, 3, and 4, the SO\textsubscript{2} removal efficiency, calculated in accordance with paragraph (f)(5) of this section. Included in this report shall be the results of any relative accuracy test audit performed during the two preceding calendar quarters.

(9) Enforcement. Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant as to whether the unit would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not the owner or operator has violated or is in violation of any standard or applicable emission limit in the plan.

(10) Equipment operations—(i) Cholla Power Plant. At all times, including periods of startup, shutdown, and malfunction, the owner or operator of Cholla Power Plant Units 2, 3 and 4 shall, to the extent practicable, maintain and operate each unit including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Pollution control equipment shall be designed and capable of operating properly to minimize emissions during all expected operating conditions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of each unit.

(ii) Coronado Generating Station. At all times, including periods of startup, shutdown, and malfunction, the owner or operator of Coronado Generating Station Unit 1 and Unit 2 shall, to the extent practicable, maintain and operate each unit in a manner consistent with good air pollution control practices for minimizing emissions. The owner or operator shall continuously
operate pollution control equipment at all times the unit it serves is in operation, and operate pollution control equipment in a manner consistent with technological limitations, manufacturer's specifications, and good engineering and good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of each unit.

(g) On May 3, 2013, the Arizona Department of Environmental Quality (ADEQ) submitted the “Arizona State Implementation Plan Revision, Regional Haze Under Section 308 of the Federal Regional Haze Rule” (“Arizona Regional Haze SIP Supplement”).

(1) The following portions of the Arizona Regional Haze SIP Supplement are disapproved because they do not meet the applicable requirements of Clean Air Act sections 169A and 169B and the Regional Haze Rule in 40 CFR 51.308:

(i) The determination that the Chemical Lime Company’s Nelson Lime Plant is not subject-to-BART;

(ii) The determination that the Freeport McMoRan Miami Inc (FMMI) Smelter is not subject to BART for NO;

(iii) The determination that existing controls constitute BART for SO at the Freeport McMoRan Miami Inc (FMMI) Smelter;

(iv) The determination that the ASARCO Hayden smelter is not subject to BART for NOx and PM;

(v) The determination that existing controls constitute BART for SO at ASARCO Hayden Smelter;

(vi) The reasonable progress goals for the first planning period;

(vii) The determination that no additional controls for point sources of NOx are reasonable for the first planning period; and

(viii) The determination that no additional controls for area sources of NOx and SOx are reasonable for the first planning period.

(h) Disapproval. The following portions of the Arizona SIP are disapproved because they do not meet the applicable requirements of Clean Air Act sections 169A and 169B and the Regional Haze Rule at 40 CFR 51.309:


(2) The Arizona Regional Haze State Implementation Plan Revision submitted by the Arizona Department of Environmental Quality on December 31, 2004, with the exception of the provisions already approved at 40 CFR 52.120(c)(131).


(i) Source-specific federal implementation plan for regional haze at Nelson Lime Plant— (1) Applicability. This paragraph applies to the owner/operator of the lime kilns designated as Kiln 1 and Kiln 2 at the Nelson Lime Plant located in Yavapai County, Arizona.

(2) Definitions. Terms not defined in this paragraph shall have the meaning given them in the Clean Air Act or EPA’s regulations implementing the Clean Air Act. For purposes of this paragraph (1):

Ammonia injection shall include any of the following: Anhydrous ammonia, aqueous ammonia, or urea injection.

Continuous emission monitoring system or CEMS means the equipment required by this section to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes (using an automated data acquisition and handling system (DAHS)), a permanent record of NOx emissions, SOx emissions, diluent, and stack gas volumetric flow rate.

Kiln means either of the kilns identified in paragraph (1)(1) of this section.

Kiln 1 means lime kiln 1, as identified in paragraph (1)(1) of this section.
**Environmental Protection Agency**

§ 52.145

*Kiln 2* means lime kiln 2, as identified in paragraph (i)(1) of this section.

*Kiln operating day* means a 24-hour period between 12 midnight and the following midnight during which there is operation of Kiln 1, Kiln 2, or both kilns at any time.

*Kiln operation* means any period when any raw materials are fed into the Kiln or any period when any combustion is occurring or fuel is being fired in the Kiln.

*Lime product* means the product of the lime-kiln calcination process, including calcitic lime, dolomitic lime, and dead-burned dolomite.

*NO\textsubscript{X}* means oxides of nitrogen.

*Owner/operator* means any person who owns or who operates, controls, or supervises a kiln identified in paragraph (i)(1) of this section.

*SO\textsubscript{2}* means sulfur dioxide.

(3) Emission limitations. (i) The owner/operator of the kilns identified in paragraph (i)(1) of this section shall not emit or cause to be emitted pollutants in excess of the following limitations in pounds of pollutant per ton of lime product (lb/ton), from any kiln. Each emission limit shall be based on a 12-month rolling basis.

<table>
<thead>
<tr>
<th>Pollutant Emission Limit</th>
<th>NO\textsubscript{X}</th>
<th>SO\textsubscript{2}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kiln 1</td>
<td>3.80</td>
<td>9.32</td>
</tr>
<tr>
<td>Kiln 2</td>
<td>2.61</td>
<td>9.73</td>
</tr>
</tbody>
</table>

(ii) The owner/operator of the kilns identified in paragraph (i)(1) of this section shall not emit or cause to be emitted pollutants in excess of 3.27 tons of NO\textsubscript{X} per day and 10.10 tons of SO\textsubscript{2} per day, combined from both kilns, based on a rolling 30-kiln-operating-day basis.

(4) Compliance dates. (i) The owner/operator of each kiln shall comply with the NO\textsubscript{X} emission limitations and other NO\textsubscript{X} -related requirements of this paragraph (i) no later than September 4, 2017.

(ii) The owner/operator of each kiln shall comply with the SO\textsubscript{2} emission limitations and other SO\textsubscript{2} -related requirements of this paragraph (i) no later than March 3, 2016.

(5) [Reserved]

(6) Compliance determination—(1) Continuous emission monitoring system. At all times after the compliance dates specified in paragraph (i)(4) of this section, the owner/operator of kilns 1 and 2 shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR 60.13 and 40 CFR part 60, appendices B and F, to accurately measure diluent, stack gas volumetric flow rate, and concentration by volume of NO\textsubscript{X} and SO\textsubscript{2} emissions into the atmosphere from kilns 1 and 2. The CEMS shall be used by the owner/operator to determine compliance with the emission limitations in paragraph (i)(3) of this section, in combination with data on actual lime production. The owner/operator must operate the monitoring system and collect data at all required intervals at all times that an affected kiln is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments).

(ii) Ammonia consumption monitoring. Upon and after the completion of installation of ammonia injection on a kiln, the owner or operator shall install, and thereafter maintain and operate, instrumentation to continuously monitor and record levels of ammonia consumption for that kiln.

(iii) Compliance determination for lb per ton NO\textsubscript{X} limit. Compliance with the NO\textsubscript{X} emission limits described in paragraph (i)(3)(1) of this section shall be determined based on a rolling 12-month basis. The 12-month rolling NO\textsubscript{X} emission rate for each kiln shall be calculated within 30 days following the end of each calendar month in accordance with the following procedure:

Step one, sum the hourly pounds of NO\textsubscript{X} emitted for the month just completed and the eleven (11) months preceding the month just completed to calculate the total pounds of NO\textsubscript{X} emitted over the most recent twelve (12) month period for that kiln; Step two, sum the total lime product, in tons, produced during the month just completed and the eleven (11) months preceding the month just completed to calculate the total lime product produced over the most recent twelve (12)
month period for that kiln; Step three, divide the total amount of NOX calculated from Step one by the total lime product calculated from Step two to calculate the 12-month rolling NOX emission rate for that kiln. Each 12-month rolling NOX emission rate shall include all emissions and all lime product that occur during all periods within the 12-month period, including emissions from startup, shutdown, and malfunction.

(iv) Compliance determination for lb per ton SO2 limit. Compliance with the SO2 emission limits described in paragraph (i)(3)(i) of this section shall be determined based on a rolling 12-month basis. The 12-month rolling SO2 emission rate for each kiln shall be calculated within 30 days following the end of each calendar month in accordance with the following procedure: Step one, sum the hourly pounds of SO2 emitted for the month just completed and the eleven (11) months preceding the month just completed to calculate the total pounds of SO2 emitted over the most recent twelve (12) month period for that kiln; Step two, sum the total lime product, in tons, produced during the month just completed and the eleven (11) months preceding the month just completed to calculate the total lime product produced over the most recent twelve (12) month period for that kiln; Step three, divide the total amount of SO2 calculated from Step one by the total lime product calculated from Step two to calculate the 12-month rolling SO2 emission rate for that kiln. Each 12-month rolling SO2 emission rate shall include all emissions and all lime product that occur during all periods within the 12-month period, including emissions from startup, shutdown, and malfunction.

(v) Compliance determination for ton per day NOX limit. Compliance with the NOX emission limit described in paragraph (i)(3)(ii) of this section shall be determined based on a rolling 30-kiln-operating-day basis. The rolling 30-kiln operating day NOX emission rate for the kilns shall be calculated for each kiln operating day in accordance with the following procedure: Step one, sum the hourly pounds of NOX emitted from both kilns for the current kiln operating day and the preceding twenty-nine (29) kiln-operating-day period for both kilns; Step two, divide the total pounds of NOX calculated from Step one by two thousand (2,000) to calculate the total tons of NOX; Step three, divide the total tons of NOX calculated from Step two by thirty (30) to calculate the rolling 30-kiln operating day NOX emission rate for both kilns. Each rolling 30-kiln operating day NOX emission rate shall include all emissions that occur from both kilns during all periods within any kiln operating day, including emissions from startup, shutdown, and malfunction.

Compliance determination for lb per ton SO2 limit. Compliance with the SO2 emission limit described in paragraph (i)(3)(ii) of this section shall be determined based on a rolling 30-kiln-operating-day basis. The rolling 30-kiln operating day SO2 emission rate for the kilns shall be calculated for each kiln operating day in accordance with the following procedure: Step one, sum the hourly pounds of SO2 emitted from both kilns for the current kiln operating day and the preceding twenty-nine (29) kiln operating days, to calculate the rolling 30-kiln operating day SO2 emission rate for both kilns. Each rolling 30-kiln operating day SO2 emission rate shall include all emissions that occur from both kilns during all periods within any kiln operating day, including emissions from startup, shutdown, and malfunction.

(7) Recordkeeping. The owner/operator shall maintain the following records for at least five years:

(i) All CEMS data, including the date, place, and time of sampling or measurement; parameters sampled or measured; and results.

(ii) All records of lime production.

(iii) Monthly rolling 12-month emission rates of NOX and SO2, calculated in accordance with paragraphs (i)(6)(iii) and (iv) of this section.
(iv) Daily rolling 30-kiln operating day emission rates of NO$_x$ and SO$_2$ calculated in accordance with paragraphs (i)(6)(v) and (vi) of this section.

(v) Records of quality assurance and quality control activities for emissions measuring systems including, but not limited to, any records specified by 40 CFR part 60, appendix F, Procedure 1, as well as the following:

(A) The occurrence and duration of any startup, shutdown, or malfunction, performance testing, evaluations, calibrations, checks, adjustments maintenance, duration of any periods during which a CEMS or COMS is inoperative, and corresponding emission measurements.

(B) Date, place, and time of measurement or monitoring equipment maintenance activity;

(C) Operating conditions at the time of measurement or monitoring equipment maintenance activity;

(D) Date, place, name of company or entity that performed the measurement or monitoring equipment maintenance activity and the methods used; and

(E) Results of the measurement or monitoring equipment maintenance.

(vi) Records of ammonia consumption, as recorded by the instrumentation required in paragraph (i)(6)(ii) of this section.

(vii) Records of all major maintenance activities conducted on emission units, air pollution control equipment, CEMS, and lime production measurement devices.

(viii) All other records specified by 40 CFR part 60, appendix F, Procedure 1.

(8) Reporting. All reports required under this section shall be submitted by the owner/operator to the Director, Enforcement Division, U.S. Environmental Protection Agency, Region 9, electronically via email to aeo_99@epa.gov. Any data that are required under this section shall be submitted in Excel format. Reports required under paragraphs (i)(8)(ii) through (v) of this section shall be submitted within 30 days after the applicable compliance date(s) in paragraph (i)(4) of this section and at least semiannually thereafter, within 30 days after the end of a semiannual period. The owner/operator may submit reports more frequently than semiannually for the purposes of synchronizing reports required under this section with other reporting requirements, such as the title V monitoring report required by 40 CFR 70.6(a)(3)(iii)(A), but at no point shall the duration of a semiannual period exceed six months.

(i) Prior to commencing construction of the ammonia injection system, the owner/operator shall submit to EPA a summary report of the design of the SNCR system. Elements of this summary report shall include: Reagent type, description of the locations selected for reagent injection, reagent injection rate (expressed as a molar ratio of reagent to NO$_x$), equipment list, equipment arrangement, and a summary of kiln characteristics that were relied upon as the design basis for the SNCR system.

(ii) By October 3, 2017, the owner/operator shall submit to EPA a summary of any process improvement or debugging activities that were performed on the SNCR system. Elements of this summary report shall include: a description of each process adjustment performed on the SNCR system, a discussion of whether the adjustment affected NO$_x$ emission rate (including CEMS data that may have been recorded while the adjustment was in progress), a description of the range (if applicable) over which the adjustment was examined, and a discussion of how the adjustment will be reflected or accounted for in kiln operating practices. In addition, to the extent that the owner/operator evaluates the impact of varying reagent injection rate on NO$_x$ emissions, the owner/operator shall include the following information: the range of reagent injection rates evaluated (expressed as a molar ratio of reagent to average NO$_x$ concentration), reagent injection rate, average NO$_x$ concentration, lime production rate, kiln flue gas temperature, and the presence of any detached plumes from the kiln exhaust.

(iii) The owner/operator shall submit a report that lists the daily rolling 30-kiln operating day emission rates for NO$_x$ and SO$_2$, calculated in accordance with paragraphs (i)(6)(iii) and (iv) of this section.
(iv) The owner/operator shall submit a report that lists the monthly rolling 12-month emission rates for NO\textsubscript{X} and SO\textsubscript{2}, calculated in accordance with paragraphs (i)(6)(v) and (vi) of this section.

(v) The owner/operator shall submit excess emissions reports for NO\textsubscript{X} and SO\textsubscript{2} limits. Excess emissions means emissions that exceed any of the emissions limits specified in paragraph (i)(3) of this section. The reports shall include the magnitude, date(s), and duration of each period of excess emissions; specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the kiln; the nature and cause of any malfunction (if known); and the corrective action taken or preventative measures adopted.

(vi) The owner/operator shall submit a summary of CEMS operation, to include dates and duration of each period during which the CEMS was inoperative (except for zero and span adjustments and calibration checks), reason(s) why the CEMS was inoperative and steps taken to prevent recurrence, and any CEMS repairs or adjustments.

(vii) The owner/operator shall submit results of all CEMS performance tests required by 40 CFR part 60, Appendix F, Procedure 1 (Relative Accuracy Test Audits, Relative Accuracy Audits, and Cylinder Gas Audits).

(viii) When no excess emissions have occurred or the CEMS has not been inoperative, repaired, or adjusted during the reporting period, the owner/operator shall state such information in the semiannual report.

(9) Notifications. All notifications required under this section shall be submitted by the owner/operator to the Director, Enforcement Division (Mail Code ENF-2-1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105-3901.

(i) The owner/operator shall submit notification of commencement of construction of any equipment which is being constructed to comply with the NO\textsubscript{X} emission limits in paragraph (i)(3) of this section.

(ii) The owner/operator shall submit semiannual progress reports on construction of any such equipment.

(iii) The owner/operator shall submit notification of initial startup of any such equipment.

(10) Equipment operations. (i) At all times, including periods of startup, shutdown, and malfunction, the owner/operator shall, to the extent practicable, maintain and operate the kilns, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. Pollution control equipment shall be designed and capable of operating properly to minimize emissions during all expected operating conditions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the kilns.

(ii) After completion of installation of ammonia injection on a kiln, the owner/operator shall inject sufficient ammonia to achieve compliance with the NO\textsubscript{X} emission limits from paragraph (i)(3) of this section for that kiln while preventing excessive ammonia emissions.

(11) Enforcement. Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant as to whether the kiln would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed can be used to establish whether or not the owner/operator has violated or is in violation of any standard or applicable emission limit in the plan.

(j) Source-specific federal implementation plan for regional haze at H. Wilson Sundt Generating Station—(1) Applicability. This paragraph (j) applies to the owner/operator of the electricity generating unit (EGU) designated as Unit 14 at the H. Wilson Sundt Generating Station located in Tucson, Pima County, Arizona.

(2) Definitions. Terms not defined in this paragraph (j)(2) shall have the meaning given them in the Clean Air Act or EPA’s regulations implementing.
the Clean Air Act. For purposes of this paragraph (j):

Ammonia injection shall include any of the following: Anhydrous ammonia, aqueous ammonia, or urea injection.

Boiler operating day means a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the unit.

Continuous emission monitoring system or CEMS means the equipment required by 40 CFR part 75 and this paragraph (j).

MMBtu means one million British thermal units.

Natural gas means a naturally occurring fluid mixture of hydrocarbons as defined in 40 CFR 72.2.

NO\textsubscript{2} means oxides of nitrogen.

Owner/operator means any person who owns or who operates, controls, or supervises the EGU identified in paragraph (j)(1) of this section. PM means total filterable particulate matter.

PM\textsubscript{10} means total particulate matter less than 10 microns in diameter.

SO\textsubscript{2} means sulfur dioxide.

Unit means the EGU identified paragraph (j)(1) of this section.

(3) Emission limitations. The owner/operator of the unit shall not emit or cause to be emitted pollutants in excess of the following limitations, in pounds of pollutant per million British thermal units (lb/MMBtu), from the subject unit.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Pollutant emission limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO\textsubscript{x}</td>
<td>0.36</td>
</tr>
<tr>
<td>PM</td>
<td>0.030</td>
</tr>
<tr>
<td>SO\textsubscript{2}</td>
<td>0.23</td>
</tr>
</tbody>
</table>

(4) Alternative emission limitations. The owner/operator of the unit may choose to comply with the following limitations in lieu of the emission limitations listed in paragraph (j)(3) of this section.

(i) The owner/operator of the unit shall combust only natural gas or natural gas combined with landfill gas in the subject unit.

(ii) The owner/operator of the unit shall not emit or cause to be emitted pollutants in excess of the following limitations, in pounds of pollutant per million British thermal units (lb/MMBtu), from the subject unit.

(iii) If the results of the initial performance test conducted in accordance with paragraph (j)(5) of this section show PM\textsubscript{10} emissions greater than the limit in paragraph (j)(4)(ii) of this section, the owner/operator may elect to comply with an emission limit equal to the result of the initial performance test, in lieu of the PM\textsubscript{10} emission limit in paragraph (j)(4)(ii).

(5) Compliance dates. (i) The owner/operator of the unit subject to this paragraph (j)(5) shall comply with the NO\textsubscript{x} and SO\textsubscript{2} emission limitations of paragraph (j)(3) of this section no later than September 4, 2017.

(ii) The owner/operator of the unit subject to this paragraph (j)(5) shall comply with the PM emission limitation of paragraph (j)(3) of this section no later than April 16, 2015.

(6) Alternative compliance dates. If the owner/operator chooses to comply with paragraph (j)(5) of this section in lieu of paragraph (j)(3) of this section, the owner/operator of the unit shall comply with the NO\textsubscript{x}, SO\textsubscript{2}, and PM\textsubscript{10} emission limitations of paragraph (j)(4) of this section no later than December 31, 2017.

(7) Compliance determination—(i) Continuous emission monitoring system. (A) At all times after the compliance date specified in paragraph (j)(5)(i) of this section, the owner/operator of the unit shall maintain, calibrate, and operate CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure SO\textsubscript{2}, NO\textsubscript{x}, diluent, and stack gas volumetric flow rate from the unit. All valid CEMS hourly data shall be used to determine compliance with the emission limitations for NO\textsubscript{x} and SO\textsubscript{2} in paragraph (j)(3) of this section. When the CEMS is out-of-control as defined by 40 CFR part 75, the CEMS data shall be treated as missing data and not used to calculate the emission average. Each required CEMS must obtain valid data for at least 90 percent of the unit operating hours, on an annual basis.
(B) The owner/operator of the unit shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. In addition to the requirements in part 75 of this chapter, relative accuracy test audits shall be calculated for both the NO\textsubscript{X} and SO\textsubscript{2} pounds per hour measurement and the heat input measurement. The CEMS monitoring data shall not be biased adjusted. Calculations of relative accuracy for lb/hour of NO\textsubscript{X}, SO\textsubscript{2}, and heat input shall be performed each time the CEMS undergo relative accuracy testing.

(ii) Ammonia consumption monitoring. Upon and after the completion of installation of ammonia injection on the unit, the owner/operator shall install, and thereafter maintain and operate, instrumentation to continuously monitor and record levels of ammonia consumption for that unit.

(iii) Compliance determination for NO\textsubscript{X}. Compliance with the NO\textsubscript{X} emission limit described in paragraph (j)(3) of this section shall be determined based on a rolling 30 boiler-operating-day basis. The 30-boiler-operating-day rolling NO\textsubscript{X} emission rate for the unit shall be calculated for each boiler operating day in accordance with the following procedure: Step one, sum the hourly pounds of NO\textsubscript{X} emitted for the current boiler operating day and the preceding twenty-nine (29) boiler operating days to calculate the total pounds of NO\textsubscript{X} emitted for the current boiler operating day and the preceding twenty-nine (29) boiler operating days to calculate the total pounds of NO\textsubscript{X} emitted over the most recent thirty (30) boiler-operating-day period for that unit; Step two, sum the total heat input, in MMBtu, during the current boiler operating day and the preceding twenty-nine (29) boiler operating days to calculate the total heat input over the most recent thirty (30) boiler-operating-day period for that unit; Step three, divide the total amount of NO\textsubscript{X} calculated from Step one by the total heat input calculated from Step two to calculate the rolling 30-boiler-operating-day NO\textsubscript{X} emission rate, in pounds per MMBtu for that unit. Each rolling 30-boiler-operating-day NO\textsubscript{X} emission rate shall include all emissions and all heat input that occur during all periods within any boiler operating day, including emissions from startup, shutdown, and malfunction. If a valid NO\textsubscript{X} pounds per hour or heat input is not available for any hour for the unit, that heat input and NO\textsubscript{X} pounds per hour shall not be used in the calculation of the rolling 30-boiler-operating-day emission rate.

(iv) Compliance determination for SO\textsubscript{2}. Compliance with the SO\textsubscript{2} emission limit described in paragraph (j)(3) of this section shall be determined based on a rolling 30 boiler-operating-day basis. The rolling 30-boiler-operating-day SO\textsubscript{2} emission rate for the unit shall be calculated for each boiler operating day in accordance with the following procedure: Step one, sum the hourly pounds of SO\textsubscript{2} emitted for the current boiler operating day and the preceding twenty-nine (29) boiler operating days to calculate the total pounds of SO\textsubscript{2} emitted over the most recent thirty (30) boiler-operating-day period for that unit; Step two, sum the total heat input, in MMBtu, during the current boiler operating day and the preceding twenty-nine (29) boiler operating days to calculate the total heat input over the most recent thirty (30) boiler-operating-day period for that unit; Step three, divide the total amount of SO\textsubscript{2} calculated from Step one by the total heat input calculated from Step two to calculate the rolling 30-boiler-operating-day SO\textsubscript{2} emission rate, in pounds per MMBtu for that unit. Each rolling 30-boiler-operating-day SO\textsubscript{2} emission rate shall include all emissions and all heat input that occur during all periods within any boiler operating day, including emissions from startup, shutdown, and malfunction. If a valid SO\textsubscript{2} pounds per hour or heat input is not available for any hour for the unit, that heat input and SO\textsubscript{2} pounds per hour shall not be used in the calculation of the rolling 30-boiler-operating-day emission rate.

(v) Compliance determination for PM. Compliance with the PM emission limit described in paragraph (j)(3) of this section shall be determined from annual performance stack tests. Within sixty (60) days either preceding or following the compliance deadline specified in paragraph (j)(5)(ii) of this section, and on at least an annual basis thereafter, the owner/operator of the unit shall conduct a stack test on the
Compliance with the NOX emission limitation for the unit shall be calculated for each boiler operating day in accordance with the following procedure: Step one, sum the hourly pounds of NOX emitted for the current boiler operating day and the preceding twenty-nine (29) boiler-operating-days to calculate the total pounds of NOX emitted over the most recent thirty (30) boiler-operating-day period for that unit; Step two, sum the total heat input, in MMBtu, during the current boiler operating day and the preceding twenty-nine (29) boiler-operating-days to calculate the total heat input over the most recent thirty (30) boiler-operating-day period for that unit; Step three, divide the total amount of NOX calculated from Step one by the total heat input calculated from Step two to calculate the rolling 30-boiler-operating-day NOX emission rate, in pounds per MMBtu for that unit. Each rolling 30-boiler-operating-day NOX emission rate shall include all emissions and all heat input that occur during all periods within any boiler operating day, including emissions from startup, shutdown, and malfunction. If a valid NOX pounds per hour or heat input is not available for any hour for the unit, that heat input and NOX pounds per hour shall not be used in the calculation of the rolling 30-boiler-operating-day emission rate.

(iii) Compliance determination for SO2. Compliance with the SO2 emission limit for the unit shall be determined from fuel sulfur documentation demonstrating the use of either natural gas or natural gas combined with landfill gas.

(iv) Compliance determination for PM10. Compliance with the PM10 emission limit for the unit shall be determined from performance stack tests. Within sixty (60) days following the compliance deadline specified in paragraph (j)(6) of this section, and at the request of the Regional Administrator thereafter, the owner/operator of the unit shall conduct a stack test on the unit to measure PM10 using EPA Methods 1 through 4, 201A, and Method 202, per 40 CFR part 51, appendix M. Each test shall consist of three runs, with each run at least one hundred twenty (120)
minutes in duration and each run collecting a minimum sample of sixty (60) dry standard cubic feet. Results shall be reported in lb/MMBtu using the calculation in 40 CFR part 60, appendix A, Method 19.

(b) Recordkeeping. The owner/operator shall maintain the following records for at least five years:

(i) CEMS data measuring NO\textsubscript{X} in lb/hr, SO\textsubscript{2} in lb/hr, and heat input rate per hour.

(ii) Daily rolling 30-boiler operating day emission rates of NO\textsubscript{X} and SO\textsubscript{2} calculated in accordance with paragraphs (j)(7)(iii) and (iv) of this section.

(iii) Records of the relative accuracy test for NO\textsubscript{X} lb/hr and SO\textsubscript{2} lb/hr measurement, and hourly heat input measurement.

(iv) Records of quality assurance and quality control activities for emissions systems including, but not limited to, any records required by 40 CFR part 75.

(v) Records of all major maintenance activities conducted on emission units, air pollution control equipment, and CEMS.

(vi) Any other records required by 40 CFR part 75.

(vii) Records of ammonia consumption for the unit, as recorded by the instrumentation required in paragraph (j)(7)(ii) of this section.

(viii) All PM\textsubscript{10} stack test results.

(11) Notifications. All notifications required under this section shall be submitted by the owner/operator to the Director, Enforcement Division (Mail Code ENF–2–1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901.

(i) By March 31, 2017, the owner/operator shall submit notification by letter whether it will comply with the emission limits in paragraph (j)(3) of this section or whether it will comply with the emission limits in paragraph (j)(4) of this section. In the event that the owner/operator does not submit timely and proper notification by March 31, 2017, the owner/operator may not choose to comply with the alternative emission limits in paragraph (j)(4) of this section and shall comply with the emission limits in paragraph (j)(3) of this section.

(ii) The owner/operator shall submit notification of commencement of construction of any equipment which is being constructed to comply with either the NO\textsubscript{X} or SO\textsubscript{2} emission limits in paragraph (j)(3) of this section.

(iii) The owner/operator shall submit semiannual progress reports on construction of any such equipment.

(iv) The owner/operator shall submit notification of initial startup of any such equipment.

(v) The owner/operator shall submit notification of its intent to comply with the PM\textsubscript{10} emission limit in paragraph (j)(4)(iii) of this section within one hundred twenty (120) days following the compliance deadline specified in paragraph (j)(6) of this section. The notification shall include results of the initial performance test and the resulting applicable emission limit.

(12) Reporting. All reports required under this section shall be submitted by the owner/operator to the Director,
Environmental Protection Agency

Enforcement Division (Mail Code ENF–2–1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901.

All reports required under this section shall be submitted within 30 days after the applicable compliance date(s) in paragraph (j)(5) of this section and at least semiannually thereafter, within 30 days after the end of a semiannual period. The owner/operator may submit reports more frequently than semiannually for the purposes of synchronizing reports required under this section with other reporting requirements, such as the title V monitoring report required by 40 CFR 70.6(a)(3)(iii)(A), but at no point shall the duration of a semiannual period exceed six months.

(i) The owner/operator shall submit a report that lists the daily rolling 30-boiler operating day emission rates for NO\textsubscript{X} and SO\textsubscript{2}.

(ii) The owner/operator shall submit excess emission reports for NO\textsubscript{X} limits. Excess emissions means emissions that exceed the emission limits specified in paragraph (j)(3) of this section. Excess emission reports shall include the magnitude, date(s), and duration of each period of excess emissions; specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the unit; the nature and cause of any malfunction (if known); and the corrective action taken or preventative measures adopted.

(iii) The owner/operator shall submit a summary of CEMS operation, to include dates and duration of each period during which the CEMS was inoperative (except for zero and span adjustments and calibration checks), reason(s) why the CEMS was inoperative and steps taken to prevent recurrence, and any CEMS repairs or adjustments.

(iv) The owner/operator shall submit the results of any relative accuracy test audits performed during the two preceding calendar quarters.

(v) When no excess emissions have occurred or the CEMS has not been inoperative, repaired, or adjusted during the reporting period, the owner/operator shall state such information in the semiannual report.

(vi) The owner/operator shall submit results of any PM stack tests conducted for demonstrating compliance with the PM limit specified in paragraph (j)(3) of this section.

(13) Alternative reporting requirements.

If the owner/operator chooses to comply with the emission limits of paragraph (j)(4) of this section, the owner/operator shall submit the reports listed in paragraph (j)(13) in lieu of the reports contained in paragraph (j)(12) of this section. All reports required under this paragraph (j)(13) shall be submitted by the owner/operator to the Director, Enforcement Division (Mail Code ENF–2–1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901. All reports required under this paragraph (j)(13) shall be submitted within 30 days after the applicable compliance date(s) in paragraph (j)(6) of this section and at least semiannually thereafter, within 30 days after the end of a semiannual period. The owner/operator may submit reports more frequently than semiannually for the purposes of synchronizing reports required under this section with other reporting requirements, such as the title V monitoring report required by 40 CFR 70.6(a)(3)(iii)(A), but at no point shall the duration of a semiannual period exceed six months.

(i) The owner/operator shall submit a report that lists the daily rolling 30-boiler operating day emission rates for NO\textsubscript{X}.

(ii) The owner/operator shall submit excess emissions reports for NO\textsubscript{X} limits. Excess emissions means emissions that exceed the emission limit specified in paragraph (j)(4) of this section. The reports shall include the magnitude, date(s), and duration of each period of excess emissions; specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the unit; the nature and cause of any malfunction (if known); and the corrective action taken or preventative measures adopted.

(iii) The owner/operator shall submit CEMS performance reports, to include dates and duration of each period during which the CEMS was inoperative.
§ 52.145 40 CFR Ch. I (7–1–16 Edition)

(except for zero and span adjustments and calibration checks), reason(s) why the CEMS was inoperative and steps taken to prevent recurrence, and any CEMS repairs or adjustments.

(iv) The owner/operator shall submit the results of any relative accuracy test audits performed during the two preceding calendar quarters.

(v) When no excess emissions have occurred or the CEMS has not been inoperative, repaired, or adjusted during the reporting period, the owner/operator shall state such information in the semiannual report.

(vi) The owner/operator shall submit results of any PM$_{10}$ stack tests conducted for demonstrating compliance with the PM$_{10}$ limit specified in paragraph (j)(4) of this section.

(14) Equipment operations. (i) At all times, including periods of startup, shutdown, and malfunction, the owner/operator shall, to the extent practicable, maintain and operate the unit, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. Pollution control equipment shall be designed and capable of operating properly to minimize emissions during all expected operating conditions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the unit.

(ii) After completion of installation of ammonia injection on a unit, the owner/operator shall inject sufficient ammonia to achieve compliance with the NO$_X$ emission limit contained in paragraph (j)(3) of this section for that unit while preventing excessive ammonia emissions.

(15) Enforcement. Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant as to whether the unit would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed can be used to establish whether or not the owner/operator has violated or is in violation of any standard or applicable emission limit in the plan.

(k) Source-specific federal implementation plan for regional haze at Clarkdale Cement Plant and Rillito Cement Plant—

(1) Applicability. This paragraph (k) applies to each owner/operator of the following cement kilns in the state of Arizona: Kiln 4 located at the cement plant in Clarkdale, Arizona, and kiln 4 located at the cement plant in Rillito, Arizona.

(2) Definitions. Terms not defined in this paragraph (k)(2) shall have the meaning given them in the Clean Air Act or EPA’s regulations implementing the Clean Air Act. For purposes of this paragraph (k):

Ammonia injection shall include any of the following: Anhydrous ammonia, aqueous ammonia or urea injection.

Continuous emission monitoring system or CEMS means the equipment required by this section to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes (using an automated data acquisition and handling system (DAHS)), a permanent record of NO$_X$ emissions, diluent, or stack gas volumetric flow rate.

Kiln operating day means a 24-hour period between 12 midnight and the following midnight during which the kiln operates at any time.

Kiln operation means any period when any raw materials are fed into the kiln or any period when any combustion is occurring or fuel is being fired in the kiln.

NO$_X$ means nitrogen oxides.

Owner/operator means any person who owns or who operates, controls, or supervises a cement kiln identified in paragraph (k)(1) of this section.

Unit means a cement kiln identified in paragraph (k)(1) of this section.

(3) Emissions limitations. (i) The owner/operator of kiln 4 of the Clarkdale Plant, as identified in paragraph (k)(1) of this section, shall not emit or cause to be emitted from kiln 4 NO$_X$ in excess of 2.12 pounds of NO$_X$ per ton of clinker produced, based on a rolling 30-kiln operating day basis. In addition, if the owner/operator installs an ammonia injection system to comply with the limits specified in this paragraph (k)(3), the owner/operator shall also comply.
with the control technology demonstration requirements set forth in paragraph (k)(6) of this section.

(ii) The owner/operator of kiln 4 of the Rillito Plant, as identified in paragraph (k)(1) of this section, shall not emit or cause to be emitted from kiln 4 NO\textsubscript{X} in excess of 3.46 pounds of NO\textsubscript{X} per ton of clinker produced, based on a rolling 30-kiln operating day basis. In addition, if the owner/operator installs an ammonia injection system to comply with the limits specified in this paragraph (k)(3), the owner/operator shall also comply with the control technology demonstration requirements set forth in paragraph (k)(6) of this section.

(4) Alternative emissions limitation. In lieu of the emission limitation listed in paragraph (k)(3)(i) of this section, the owner/operator of kiln 4 of the Clarkdale Plant may choose to comply with the following limitation by providing notification per paragraph (k)(13)(iv) of this section. The owner/operator of kiln 4 of the Clarkdale Plant, as identified in paragraph (k)(1) of this section, shall not emit or cause to be emitted from kiln 4 NO\textsubscript{X} in excess of 810 tons per year, based on a rolling 12 month basis.

(5) Compliance date. (i) The owner/operator of each unit identified in paragraph (k)(1) of this section shall comply with the NO\textsubscript{X} emissions limitations and other NO\textsubscript{X}-related requirements of paragraph (k)(3) of this section no later than December 31, 2018.

(ii) If the owner/operator of the Clarkdale Plant chooses to comply with the emission limit of paragraph (k)(3)(i) of this section in lieu of paragraph (k)(3)(i) of this section, the owner/operator shall comply with the NO\textsubscript{X} emissions limitations and other NO\textsubscript{X}-related requirements of paragraph (k)(4) of this section no later than December 31, 2018.

(6) Control technology demonstration requirements. If the owner/operator of a unit installs an ammonia injection system to comply with the limits specified in paragraph (k)(3) of this section, the owner/operator must comply with the following requirements for implementing combustion and process optimization measures.

(i) Design report. Prior to commencing construction of an ammonia injection system used to comply with the limits specified in paragraph (k)(3) of this section, the owner/operator shall submit to EPA for review a Design Report as described in appendix A of this section.

(ii) Optimization protocol. Prior to commencement of the Optimization Program, the owner/operator shall submit to EPA for review an Optimization Protocol which shall include the procedures, as described in appendix A of this section, to be used during the Optimization Program for the purpose of adjusting operating parameters and minimizing emissions.

(iii) Optimization period. Following EPA review of the Optimization Protocol, the owner/operator shall operate the ammonia injection system and collect data in accordance with the Optimization Protocol. The owner/operator shall operate the ammonia injection system in such a manner for no longer than 180 kiln operating days, or the duration specified in the Optimization Protocol, whichever is longer in duration.

(iv) Optimization report. Within 60 calendar days following the conclusion of the Optimization Program, the owner/operator shall submit to EPA for review an Optimization Report, as described in appendix A of this section, demonstrating conformance with the Optimization Protocol, and establishing optimized operating parameters for the ammonia injection system as well as other facility processes.

(v) Demonstration period. Following EPA review of the Optimization Report, the owner/operator shall operate the ammonia injection system consistent with the optimized operations of the facility and ammonia injection system specified in the Optimization Report. The owner/operator shall operate the ammonia injection system in such a manner for a period of 270 kiln operating days, or the duration specified in the Optimization Report, whichever is longer. The Demonstration Period may be shortened or lengthened as provided for in appendix A of this section.

(vi) Demonstration report. Within 60 calendar days following the conclusion
of the Demonstration Program, the owner/operator shall submit a Demonstration Report, as described in appendix A of this section, which identifies a proposed rolling 30-kiln operating day emission limit for NO\textsubscript{X}. In a subsequent regulatory action, EPA may seek to lower the emission limits in paragraphs (k)(3) and/or (k)(4) of this section in view of, among other things, the information contained in the Demonstration Report. The proposed rolling 30-kiln operating day emission limit shall be calculated in accordance with the following formula:

\[
X = \mu + 1.65\sigma
\]

Where:
- \(X\) = Rolling 30-kiln operating day emission limit, in pounds of NO\textsubscript{X} per ton of clinker;
- \(\mu\) = Arithmetic mean of all of the rolling 30-kiln operating day emission rates;
- \(\sigma\) = Standard deviation of all of the rolling 30-kiln operating day emission rates, as calculated in the following manner:

\[
\sigma = \sqrt{\frac{1}{N} \sum_{i=1}^{N} (x_i - \bar{x})^2}
\]

Where:
- \(N\) = The total number of rolling 30-kiln operating day emission rates;
- \(x_i\) = Each rolling 30-kiln operating day emission rate;
- \(\bar{x}\) = The mean value of all of the rolling 30-kiln operating day emission rates.

(7) Compliance determination—(i) Continuous emission monitoring system. (A) At all times after the compliance date specified in paragraph (k)(5) of this section, the owner/operator of the unit at the Clarkdale Plant shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR 60.63(f) and (g), to accurately measure concentration by volume of NO\textsubscript{X}, diluent, and stack gas volumetric flow rate from the in-line/raw mill stack, as well as the stack gas volumetric flow rate from the coal mill stack. The CEMS shall be used by the owner/operator to determine compliance with the emission limit in paragraph (k)(3) of this section, in combination with data on actual clinker production. The owner/operator must operate the monitoring system and collect data at all required intervals at all times the affected unit is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments).

(B) At all times after the compliance date specified in paragraph (k)(5) of this section, the owner/operator of the unit at the Rillito Plant shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR 60.63(f) and (g), to accurately measure concentration by volume of NO\textsubscript{X}, diluent, and stack gas volumetric flow rate from the unit. The CEMS shall be used by the owner/operator to determine compliance with the emission limitation in paragraph (k)(3) of this section, in combination with data on actual clinker production. The owner/operator must operate the monitoring system and collect data at all required intervals at all times the affected unit is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments).

(ii) Methods. (A) The owner/operator of each unit shall record the daily clinker production rates.

(B)(i) The owner/operator of each unit shall calculate and record the 30-kiln operating day average emission
rate of NO\(_X\), in lb/ton of clinker produced, as the total of all hourly emissions data for the cement kiln in the preceding 30-kiln operating days, divided by the total tons of clinker produced in that kiln during the same 30-day operating period, using the following equation:

\[
E_D = k \frac{1}{n} \sum_{i=1}^{n} C_i Q_i P_i
\]

Where:
- \(E_D\) = 30 kiln operating day average emission rate of NO\(_X\), lb/ton of clinker;
- \(C_i\) = Concentration of NO\(_X\) for hour \(i\), ppm;
- \(Q_i\) = Volumetric flow rate of effluent gas for hour \(i\), where \(C_i\) and \(Q_i\) are on the same basis (either wet or dry), scf/hr;
- \(P_i\) = Total kiln clinker produced during production hour \(i\), ton/hr;
- \(k\) = Conversion factor, 1.194 x 10\(^{-7}\) for NO\(_X\);
- and
- \(n\) = Number of kiln operating hours over 30 kiln operating days, \(n = 1\) up to 720.

(2) For each kiln operating hour for which the owner/operator does not have at least one valid 15-minute CEMS data value, the owner/operator must use the average emissions rate (lb/hr) from the most recent previous hour for which valid data are available. Hourly clinker production shall be determined by the owner/operator in accordance with the requirements found at 40 CFR 60.63.(b).

(C) At the end of each kiln operating day, the owner/operator shall calculate and record a new 30-day rolling average emission rate in lb/ton clinker from the arithmetic average of all valid hourly emission rates for the current kiln operating day and the previous 29 successive kiln operating days.

(D) Upon and after the completion of installation of ammonia injection on a unit, the owner/operator shall install, and thereafter maintain and operate, instrumentation to continuously monitor and record levels of ammonia consumption that unit.

(8) Alternative compliance determination. If the owner/operator of the Clarkdale Plant chooses to comply with the emission limits of paragraph (k)(4) of this section, this paragraph (k)(8) may be used in lieu of paragraph (k)(7) of this section to demonstrate compliance with the emission limits in paragraph (k)(4) of this section.

(i) Continuous emission monitoring system. At all times after the compliance date specified in paragraph (k)(5) of this section, the owner/operator of the unit at the Clarkdale Plant shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR 60.63(f) and (g), to accurately measure concentration by volume of NO\(_X\), diluent, and stack gas volumetric flow rate from the in-line/raw mill stack, as well as the stack gas volumetric flow rate from the coal mill stack. The CEMS shall be used by the owner/operator to determine compliance with the emission limitation in paragraph (k)(3) of this section, in combination with data on actual clinker production. The owner/operator must operate the monitoring system and collect data at all required intervals at all times the affected unit is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance activities (including, as applicable, calibration checks and required zero and span adjustments).

(ii) Method. Compliance with the ton per year NO\(_X\) emission limit described in paragraph (k)(4) of this section shall be determined based on a rolling 12 month basis. The rolling 12-month NO\(_X\) emission rate for the kiln shall be calculated within 30 days following the end of each calendar month in accordance with the following procedure: Step one, sum the hourly pounds of NO\(_X\) emitted for the month just completed and the eleven (11) months preceding the month just completed, to calculate the total pounds of NO\(_X\) emitted over the most recent twelve (12) month period for that kiln; Step two,
divide the total pounds of NO\(_X\) calculated from Step one by two thousand (2,000) to calculate the total tons of NO\(_X\). Each rolling 12-month NO\(_X\) emission rate shall include all emissions that occur during all periods within the 12-month period, including emissions from startup, shutdown and malfunction.

(iii) Upon and after the completion of installation of ammonia injection on the unit, the owner/operator shall install, and thereafter maintain and operate, instrumentation to continuously monitor and record levels of ammonia consumption for that unit.

(9) Recordkeeping. The owner/operator of each unit shall maintain the following records for at least five years:

(i) All CEMS data, including the date, place, and time of sampling or measurement; emissions and parameters sampled or measured; and results.

(ii) All records of clinker production.

(iii) Daily 30-day rolling emission rates of NO\(_X\), calculated in accordance with paragraph (k)(7)(ii) of this section.

(iv) Records of quality assurance and quality control activities for emissions measuring systems including, but not limited to, any records specified by 40 CFR part 60, appendix F, Procedure 1.

(v) Records of ammonia consumption, as recorded by the instrumentation required in paragraph (k)(7)(ii)(D) of this section.

(vi) Records of all major maintenance activities conducted on emission units, air pollution control equipment, and CEMS measurement devices.


(10) Alternative recordkeeping requirements. If the owner/operator of the Clarkdale Plant chooses to comply with the emission limits of paragraph (k)(4) of this section, the owner/operator shall maintain the records listed in this paragraph (k)(10) in lieu of the records contained in paragraph (k)(9) of this section. The owner or operator shall maintain the following records for at least five years:

(i) All CEMS data, including the date, place, and time of sampling or measurement; emissions and parameters sampled or measured; and results.

(ii) Monthly rolling 12-month emission rates of NO\(_X\), calculated in accordance with paragraph (k)(8)(ii) of this section.

(iii) Records of quality assurance and quality control activities for emissions measuring systems including, but not limited to, any records specified by 40 CFR part 60, appendix F, Procedure 1.

(iv) Records of ammonia consumption, as recorded by the instrumentation required in paragraph (k)(8)(iii) of this section.

(v) Records of all major maintenance activities conducted on emission units, air pollution control equipment, and CEMS measurement devices.

All reports required under this section shall be submitted by the owner/operator to the Director, Enforcement Division (Mailcode ENF–2–1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901. All reports required under this section shall be submitted within 30 days after the applicable compliance date in paragraph (k)(5) of this section and at least semiannually thereafter, within 30 days after the end of a semiannual period. The owner/operator may submit reports more frequently than semiannually for the purposes of synchronizing reports required under this section with other reporting requirements, such as the title V monitoring report required by 40 CFR 70.6(a)(3)(iii)(A), but at no point shall the duration of a semiannual period exceed six months.

(i) The owner/operator shall submit a report that lists the daily 30-day rolling emission rates for NO\(_X\).

(ii) The owner/operator shall submit excess emissions reports for NO\(_X\) limits. Excess emissions means emissions that exceed the emissions limits specified in paragraph (k)(3) of this section. The reports shall include the magnitude, date(s), and duration of each period of excess emissions, specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the
unit, the nature and cause of any malfunction (if known), and the corrective action taken or preventative measures adopted.

(iii) The owner/operator shall submit CEMS performance reports, to include dates and duration of each period during which the CEMS was inoperative (except for zero and span adjustments and calibration checks), reason(s) why the CEMS was inoperative and steps taken to prevent recurrence, and any CEMS repairs or adjustments.

(iv) The owner/operator shall also submit results of any CEMS performance tests specified by 40 CFR part 60, appendix F, Procedure 1 (Relative Accuracy Test Audits, Relative Accuracy Audits, and Cylinder Gas Audits).

(v) When no excess emissions have occurred or the CEMS has not been inoperative, repaired, or adjusted during the reporting period, the owner/operator shall state such information in the reports required by paragraph (k)(9)(ii) of this section.

(12) Alternative reporting requirements. If the owner/operator of the Clarkdale Plant chooses to comply with the emission limits of paragraph (k)(4) of this section, the owner/operator shall submit the reports listed in this paragraph (k)(12) in lieu of the reports contained in paragraph (k)(11) of this section. All reports required under this section shall be submitted by the owner/operator to the Director, Enforcement Division (Mailcode ENF–2–1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901. All reports required under this section shall be submitted within 30 days after the applicable compliance date in paragraph (k)(5) of this section and at least semi-annually thereafter, within 30 days after the end of a semiannual period. The owner/operator may submit reports more frequently than semi-annually for the purposes of synchronizing reports required under this section with other reporting requirements, such as the Title V monitoring report required by 40 CFR 70.6(a)(3)(iii)(A), but at no point shall the duration of a semiannual period exceed six months.

(i) The owner/operator shall submit a report that lists the monthly rolling 12-month emission rates for NO\(_X\).

(ii) The owner/operator shall submit excess emissions reports for NO\(_X\) limits. Excess emissions means emissions that exceed the emission limits specified in paragraph (k)(3) of this section. The reports shall include the magnitude, date(s), and duration of each period of excess emissions, specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the unit, the nature and cause of any malfunction (if known), and the corrective action taken or preventative measures adopted.

(iii) The owner/operator shall submit CEMS performance reports, to include dates and duration of each period during which the CEMS was inoperative (except for zero and span adjustments and calibration checks), reason(s) why the CEMS was inoperative and steps taken to prevent recurrence, and any CEMS repairs or adjustments.

(iv) The owner/operator shall also submit results of any CEMS performance tests specified by 40 CFR part 60, appendix F, Procedure 1 (Relative Accuracy Test Audits, Relative Accuracy Audits, and Cylinder Gas Audits).

(v) When no excess emissions have occurred or the CEMS has not been inoperative, repaired, or adjusted during the reporting period, the owner/operator shall state such information in the reports required by paragraph (k)(9)(ii) of this section.

(13) Notifications. (i) The owner/operator shall submit notification of commencement of construction of any equipment which is being constructed to comply with the NO\(_X\) emission limits in paragraph (k)(3) of this section.

(ii) The owner/operator shall submit semiannual progress reports on construction of any such equipment.

(iii) The owner/operator shall submit notification of initial startup of any such equipment.

(iv) By June 30, 2018, the owner/operator shall notify the Regional Administrator by letter whether it will comply with the emission limits in paragraph (k)(3)(i) of this section or whether it will comply with the emission limits in paragraph (k)(4) of this section. In the event that the owner/operator does not submit timely and proper notification by June 30,
2018, the owner/operator of the Clarkdale Plant may not choose to comply with the alternative emission limits in paragraph (k)(4) of this section and shall comply with the emission limits in paragraph (k)(3)(i) of this section.

(14) Equipment operation. (i) At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the unit including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Pollution control equipment shall be designed and capable of operating properly to minimize emissions during all expected operating conditions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the unit.

(ii) After completion of installation of ammonia injection on a unit, the owner or operator shall inject sufficient ammonia to achieve compliance with NOX emission limits set forth in paragraph (k)(3) of this section for that unit while preventing excessive ammonia emissions.

(15) Enforcement. Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant as to whether the unit would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not the owner or operator has violated or is in violation of any standard or applicable emission limit in the plan.

(1) Source-specific federal implementation plan for regional haze at Hayden Copper Smelter—(i) Applicability. This paragraph (1) applies to each owner/operator of batch copper converters #1, 3, 4 and 5 and anode furnaces #1 and #2 at the copper smelting plant located in Hayden, Gila County, Arizona.

(2) Definitions. Terms not defined in this paragraph (1)(2) shall have the meaning given them in the Clean Air Act or EPA’s regulations implementing the Clean Air Act. For purposes of this paragraph (1):

Anode furnace means a furnace in which molten blister copper is refined through introduction of a reducing agent such as natural gas.

Batch copper converter means a Peirce-Smith converter in which copper matte is oxidized to form blister copper by a process that is performed in discrete batches using a sequence of charging, blowing, skimming, and pouring.

Blister copper means an impure form of copper, typically between 96 and 98 percent pure copper that is the output of the converters.

Calendar day means a 24 hour period that begins and ends at midnight, local standard time.

Capture system means the collection of components used to capture gases and fumes released from one or more emission points, and to convey the captured gases and fumes to one or more control devices. A capture system may include, but is not limited to, the following components as applicable to a given capture system design: Duct intake devices, hoods, enclosures, ductwork, dampers, manifolds, plenums, and fans.

Continuous emission monitoring system or CEMS means the equipment required by this section to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes (using an automated data acquisition and handling system (DAHS)), a permanent record of SO2 emissions, other pollutant emissions, diluent, or stack gas volumetric flow rate.

Copper matte means a material predominately composed of copper and iron sulfides produced by smelting copper ore concentrates.

NOX means nitrogen oxides.

Owner/operator means any person who owns or who operates, controls, or supervises the equipment identified in paragraph (1)(1) of this section.

Regional Administrator means the Regional Administrator of EPA Region 9 or his or her designated representative.

SO2 means sulfur dioxide.

(3) Emission capture. (1) The owner/operator must operate a capture system
that has been designed to maximize collection of process off gases vented from each converter identified in paragraph (1)(1) of this section. The capture system must include primary and secondary capture systems as described in 40 CFR 63.1444(d)(2).

(ii) The operation of the batch copper converters, primary capture system, and secondary capture system shall be optimized to capture the maximum amount of process off gases vented from each converter at all times.

(iii) The owner/operator shall prepare a written operation and maintenance plan according to the requirements in paragraph (1)(3)(iv) of this section and submit this plan to the Regional Administrator 180 days prior to the compliance date in paragraph (1)(5)(ii) of this section. The Regional Administrator shall approve or disapprove the plan within 180 days of submittal. At all times when one or more converters are blowing, the owner/operator must operate the capture system consistent with this plan.

(iv) The written operations and maintenance plan must address the following requirements as applicable to the capture system or control device.

(A) Preventative maintenance. The owner/operator must perform preventative maintenance for each capture system and control device according to written procedures specified in owner/operator’s operation and maintenance plan. The procedures must include a preventative maintenance schedule that is consistent with the manufacturer’s or engineer’s instructions for routine and long-term maintenance.

(B) Capture system inspections. The owner/operator must perform capture system inspections for each capture system in accordance with the requirements of 40 CFR 63.1447(b)(2).

(C) Copper converter department capture system operating limits. The owner/operator must establish, according to the requirements 40 CFR 63.1447(b)(3)(i) through (iii), operating limits for the capture system that are representative and reliable indicators of the optimized performance of the capture system, consistent with paragraph (1)(3)(ii) of this section, when it is used to collect the process off-gas vented from batch copper converters during blowing.

(4) Emission limitations and work practice standards. (i) SO$_2$ emissions collected by any primary capture system required by paragraph (1)(3) of this section must be controlled by one or more control devices and reduced by at least 99.8 percent, based on a 365-day rolling average.

(ii) SO$_2$ emissions collected by any secondary capture system required by paragraph (1)(3) of this section must be controlled by one or more control devices and reduced by at least 98.5 percent, based on a 365-day rolling average.

(iii) The owner/operator must not cause or allow to be discharged to the atmosphere from any primary capture system required by paragraph (1)(3) of this section off-gas that contains non-sulfuric acid particulate matter in excess of 6.2 mg/dscm as measured using the test methods specified in 40 CFR 63.1450(b).

(iv) The owner/operator must not cause or allow to be discharged to the atmosphere from any secondary capture system required by paragraph (1)(3) of this section off-gas that contains particulate matter in excess of 23 mg/dscm as measured using the test methods specified in 40 CFR 63.1450(a).

(v) Total NO$_x$ emissions from anode furnaces #1 and #2 and the batch copper converters shall not exceed 40 tons per 12-continuous month period.

(vi) Anode furnaces #1 and #2 shall only be charged with blister copper or higher purity copper. This charging limitation does not extend to the use or addition of poling or fluxing agents necessary to achieve final casting chemistry.

(5) Compliance dates. (i) The owner/operator of each batch copper converter identified in paragraph (1)(1) of this section shall comply with the emissions limitations in paragraphs (1)(4)(ii) and (1)(4)(iv) of this section and other requirements of this section related to the secondary capture system no later than September 3, 2018.

(ii) The owner/operator of each batch copper converter identified in paragraph (1)(1) of this section shall comply with the emissions limitations in paragraphs (1)(4)(i), (1)(4)(iii), (1)(4)(v), and (1)(4)(vi) of this section and other requirements of this section, except
§ 52.145  40 CFR Ch. I (7–1–16 Edition)

those requirements related to the secondary capture system, no later than September 4, 2017.

(6) Compliance determination—(i) Continuous emission monitoring system. At all times after the compliance date specified in paragraph (l)(5) of this section, the owner/operator of each batch copper converter identified in paragraph (l)(1) of this section shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR 60.13 and 40 CFR part 60, appendices B and F, to accurately measure the mass emission rate in pounds per hour of SO\(_2\) emissions entering each control device used to control emissions from the converters, and venting from the converters to the atmosphere after passing through a control device or an uncontrolled bypass stack. The CEMS shall be used by the owner/operator to determine compliance with the emission limitation in paragraph (l)(4) of this section. The owner/operator must operate the monitoring system and collect data at all required intervals at all times that an affected unit is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments).

(ii) Compliance determination for SO\(_2\) limit for the converters. The 365-day rolling SO\(_2\) emission control efficiency for the converters shall be calculated separately for the primary capture system and the secondary capture system for each calendar day in accordance with the following procedure: Step one, sum the hourly pounds of SO\(_2\) vented to each uncontrolled bypass stack and to each control device used to control emissions from the converters for the current calendar day and the preceding three-hundred-sixty-four (364) calendar days, to calculate the total pounds of pre-control SO\(_2\) emissions over the most recent three-hundred-sixty-five (365) calendar day period; Step two, divide the total amount of post-control SO\(_2\) emissions calculated from Step one by the total amount of pre-control SO\(_2\) emissions calculated from Step two to calculate the 365-day rolling SO\(_2\) emission control efficiency as a percentage.

(iii) Compliance determination for non-sulfuric acid particulate matter. Compliance with the emission limit for non-sulfuric acid particulate matter in paragraph (l)(4)(iii) of this section shall be demonstrated by the procedures in 40 CFR 63.1451(b) and 63.1453(a)(2). The owner/operator shall conduct an initial compliance test within 180 days after the compliance date specified in paragraph (l)(5) of this section unless a test performed according to the procedures in 40 CFR 63.1450 in the past year shows compliance with the limit.

(iv) Compliance determination for particulate matter. Compliance with the emission limit for particulate matter in paragraph (l)(4)(iv) of this section shall be demonstrated by the procedures in 40 CFR 63.1451(a) and 63.1453(a)(1). The owner/operator shall conduct an initial compliance test within 180 days after the compliance date specified in paragraph (l)(5) of this section unless a test performed according to the procedures in 40 CFR 63.1450 in the past year shows compliance with the limit.

(v) Compliance determination for NO\(_X\). Compliance with the emission limit for NO\(_X\) in paragraph (l)(4)(v) of this section shall be demonstrated by monitoring natural gas consumption in each of the units identified in paragraph (l)(1) of this section for each calendar month. At the end of each calendar month, the owner/operator shall calculate 12-consecutive month NO\(_X\) emissions by multiplying the daily natural gas consumption rates for each unit by an approved emission factor and adding the sums for all units over the previous 12-consecutive month period.

216
Alternatives to requirements to install CEMS. The requirement in paragraph (l)(6)(i) of this section to install CEMS to measure the mass of \( \text{SO}_2 \) entering a control device or venting to the atmosphere through uncontrolled bypass stacks will be waived if the owner/operator complies with one of the options in this paragraph (l)(7).

(i) Acid plants. The owner/operator may calculate the pounds of \( \text{SO}_2 \) entering an acid plant during a calendar day by adding the pounds of \( \text{SO}_2 \) emitted through the acid plant tail stack and 0.653 times the daily production of anhydrous sulfuric acid from the acid plant.

(ii) Uncontrolled bypass stack. The owner/operator may calculate the pounds of \( \text{SO}_2 \) venting to the atmosphere through an uncontrolled bypass stack based on test data provided the facility operates according to a startup, shutdown, and malfunction plan consistent with 40 CFR 63.6(e)(3) and the Regional Administrator has approved a calculation methodology for planned and unplanned bypass events.

Capture system monitoring. For each operating limit established under the capture system operation and maintenance plan required by paragraph (l)(4) of this section, the owner/operator must install, operate, and maintain an appropriate monitoring device according to the requirements in 40 CFR 63.1452(a)(1) through (6) to measure and record the operating limit value or setting at all times the required capture system is operating. Dampers that are manually set and remain in the same position at all times the capture system is operating are exempted from these monitoring requirements.

Recordkeeping. The owner/operator shall maintain the following records for at least five years:

(i) All CEMS data, including the date, place, and time of sampling or measurement; parameters sampled or measured; and results.

(ii) Records of quality assurance and quality control activities for emissions measuring systems including, but not limited to, any records required by 40 CFR part 60, appendix F, Procedure 1.

(iii) Records of all major maintenance activities conducted on emission units, air pollution control equipment, and CEMS.

(iv) Any other records required by 40 CFR part 60, subpart F, or 40 CFR part 60, appendix F, Procedure 1.

(v) Records of all monitoring required by paragraph (l)(8) of this section.

(vi) Records of daily sulfuric acid production in tons per day of pure, anhydrous sulfuric acid if the owner/operator chooses to use the alternative compliance determination method in paragraph (l)(7)(i) of this section.

(vii) Records of planned and unplanned bypass events and calculations used to determine emissions from bypass events if the owner/operator chooses to use the alternative compliance determination method in paragraph (l)(7)(ii) of this section.

(viii) Records of daily natural gas consumption in each units identified in paragraph (l)(1) of this section and all calculations performed to demonstrate compliance with the limit in paragraph (l)(4)(vi) of this section.

Reporting. All reports required under this section shall be submitted by the owner/operator to the Director, Enforcement Division (Mail Code ENF–2–1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901. All reports required under this section shall be submitted within 30 days after the applicable compliance date in paragraph (l)(5) of this section and at least semiannually thereafter, within 30 days after the end of a semiannual period. The owner/operator may submit more frequently than semiannually for the purposes of synchronizing reports required under this section with other reporting requirements, such as the title V monitoring report required by 40 CFR 70.6(a)(3)(iii)(A), but at no point shall the duration of a semiannual period exceed six months.

(i) The owner/operator shall promptly submit excess emissions reports for the \( \text{SO}_2 \) limit. Excess emissions means emissions that exceed the emissions limit specified in paragraph (d) of this section. The reports shall include the magnitude, date(s), and duration of
each period of excess emissions, specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the unit, the nature and cause of any malfunction (if known), and the corrective action taken or preventative measures adopted. For the purpose of this paragraph (l)(10)(i), promptly shall mean within 30 days after the end of the month in which the excess emissions were discovered.

(ii) The owner/operator shall submit CEMS performance reports, to include dates and duration of each period during which the CEMS was inoperative (except for zero and span adjustments and calibration checks), reason(s) why the CEMS was inoperative and steps taken to prevent recurrence, and any CEMS repairs or adjustments. The owner/operator shall submit reports semiannually.

(iii) The owner/operator shall also submit results of any CEMS performance tests required by 40 CFR part 60, appendix F, Procedure 1 (Relative Accuracy Test Audits, Relative Accuracy Audits, and Cylinder Gas Audits).

(iv) When no excess emissions have occurred or the CEMS has not been inoperative, repaired, or adjusted during the reporting period, the owner/operator shall state such information in the semiannual report.

(v) When performance testing is required to determine compliance with an emission limit in paragraph (l)(4) of this section, the owner/operator shall submit test reports as specified in 40 CFR part 63, subpart A.

(11) Notifications. (i) The owner/operator shall notify EPA of commencement of construction of any equipment which is being constructed to comply with the capture or emission limits in paragraph (l)(3) or (4) of this section.

(ii) The owner/operator shall submit semiannual progress reports on construction of any such equipment.

(iii) The owner/operator shall submit notification of initial startup of any such equipment.

(12) Equipment operations. At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the unit including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Pollution control equipment shall be designed and capable of operating properly to minimize emissions during all expected operating conditions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the unit.

(13) Enforcement. Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant as to whether the unit would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not the owner or operator has violated or is in violation of any standard or applicable emission limit in the plan.

(m) Source-specific federal implementation plan for regional haze at Miami Copper Smelter—(1) Applicability. This paragraph (m) applies to each owner/operator of batch copper converters 2, 3, 4 and 5 and the electric furnace at the copper smelting plant located in Miami, Gila County, Arizona.

(2) Definitions. Terms not defined in this paragraph (m)(2) shall have the meaning given them in the Clean Air Act or EPA’s regulations implementing the Clean Air Act. For purposes of this paragraph (m):

Batch copper converter means a Hoboken converter in which copper matte is oxidized to form blister copper by a process that is performed in discrete batches using a sequence of charging, blowing, skimming, and pouring.

Calendar day means a 24 hour period that begins and ends at midnight, local standard time.

Capture system means the collection of components used to capture gases and fumes released from one or more emission points, and to convey the captured gases and fumes to one or more control devices. A capture system may include, but is not limited to, the following components as applicable to a...
given capture system design: duct intake devices, hoods, enclosures, ductwork, dampers, manifolds, plenums, and fans.

Continuous emission monitoring system or CEMS means the equipment required by this section to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes (using an automated data acquisition and handling system (DAHS)), a permanent record of \( \text{SO}_2 \) emissions, other pollutant emissions, diluent, or stack gas volumetric flow rate.

Copper matte means a material predominately composed of copper and iron sulfides produced by smelting copper ore concentrates.

Electric furnace means a furnace in which copper matte and slag are heated by electrical resistance without the mechanical introduction of air or oxygen.

\( \text{NO}_x \) means nitrogen oxides.

Owner/operator means any person who owns or who operates, controls, or supervises the equipment identified in paragraph (m)(1) of this section.

Slag means the waste material consisting primarily of iron sulfides separated from copper matte during the smelting and refining of copper ore concentrates.

\( \text{SO}_2 \) means sulfur dioxide.

(3) Emission capture. (i) The owner/operator of the batch copper converters identified in paragraph (m)(1) of this section must operate a capture system that has been designed to maximize collection of process off gases vented from each converter. The capture system must include a primary capture system as described in 40 CFR 63.1444(d)(3) and a secondary capture system designed to maximize the collection of emissions not collected by the primary capture system.

(ii) The operation of the batch copper converters, primary capture system, and secondary capture system shall be optimized to capture the maximum amount of process off gases vented from each converter at all times.

(iii) The owner/operator shall prepare a written operation and maintenance plan according to the requirements in paragraph (m)(3)(iv) of this section and submit this plan to the Regional Administrator 180 days prior to the compliance date in paragraph (m)(5) of this section. The Regional Administrator shall approve or disapprove the plan within 180 days of submittal. At all times when one or more converters are blowing, the owner/operator must operate the capture system consistent with this plan.

(iv) The written operations and maintenance plan must address the following requirements as applicable to the capture system or control device.

(A) Preventative maintenance. The owner/operator must perform preventative maintenance for each capture system and control device according to written procedures specified in owner/operator’s operation and maintenance plan. The procedures must include a preventative maintenance schedule that is consistent with the manufacturer’s or engineer’s instructions for routine and long-term maintenance.

(B) Capture system inspections. The owner/operator must perform capture system inspections for each capture system in accordance with the requirements of 40 CFR 63.1447(b)(2).

(C) Copper converter department capture system operating limits. The owner/operator must establish, according to the requirements 40 CFR 63.1447(b)(3)(i) through (iii), operating limits for the capture system that are representative and reliable indicators of the performance of capture system when it is used to collect the process off-gas vented from batch copper converters during blowing.

(4) Emission limitations and work practice standards. (i) \( \text{SO}_2 \) emissions collected by the capture system required by paragraph (m)(3) of this section must be controlled by one or more control devices and reduced by at least 99.7 percent, based on a 365-day rolling average.

(ii) The owner/operator must not cause or allow to be discharged to the atmosphere from any primary capture system required by paragraph (m)(3) of this section off-gas that contains non-sulfuric acid particulate matter in excess of 6.2 mg/dscm as measured using the test methods specified in 40 CFR 63.1450(b).
(iii) Total NO\textsubscript{X} emissions the electric furnace and the batch copper converters shall not exceed 40 tons per 12-continuous month period.

(iv) The owner/operator shall not actively aerate the electric furnace.

(5) Compliance dates. (i) The owner/operator of each batch copper converter identified in paragraph (m)(1) of this section shall comply with the emission capture requirement in paragraph (m)(3) of this section; the emission limitation in paragraph (m)(4)(i) of this section; the compliance determination requirements in paragraphs (m)(6)(i) and (ii) and (m)(7) of this section; the capture system monitoring requirements in paragraph (m)(8) of this section; the recordkeeping requirements in paragraphs (m)(9)(i) through (viii) of this section; and the reporting requirements in paragraphs (m)(10)(i) through (iv) of this section no later than January 1, 2018.

(ii) The owner/operator of each batch copper converter and the electric furnace identified in paragraph (m)(1) of this section shall comply with all requirements of this paragraph (m) except those listed in paragraph (m)(5)(i) of this section no later than September 2, 2016.

(6) Compliance determination—(i) Continuous emission monitoring system. At all times after the compliance date specified in paragraph (m)(5) of this section, the owner/operator of each batch copper converter identified in paragraph (m)(1) of this section shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR 60.13 and 40 CFR part 60, appendices B and F, to accurately measure the mass emission rate in pounds per hour of SO\textsubscript{2} emissions entering each control device used to control emissions from the converters, and venting from the converters to the atmosphere after passing through a control device or an uncontrolled bypass stack. The CEMS shall be used by the owner/operator to determine compliance with the emission limitation in paragraph (m)(4)(i) of this section. The owner/operator must operate the monitoring system and collect data at all required intervals at all times that an affected unit is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments).

(ii) Compliance determination for SO\textsubscript{2}. The 365-day rolling SO\textsubscript{2} emission control efficiency for the converters shall be calculated for each calendar day in accordance with the following procedure: Step one, sum the hourly pounds of SO\textsubscript{2} vented to each uncontrolled bypass stack and to each control device used to control emissions from the converters for the current calendar day and the preceding three-hundred-sixty-four (364) calendar days, to calculate the total pounds of pre-control SO\textsubscript{2} emissions over the most recent three-hundred-sixty-five (365) calendar day period; Step two, sum the hourly pounds of SO\textsubscript{2} vented to each uncontrolled bypass stack and emitted from the release point of each control device used to control emissions from the converters for the current calendar day and the preceding three-hundred-sixty-four (364) calendar days, to calculate the total pounds of post-control SO\textsubscript{2} emissions over the most recent three-hundred-sixty-five (365) calendar day period; Step three, divide the total amount of post-control SO\textsubscript{2} emissions calculated from Step two by the total amount of pre-control SO\textsubscript{2} emissions calculated from Step one, subtract the resulting ratio from one, and multiply the difference by 100 percent to calculate the 365-day rolling SO\textsubscript{2} emission control efficiency as a percentage.

(iii) Compliance determination for non-sulfuric acid particulate matter. Compliance with the emission limit for non-sulfuric acid particulate matter in paragraph (m)(4)(ii) of this section shall be demonstrated by the procedures in 40 CFR 63.1451(b) and 63.1453(a)(2). The owner/operator shall conduct an initial compliance test within 180 days after the compliance date specified in paragraph (m)(5) of this section unless a test performed according to the procedures in 40 CFR 63.1450 in the past year shows compliance with the limit.

(iv) Compliance determination for NO\textsubscript{X}. Compliance with the emission limit for
NO\textsubscript{X} in paragraph (m)(4)(iii) of this section shall be demonstrated by monitoring natural gas consumption in each of the units identified in paragraph (m)(1) of this section for each calendar day. At the end of each calendar month, the owner/operator shall calculate monthly and 12-consecutive month NO\textsubscript{X} emissions by multiplying the daily natural gas consumption rates for each unit by an approved emission factor and adding the sums for all units over the previous 12-consecutive month period.

(7) Alternatives to requirements to install CEMS. The requirement in paragraph (m)(6)(i) of this section to install CEMS to measure the mass of SO\textsubscript{2} entering a control device or venting to the atmosphere through uncontrolled bypass stacks will be waived if the owner/operator complies with one of the options in this paragraph (m)(7).

(i) Acid plants. The owner/operator may calculate the pounds of SO\textsubscript{2} entering an acid plant during a calendar day by adding the pounds of SO\textsubscript{2} emitted through the acid plant tail stack and 0.653 times the daily production of anhydrous sulfuric acid from the acid plant.

(ii) Alkali scrubber. The owner/operator may calculate the pounds of SO\textsubscript{2} entering an alkali scrubber during a calendar day by using the following equation:

\[
M_{in,SO2} = M_{out,SO2} + SF \times M_{alk}
\]

Where:
- \(M_{in,SO2}\) is the calculated mass of SO\textsubscript{2} entering the scrubber during a calendar day;
- \(M_{out,SO2}\) is the mass of SO\textsubscript{2} emitted through the scrubber stack measured by the CEMS for the calendar day;
- \(SF\) is a stoichiometric factor; and
- \(M_{alk}\) is the mass of alkali added to the scrubber liquor during the calendar day.

\(SF\) shall equal:
- 1.14 if the alkali species is calcium oxide (CaO);
- 1.59 if the alkali species is magnesium oxide (MgO);
- 0.801 if the alkali species is sodium hydroxide (NaOH); or
- Another value if the owner/operator has received approval from the Regional Administrator in advance.

(iii) Uncontrolled bypass stack. The owner/operator may calculate the pounds of SO\textsubscript{2} venting to the atmosphere through an uncontrolled bypass stack based on test data provided the facility operates according to a start-up, shutdown, and malfunction plan consistent with 40 CFR 63.6(e)(3) and EPA has approved a calculation methodology for planned and unplanned bypass events.

(8) Capture system monitoring. For each operating limit established under the capture system operation and maintenance plan required by paragraph (m)(3) of this section, the owner/operator must install, operate, and maintain an appropriate monitoring device according to the requirements in 40 CFR 63.1452(a)(1) though (6) to measure and record the operating limit value or setting at all times the required capture system is operating. Dampers that are manually set and remain in the same position at all times the capture system is operating are exempted from these monitoring requirements.

(9) Recordkeeping. The owner/operator shall maintain the following records for at least five years:

(i) All CEMS data, including the date, place, and time of sampling or measurement; parameters sampled or measured; and results.

(ii) Records of quality assurance and quality control activities for emissions measuring systems including, but not limited to, any records required by 40 CFR part 60, appendix F, Procedure 1.

(iii) Records of all major maintenance activities conducted on emission units, air pollution control equipment, and CEMS.

(iv) Any other records required by 40 CFR part 60, subpart F, or 40 CFR part 60, appendix F, Procedure 1.

(v) Records of all monitoring required by paragraph (m)(8) of this section.

(vi) Records of daily sulfuric acid production in tons per day of pure, anhydrous sulfuric acid if the owner/operator chooses to use the alternative compliance determination method in paragraph (m)(7)(i) of this section.

(vii) Records of daily alkali consumption in tons per day of pure, anhydrous alkali if the owner/operator chooses to use the alternative compliance determination method in paragraph (m)(7)(ii) of this section.
(viii) Records of planned and unplanned bypass events and calculations used to determine emissions from bypass events if the owner/operator chooses to use the alternative compliance determination method in paragraph (m)(7)(iii) of this section.

(ix) Records of daily natural gas consumption in each units identified in paragraph (m)(1) of this section and all calculations performed to demonstrate compliance with the limit in paragraph (m)(4)(iv) of this section.

(10) Reporting. All reports required under this section shall be submitted by the owner/operator to the Director, Enforcement Division (Mail Code ENF–2–1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901. All reports required under this section shall be submitted within 30 days after the applicable compliance date in paragraph (m)(5) of this section and at least semiannually thereafter, within 30 days after the end of a semiannual period. The owner/operator may submit reports more frequently than semiannually for the purposes of synchronizing reports required under this section with other reporting requirements, such as the title V monitoring report required by 40 CFR 70.6(a)(3)(ii)(A), but at no point shall the duration of a semiannual period exceed six months.

(i) The owner/operator shall promptly submit excess emissions reports for the SO\textsubscript{2} limit. Excess emissions means emissions that exceed the emissions limit specified in paragraph (d) of this section. The reports shall include the magnitude, date(s), and duration of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the unit, the nature and cause of any malfunction (if known), and the corrective action taken or preventative measures adopted. For the purpose of this paragraph (m)(10)(i), promptly shall mean within 30 days after the end of the month in which the excess emissions were discovered.

(ii) The owner/operator shall submit CEMS performance reports, to include dates and duration of each period during which the CEMS was inoperative (except for zero and span adjustments and calibration checks), reason(s) why the CEMS was inoperative and steps taken to prevent recurrence, and any CEMS repairs or adjustments. The owner/operator shall submit reports semiannually.

(iii) The owner/operator shall also submit results of any CEMS performance tests required by 40 CFR part 60, appendix F, Procedure 1 (Relative Accuracy Test Audits, Relative Accuracy Audits, and Cylinder Gas Audits).

(iv) When no excess emissions have occurred or the CEMS has not been inoperative, repaired, or adjusted during the reporting period, the owner/operator shall state such information in the semianual report.

(v) When performance testing is required to determine compliance with an emission limit in paragraph (m)(4) of this section, the owner/operator shall submit test reports as specified in 40 CFR part 63, subpart A.

(11) Notifications.

(i) The owner/operator shall notify EPA of commencement of construction of any equipment which is being constructed to comply with the capture or emission limits in paragraph (m)(3) or (4) of this section.

(ii) The owner/operator shall submit semiannual progress reports on construction of any such equipment.

(iii) The owner/operator shall submit notification of initial startup of any such equipment.

(12) Equipment operations. At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the unit including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Pollution control equipment shall be designed and capable of operating properly to minimize emissions during all expected operating conditions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the unit.
Environmental Protection Agency

§ 52.145

(13) Enforcement. Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant as to whether the unit would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not the owner or operator has violated or is in violation of any standard or applicable emission limit in the plan.

APPENDIX A TO § 52.145—CEMENT KILN CONTROL TECHNOLOGY DEMONSTRATION REQUIREMENTS

I. SCOPE

1. The owner/operator shall comply with the requirements contained in this appendix for implementing combustion and process optimization measures and in proposing and establishing rolling 30-kiln operating day limits for nitrogen oxide (NOx).

2. The owner/operator shall take the following steps to establish rolling 30-kiln operating day limits for NOx:
   a. Design Report: At least 6 months prior to commencing construction of an ammonia injection system, the owner/operator shall prepare and submit to EPA for review a Design Report for the ammonia injection system.
   b. Baseline Data Collection: Prior to initiating operation of an ammonia injection system, the owner/operator shall either: (i) Collect new baseline emissions and operational data for a 180-day period; or (ii) submit for EPA review baseline emissions and operational data from a period prior to the date of any baseline data collection period. Such baseline emissions and operational data shall be representative of the full range of normal kiln operations, including regular operating changes in raw mix chemistry due to different clinker manufacture, changes in production levels, and operation of the oxygen plants.
   c. Optimization Protocol: Prior to commencement of the Optimization Period, the owner/operator shall submit for EPA review an Optimization Protocol which shall include the procedures to be used for the purpose of adjusting operating parameters and minimizing emissions.
   d. Optimization Period: Following completion of installation of an ammonia injection system, the owner/operator shall undertake a startup and optimization period for the ammonia injection system.
   e. Optimization Report: Within 60 calendar days following the conclusion of the Optimization Program, the owner/operator shall submit to EPA an Optimization Report demonstrating conformance with the Optimization Protocol, and establishing optimized operating parameters for the ammonia injection system as well as other facility processes.
   f. Demonstration Period: Upon completion of the optimization period specified above, the owner/operator shall operate the ammonia injection system in a manner consistent with the optimization period for a period of 270 kiln operating days (subject to being shortened or lengthened as provided for in Items 17 and 18 of this appendix) for the purpose of establishing a rolling 30-kiln operating day limit.
   g. Demonstration Report: The owner/operator shall prepare and submit to EPA for review, a report following completion of the demonstration period for the ammonia injection system.

II. DESIGN REPORT

3. Prior to commencing construction of the ammonia injection system, the owner/operator shall submit to EPA for review a Design Report for the ammonia injection system. The owner/operator shall design the ammonia injection system to deliver the proposed reagent to the exhaust gases at the rate of at least 1.2 mols of reagent to 1.0 mols of NOx (1.2:1 molar ratio). The system shall be designed to inject Ammonia into the kiln exhaust gas stream. The owner/operator shall specify in the Design Report the reagent(s) selected, the locations selected for reagent injection, and other design parameters based on maximum emission reduction effectiveness, good engineering judgment, vendor standards, available data, kiln operability, and regulatory restrictions on reagent storage and use.

4. Any permit application which may be required under state or federal law for the ammonia injection system shall be consistent with the Design Report.

III. BASELINE DATA COLLECTION

5. Prior to commencement of continuous operation of the ammonia injection system, the owner/operator shall either: (a) Collect new baseline emissions and operational data for a 180-day period; or (b) submit for EPA review existing baseline emissions and operational data collected from a period of time prior to the initiation of a baseline collection period. Such baseline emissions and operational data shall include the data required by Item 8 below for periods of time representing the full range of normal kiln operations including changes in raw mix chemistry due to differing clinker manufacture, changes in production levels and operation of the oxygen plants. Within 45 Days following the completion of the baseline data collection period, the owner/operator shall submit to EPA the baseline data collected during the Baseline Data Collection Period.
§ 52.145

IV. OPTIMIZATION PERIOD

6. The owner/operator shall install, operate, and collect NOx emissions data from a CEMS in accordance with §52.145(k)(7)(i), reagent injection data in accordance with §52.145(k)(7)(ii)(D), and other operational data prior to commencement of the Optimization Period.

7. During the Baseline Data Collection Period (if the owner/operator elects to collect new data) and the Optimization Period, the owner/operator shall operate the Kiln in a manner necessary to produce a quality cement clinker product. The owner/operator shall not be expected to operate the Kiln within normal operating parameters during periods of Kiln Malfunction, Startup and Shutdown. The owner/operator shall not intentionally adjust kiln operating parameters to increase the rate of emission (expressed as lb/ton of clinker produced) for NOx. Increases in NOX or variability in the Kiln feed sulfur content, fuel and other raw materials composition including imported raw materials, resulting from the inherent variability within the on-site quarries and imported materials shall not constitute an intentional increase in emission rate.

8. The data to be collected during the Baseline Data Collection Period (if the owner/operator elects to collect baseline data) and the Optimization Period will include the following information either derived from available direct monitoring or as estimated from monitored or measured data:
   a. Kiln flue gas temperature at the inlet to the fabric filter or at the Kiln stack (daily average);
   b. Kiln production rate in tons of clinker (daily total) by type;
   c. Raw material feed rate in tons (daily total) by type;
   d. Type and percentage of each raw material used and the total feed rate (daily);
   e. NOX and CO concentrations (dry basis) and mass rates for the Kiln (daily average for concentrations and daily totals for mass rates) as measured at the Kiln stack gas analyzer location;
   f. Flue gas volumetric flow rate (daily average in dry acfm);
   g. Sulfate in feed (calculated to a daily average percentage);
   h. Feed burnability (CSIS) (at least daily).
   In the event that more than one type of clinker is produced, the feed burnability for each clinker type will be included;
   i. Temperatures in or near the burning zone (by infrared or optical pyrometer);
   j. Kiln system fuel feed rate and type of fuel by weight or heat input rate (calculated to a daily average);
   k. Fuel distribution, an estimate of how much is injected at each location (daily average);
   l. Kiln amps (daily average);

m. Kiln system draft fan settings and primary air blower flow rates;

n. Documentation of any Startup, Shutdown, or Malfunction events;

o. An explanation of any gaps in the data or missing data; and

p. Amount of oxygen generated and introduced into the Kiln (lb/day).

9. The owner/operator shall submit the data to EPA in an electronic format and shall explain the reasons for any data not collected for each of the parameters. The owner/operator shall report all data in a format consistent with and able to be manipulated by Microsoft Excel.

10. Prior to commencement of the Optimization Period, the owner/operator shall submit to EPA for review a protocol (“Optimization Protocol”) for optimizing the ammonia injection system, including optimization of the operational parameters resulting in the minimization of emissions of NOx to the greatest extent practicable without violating any limits. The Protocol shall describe procedures to be used during the Optimization Period to minimize emissions from the kiln and adjust ammonia injection system operating parameters, and shall include the following:

a. The following measures to optimize the facility’s processes to reduce NOx emissions in conjunction with the ammonia injection system:
   i. Adjustment of the balance between fuel supplied to the existing riser duct burner and the existing calciner burners to improve overall combustion within the calciner while maintaining product quality;
   ii. Adjustments to the calciner combustion to ensure complete fuel burning, which will help to both reduce CO and improve NOx levels by, at a minimum:

1. Adjusting fuel fineness to improve the degree of combustion completed in the calciner; and

2. Adjusting the proportions of primary, secondary and tertiary air supplied to the kiln system while maintaining product quality; and

iii. Adjustments to the raw mix chemical and physical properties using onsite raw materials to improve kiln stability and maintain product quality, including but not limited to, fineness of the raw mix. As part of this optimization measure, the owner/operator shall take additional measurements using existing monitoring equipment at relevant process locations to evaluate the impact of raw mix refinements.

b. The range of reagent injection rates (as a molar ratio of the average pollutant concentration);

c. Sampling and testing programs that will be undertaken during the initial reagent injection rate period;
Environmental Protection Agency

§ 52.145

d. A plan to increase the reagent injection rate to identify the injection rates with the maximum emission reduction effectiveness and associated sampling and testing programs for each increase in the reagent rate. The owner/operator shall test, at a minimum, for the ammonia injection system at molar ratios of 0.75, 1.0, and 1.20. If data collected at the highest molar ratio indicates decreasing lb/ton emissions, the owner/operator shall continue to test the ammonia injection system by increasing the molar ratio by increments of 0.10 until either the lb/ton emission data indicates no significant decrease from the previous increment, or adverse effects are observed (e.g., ammonia slip emissions above 10 ppm, presence of a secondary particulate plume, impaired product, impaired kiln operations).

e. The factors that will determine the optimized reagent injection rates and pollutant emission reductions (including maintenance of Kiln, productivity, and product quality); and

f. Evaluation of any observed synergistic effects on Kiln emissions, Kiln operation, reagent slippage, or product quality from the ammonia injection system.

11. As part of the Optimization Protocol, the owner/operator shall submit to EPA a schedule for optimizing each of the ammonia injection system parameters identified in Item 10 of this appendix. The schedule shall indicate the total duration of the Optimization period, and must optimize each identified parameter for the following minimum amounts of time:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Minimum optimization period (operating days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuel usage between riser duct burner and calciner burners</td>
<td>15</td>
</tr>
<tr>
<td>Calciner combustion</td>
<td>45</td>
</tr>
<tr>
<td>Raw mix chemical and physical properties stabilization</td>
<td>45</td>
</tr>
<tr>
<td>Setup of SNCR, initial operation of reagent injection, and calibration</td>
<td>60</td>
</tr>
</tbody>
</table>

12. Within 60 days following the termination of the Optimization Period(s), the owner/operator shall submit to EPA for review an Optimization Report demonstrating conformance with the Optimization Protocol for the ammonia injection system and establishing the optimized operating parameters for the facility processes and the ammonia injection system determined under the Optimization Protocol, including optimized injection rates for all reagents. The owner/operator may take into account energy, environmental, and economic impacts and other costs in proposing the optimized state of the ammonia injection system, including the injection rates of reagents, and the operating parameters for the facility processes. The owner/operator may also include in the Optimization Report a discussion of any problems encountered during the Optimization Period, and how that problem may impact the potential emission reductions (e.g., quantity of reagent slip at varying injection rates and/or the possible observance of a detached plume above the stack).

13. Optimization Targets: Except as otherwise provided in this Item and in Item 14 of this appendix, the ammonia injection system shall be deemed to be optimized if the Optimization Report demonstrates that the ammonia injection system during periods of normal operation has achieved emission reductions consistent with its maximum design stoichiometric rate identified in the Design Report.

14. Notwithstanding the provisions of Item 13 of this appendix, the ammonia injection system may be deemed to be optimized at a lower rate of emission reductions than that identified in Item 13 of this appendix if the Optimization Report demonstrates that, during periods of normal operation, a lower rate of emission reductions cannot be sustained after all parameters and injection rates are optimized during the Optimization Period without creating a meaningful risk of impairing product quality, impairing Kiln system reliability, impairing compliance with a maximum ammonia slip emissions limit of 10 ppm or other permitted levels, or forming a detached plume.

15. During the Optimization Period, the owner/operator, to the extent practicable and applicable, shall operate the ammonia injection system in a manner consistent with good air pollution control practice consistent with 40 CFR 60.11(d). The owner/operator will adjust its optimization of the ammonia injection system as may be necessary to avoid, mitigate or abate an identifiable non-compliance with an emission limitation or standard for pollutants other than NOx. In the event the owner/operator determines, prior to the expiration of the Optimization Period, that its ability to optimize the ammonia injection system will be affected by potential impairments to product quality, Kiln system reliability or increased emissions of other pollutants, then the owner/operator shall promptly advise EPA of this determination, and include these considerations as part of its recommendation in its Optimization Report.

V. DEMONSTRATION PERIOD

16. The Demonstration Period shall commence within 7 days after the owner/operator's receipt of final comments from EPA on the Optimization Report. During the Demonstration Period, the owner/operator shall operate the ammonia injection system for a period of 270 Operating Days consistent with the optimized operations of the Facility and the ammonia injection system as contained
in the Optimization Report. This 270 Operating Day Demonstration Period may be shortened or lengthened as provided for in Items 17 and 18 of this appendix.

17. If Kiln Operation is disrupted by excessive unplanned outages, or excessive Startups and Shutdowns during the Demonstration Period, or if the Kiln temporarily ceases operation for business or technical reasons, the owner/operator may advise EPA that it is necessary to temporarily extend the Demonstration Period. Data gathered during periods of disruption may not be used to determine an emission limitation.

18. If evidence arises during the Demonstration Period that product quality, kiln system reliability, or emission compliance with an emission limitation or standard is impaired by reason of longer term operation of the ammonia injection system in a manner consistent with the parameters identified in the Optimization Report, then the owner/operator may, upon notice to EPA, temporarily modify the manner of operation of the facility process or the ammonia injection system to mitigate the effects and, if necessary, notify EPA that the owner/operator will suspend or extend the Demonstration Period for further technical evaluation of the effects of a process optimization or permanently modify the manner of operation of the ammonia injection system to mitigate the effects.

19. During the Demonstration Period, the owner/operator shall collect the same data as required in Item 8 of this appendix. The Demonstration Report shall include the data collected as required in this Item.

20. Within 60 Days following completion of the Demonstration Period for the ammonia injection system, the owner/operator shall submit a Demonstration Report to EPA, based upon and including all of the data collected during the Demonstration Period including data from Startup, Shutdown and Malfunction events, that identifies a proposed 30-kiln operating day emission limit for NOx. The 30-kiln operating day emission limit for NOx shall be based upon an analysis of CEMS data and clinker production data collected during the Demonstration Period, while the process and ammonia injection system parameters were optimized in determining the proposed final Emission Limit(s) achievable for the Facility. Total pounds of an affected pollutant emitted during an individual Operating Day will be calculated from collected CEMS data for that Day. Hours or Days when there is no Kiln Operation may be excluded from the analyses. However, the owner/operator shall provide an explanation in the Demonstration Report(s) for any data excluded from the analyses. In any event, the owner/operator shall include all data required to be collected during the Demonstration Period in the Final Demonstration Report(s).

21. The owner/operator shall submit a 30-kiln operating day emission limit for NOx in the Demonstration Report(s) as provided in Item 20 of this appendix. This 30-kiln operating day emission limit shall be calculated in accordance with the following formula:

$$X = \mu + 1.65s$$

Where:

- \(X\) = 30-Day Rolling Average Emission Limit (lb/Ton of clinker);
- \(\mu\) = arithmetic mean of all of the 30-Day rolling averages;
- \(s\) = standard deviation of all of the 30-Day rolling averages, as calculated in the following manner:

$$s = \sqrt{\frac{1}{N} \sum_{i=1}^{N} (x_i - \bar{x})^2}$$

Where:

- \(N\) = The total number of rolling 30-kiln operating day emission rates;
- \(x_i\) = Each rolling 30-kiln operating day emission rate;
- \(\bar{x}\) = The mean value of all of the rolling 30-kiln operating day emission rates.

22. Supporting data required to be submitted under this appendix may contain information relative to kiln operation and production that the owner/operator may consider to be proprietary. In such a situation, the owner/operator may submit the information to EPA as CBI, subject to the provisions of 40 CFR part 2.

Plan (SIP) for Casa Grande, Show Low, Safford, Flagstaff and Joseph City, that contains commitments, from the Director of the Arizona Department of Environmental Quality, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM-10 Group II SIPs.

(b) The Arizona Department of Environmental Quality has committed to comply with the PM-10 Group II State Implementation Plan (SIP) requirements for Casa Grande, Show Low, Safford, Flagstaff and Joseph City as provided in the PM-10 Group II SIPs for these areas.

(c) On December 28, 1988, the Governor’s designee for Arizona submitted a revision to the State Implementation Plan (SIP) for Ajo, that contains commitments from the Director of the Arizona Department of Environmental Quality, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM-10 Group II SIPs.

(d) The Arizona Department of Environmental Quality has committed to comply with the PM-10 Group II State Implementation Plan (SIP) requirements.

§ 52.147 Interstate transport.

(a) Approval. The SIP submitted on May 24, 2007 meets the requirements of Clean Air Act section 110(a)(2)(D)(i)(I) (contribute significantly to nonattainment or interfere with maintenance of the NAAQS in any other state) and section 110(a)(2)(D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only) for the 1997 8-hour ozone and 1997 PM$_{2.5}$ NAAQS.

(b) Disapproval. The SIPs submitted on May 24, 2007, February 28, 2011, and May 3, 2013 do not meet the requirements of Clean Air Act section 110(a)(2)(D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only) for the 2006 PM$_{2.5}$ NAAQS.

(c) Approval. The SIP submitted on October 14, 2009 meets the requirements of Clean Air Act section 110(a)(2)(D)(i)(I) (contribute significantly to nonattainment or interfere with maintenance of the NAAQS in any other state) for the 2006 PM$_{2.5}$ NAAQS.

(d) Disapproval. The SIPs submitted on October 14, 2009 and August 24, 2012 do not meet the requirements of Clean Air Act section 110(a)(2)(D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only) for the 2006 PM$_{2.5}$ NAAQS.

(e) Disapproval. The SIPs submitted on October 14, 2009, February 28, 2011, and May 3, 2013 do not meet the requirements of Clean Air Act section 110(a)(2)(D)(i)(II) (interfere with measures in any other state to protect visibility, only) for the 2006 PM$_{2.5}$ NAAQS.

[78 FR 46175, July 30, 2013]

§ 52.150 Yavapai-Apache Reservation.

(a) The provisions for prevention of significant deterioration of air quality at 40 CFR 52.21 are applicable to the Yavapai-Apache Reservation, pursuant to §52.21(a).

(b) In accordance with section 164 of the Clean Air Act and the provisions of 40 CFR 52.21(g), the Yavapai-Apache Indian Reservation is designated as a Class I area for the purposes of preventing significant deterioration of air quality.

[61 FR 56470, Nov. 1, 1996]

§ 52.151 Operating permits.

Insofar as the permitting threshold provisions in the Pinal County Code of Regulations for the Pinal County Air Quality Control District concern the treatment of sources of greenhouse gas emissions as major sources for purposes of title V operating permits, EPA approves such provisions only to the extent they require permits for such sources where the source emits or has the potential to emit at least 100,000 tpy CO$_2$ equivalent emissions, as well as 100 tpy on a mass basis, as of July 1, 2011.

[75 FR 82266, Dec. 30, 2010]
§ 52.170  Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State Implementation Plan (SIP) for Arkansas 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 prior to December 1, 2005, 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 December 1, 2005, 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 that have been approved as part of the State implementation plan as of December 1, 2005.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202–2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., 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.

(c) EPA approved regulations.

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State submittal/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation No. 19: Regulations of the Arkansas Plan of Implementation for Air Pollution Control</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chapter 1: Title, Intent and Purpose</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reg. 19.101 ...</td>
<td>Title ......................................................</td>
<td>01/25/09</td>
<td>03/04/15 (80 FR 11573).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.102 ...</td>
<td>Applicability ..............................................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.103 ...</td>
<td>Intent and Construction .................................</td>
<td>01/25/09</td>
<td>03/04/15 (80 FR 11573).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.104 ...</td>
<td>Severability .......................................................</td>
<td>11/18/12</td>
<td>03/04/15 (80 FR 11573).</td>
<td></td>
</tr>
<tr>
<td>Chapter 2: Definitions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Definitions ..................................................</td>
<td>09/13/14</td>
<td>03/04/15 (80 FR 11573).</td>
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<td>The SIP-approved definition of &quot;CO2 equivalent emissions&quot; does not contain the GHG Biomass Deferral Provisions.</td>
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<td></td>
<td></td>
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<tr>
<td>Chapter 3: Protection of the National Ambient Air Quality Standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reg. 19.301 ...</td>
<td>Purpose ..................................................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
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</tr>
<tr>
<td>Reg. 19.302 ...</td>
<td>Department Responsibilities ...........................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.303 ...</td>
<td>Regulated Sources Responsibilities ..................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.304 ...</td>
<td>Delegated Federal Programs .............................</td>
<td>01/25/09</td>
<td>03/04/15 (80 FR 11573).</td>
<td></td>
</tr>
<tr>
<td>Chapter 4: Minor Source Review</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reg. 19.401 ...</td>
<td>General Applicability ....................................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
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<tr>
<td>Reg. 19.402 ...</td>
<td>Approval Criteria .........................................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
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<tr>
<td>Reg. 19.403 ...</td>
<td>Owner/Operator’s Responsibilities ...................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.404 ...</td>
<td>Required Information ......................................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.405 ...</td>
<td>Action on Application .....................................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.406 ...</td>
<td>Public Participation .......................................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
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<tr>
<td>Reg. 19.407 ...</td>
<td>Permit Amendments ..........................................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
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<tr>
<td>Reg. 19.408 ...</td>
<td>Exemption from Permitting ................................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.409 ...</td>
<td>Transition ...................................................</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
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228
<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State submittal/Effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
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<tbody>
<tr>
<td>Reg. 19.410</td>
<td>Permit Revocation and Cancellation</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.411</td>
<td>General Permits</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.412</td>
<td>Dispersion Modeling</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 19.413</td>
<td>Confidentiality</td>
<td>02/03/05</td>
<td>04/12/07 (72 FR 18394).</td>
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</tr>
</tbody>
</table>

Chapter 5: General Emission Limitations

| Reg. 19.501    | Purpose | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.502    | General Regulations | 09/13/14 | 03/04/15 (80 FR 11573). | |
| Reg. 19.503    | Visible Emission Regulations | 01/25/09 | 03/04/15 (80 FR 11573). | |
| Reg. 19.504    | Stack Height/Dispersion Regulations | 01/25/09 | 03/04/15 (80 FR 11573). | |
| Reg. 19.505    | Revised Emissions Limitation | 01/25/09 | 03/04/15 (80 FR 11573). | |

Chapter 6: Upset and Emergency Conditions

| Reg. 19.601    | Upset Conditions | 01/25/09 | 03/04/15 (80 FR 11573). | |
| Reg. 19.602    | Emergency Conditions | 01/25/09 | 03/04/15 (80 FR 11573). | |

Chapter 7: Sampling, Monitoring, and Reporting Requirements

| Reg. 19.701    | Purpose | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.702    | Air Emissions Sampling | 01/25/09 | 03/04/15 (80 FR 11573). | |
| Reg. 19.703    | Continuous Emissions Monitoring | 01/25/09 | 03/04/15 (80 FR 11573). | |
| Reg. 19.704    | Notice of Completion | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.705    | Recordkeeping and Reporting Requirements | 6/22/07 | 1/15/09 (74 FR 2383). | |
| Reg. 19.706    | Public Availability of Emissions Data | 02/03/05 | 04/12/07 (72 FR 18394). | |

Chapter 9: Prevention of Significant Deterioration

| Reg. 19.901    | Title | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.902    | Purposes | 09/13/14 | 03/04/15 (80 FR 11573). | |
| Reg. 19.903    | Definitions | 09/13/14 | 03/04/15 (80 FR 11573). | |
| Section 19.904 | Adoption of Regulations | 12/01/2014 | 7/7/2015 (80 FR 38625). | |

Chapter 10: Regulations for the Control of Volatile Organic Compounds in Pulaski County

| Reg. 19.1001   | Title | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.1002   | Purpose | 01/25/09 | 03/04/15 (80 FR 11573). | |
| Reg. 19.1003   | Definitions | 01/25/09 | 03/04/15 (80 FR 11573). | |
| Reg. 19.1006   | Severability | 02/03/05 | 04/12/07 (72 FR 18394). | |

Chapter 11: Major Source Permitting Procedures

| Chapter 11    | Major Source Permitting Procedures | 01/25/09 | 03/04/15 (80 FR 11573). | |

Chapter 13: Stage I Vapor Recovery

| Reg. 19.1302   | Applicability | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.1303   | Definitions | 01/25/09 | 03/04/15 (80 FR 11573). | |
| Reg. 19.1304   | Exemptions | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.1305   | Prohibited Activities | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.1306   | Record Keeping | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.1307   | Inspections | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.1308   | Vapor Recovery Systems | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.1309   | Gasoline Delivery Vessels | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.1310   | Owner/Operator Responsibility | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.1311   | Test Methods | 02/03/05 | 04/12/07 (72 FR 18394). | |
| Reg. 19.1312   | Effective Date | 02/03/05 | 04/12/07 (72 FR 18394). | |

Chapter 14—CAIR NOx Ozone Season Trading Program

| Reg. 19.1403   | Timing Requirements for CAIR NOx Ozone Season Allowance Allocations | 07/15/07 | 09/26/07 (72 FR 54556). | |
### EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State submittal/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reg. 19.1404</td>
<td>CAIR NOx Ozone Season Allowance Allocations</td>
<td>9/16/2009</td>
<td>4/17/2014 (79 FR 21631)</td>
<td></td>
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</tbody>
</table>

**Chapter 15: Regional Haze**

| Reg. 19.1501   | Purpose | 1/25/2009 | 3/12/2012 (77 FR 14604) | Under (A): The identification of sources subject to BART is approved, except for not identifying the 6A and 9A Boilers at the Georgia Pacific Crossett Mill, which we find are subject to BART.
| Reg. 19.1502   | Definitions | 1/25/2009 | 3/12/2012 (77 FR 14604) | Under (B): The requirement for BART installation and operation as expeditiously as practicable, but no later than 5 years after EPA approval is partially approved and partially disapproved, such that the partial approval is for the BART determinations we are approving and the partial disapproval is for the BART determinations we are disapproving; and the requirement for BART installation and operation no later than 6 years after the effective date of the State regulation is disapproved.
| Reg. 19.1503   | BART Eligible Sources | 1/25/2009 | 3/12/2012 (77 FR 14604) | |
| Reg. 19.1504   | Facilities Subject-to-BART | 1/25/2009 | 3/12/2012 (77 FR 14604) | The following portions of Reg. 19.1505 are disapproved: (A)(1) and (2), (B), (C), (D)(1) and (2), (E), (F)(1) and (2), (G)(1) and (2), (H), (I)(1) and (2), (J)(1) and (2), (K), (L), (M)(1), and (N). The requirement to demonstrate compliance with the BART limits listed in Reg. 19.1505 (A)(1) and (2), (B), (C), (D)(1) and (2), (E), (F)(1) and (2), (G)(1) and (2), (H), (I)(1) and (2), (J)(1) and (2), (K), (L), (M)(1), and (N) is disapproved. |

**Appendix A: Insignificant Activities List**

| Appendix A | Insignificant Activities List | 02/03/05 | 04/12/07 (72 FR 18394). |

**Appendix B: National Ambient Air Quality Standards List**

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State submit/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ 26.301</td>
<td>Requirement for a permit</td>
<td>08/10/00</td>
<td>10/9/01 (66 FR 51312).</td>
<td></td>
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<tr>
<td>§ 26.302</td>
<td>Sources subject to permitting</td>
<td>08/10/00</td>
<td>10/9/01 (66 FR 51312).</td>
<td></td>
</tr>
</tbody>
</table>

**Chapter 4: Applications for Permits**

<table>
<thead>
<tr>
<th>Section 26.401</th>
<th>Duty to apply</th>
<th>08/10/00</th>
<th>10/9/01 (66 FR 51312).</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 26.402</td>
<td>Standard application form and required information.</td>
<td>08/10/00</td>
<td>10/9/01 (66 FR 51312).</td>
<td></td>
</tr>
<tr>
<td>Section 26.407</td>
<td>Complete application</td>
<td>08/10/00</td>
<td>10/9/01 (66 FR 51312).</td>
<td></td>
</tr>
<tr>
<td>Section 26.409</td>
<td>Applicants duty to supplement correct application.</td>
<td>08/10/00</td>
<td>10/9/01 (66 FR 51312).</td>
<td></td>
</tr>
<tr>
<td>Section 26.410</td>
<td>Certification by responsible official</td>
<td>08/10/00</td>
<td>10/9/01 (66 FR 51312).</td>
<td></td>
</tr>
</tbody>
</table>

**Chapter 5: Action on Application**

<table>
<thead>
<tr>
<th>Section 26.501</th>
<th>Action on part 70 permit applications</th>
<th>08/10/00</th>
<th>10/9/01 (66 FR 51312) ... Subsection B Not in SIP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 26.502</td>
<td>Final action on permit application</td>
<td>08/10/00</td>
<td>10/9/01 (66 FR 51312)</td>
</tr>
</tbody>
</table>

**Chapter 6: Permit Review by the Public, Affected States, and EPA**

<table>
<thead>
<tr>
<th>Section 26.601</th>
<th>Untitled introduction to Chapter 6</th>
<th>08/10/00</th>
<th>10/9/01 (66 FR 51312) ... Only Subsection A(1), A(2), A(5) and D in SIP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 26.602</td>
<td>Public participation</td>
<td>08/10/00</td>
<td>10/9/01 (66 FR 51312)</td>
</tr>
<tr>
<td>Section 26.603</td>
<td>Transmission of permit information to the Administrator.</td>
<td>08/10/00</td>
<td>10/9/01 (66 FR 51312)</td>
</tr>
<tr>
<td>Section 26.604</td>
<td>Review of draft permit by affected States.</td>
<td>08/10/00</td>
<td>10/9/01 (66 FR 51312)</td>
</tr>
</tbody>
</table>

**Regulation No. 31: Nonattainment New Source Review Requirements**

**Chapter 1: Title, Intent, and Purpose**

<table>
<thead>
<tr>
<th>Reg. 31.101</th>
<th>Title</th>
<th>07/03/06</th>
<th>04/12/07 (72 FR 18394).</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Reg. 31.102</td>
<td>Applicability</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.103</td>
<td>Severability</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
</tbody>
</table>

**Chapter 2: Definitions**

<table>
<thead>
<tr>
<th>Reg. 31.301</th>
<th>Requirement for a Permit</th>
<th>07/03/06</th>
<th>04/12/07 (72 FR 18394).</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Reg. 31.302</td>
<td>Required Information</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.303</td>
<td>Approval Criteria</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.304</td>
<td>Offsets</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.305</td>
<td>Zones Targeted for Economic Development</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.306</td>
<td>Control Technology Information</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.307</td>
<td>Approval to Construct</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.308</td>
<td>Applicability of Nonattainment Review</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.309</td>
<td>Applicability of Other Regulations</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
</tbody>
</table>

**Chapter 3: Preconstruction review**

<table>
<thead>
<tr>
<th>Reg. 31.401</th>
<th>Actual-to-Projected-Actual Applicability Test.</th>
<th>07/03/06</th>
<th>04/12/07 (72 FR 18394).</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Reg. 31.402</td>
<td>Actual-to-Potential Test</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.403</td>
<td>[Reserved]</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.404</td>
<td>[Reserved]</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.405</td>
<td>Emission Baseline Credits</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.406</td>
<td>Relaxation of Limits</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.407</td>
<td>Modifications to Existing Units</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.408</td>
<td>Public Availability of Information</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.409</td>
<td>Applicability of Nitrogen Oxides</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.410</td>
<td>Offset Requirements</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
<tr>
<td>Reg. 31.411</td>
<td>PM₁₀ Precursors</td>
<td>07/03/06</td>
<td>04/12/07 (72 FR 18394).</td>
<td></td>
</tr>
</tbody>
</table>
### § 52.170

#### EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State submittal/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Chapter 5:** [Reserved]

**Chapter 6:** [Reserved]

**Chapter 7:** [Reserved]

**Chapter 8: Actual PALS**

- **Reg. 31.801** .... Applicability 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.802** .... Definitions 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.803** .... Permit Application Requirements 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.804** .... General Requirements for Establishing PALS 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.805** .... Public Participation Requirement for PALS 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.806** .... Setting the 10-year Actuals PAL Level 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.807** .... Contents of the PAL Permit 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.808** .... Reopening of the PAL Permit 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.809** .... PAL Effective Period 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.810** .... Expiration of a PAL 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.811** .... Renewal of a PAL 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.812** .... Increasing a PAL During the PAL Effective Period 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.813** .... Monitoring Requirements for PALS 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.814** .... Recordkeeping Requirements 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.815** .... Reporting and Notification Requirements 07/03/06 04/12/07 (72 FR 18394).
- **Reg. 31.816** .... Transition Requirements 07/03/06 04/12/07 (72 FR 18394).

**Chapter 9: Effective Date**

- **Reg. 31.901** .... Effective Date 07/03/06 04/12/07 (72 FR 18394).

**Regulation No. 9: Fee Regulation**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Date</th>
<th>EPA 18394</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1</td>
<td>Title</td>
<td>7/9/2012</td>
<td>4/30/2015, 80 FR 24216.</td>
</tr>
<tr>
<td>Chapter 2</td>
<td>Definitions</td>
<td>7/9/2012</td>
<td>4/30/2015, 80 FR 24216.</td>
</tr>
<tr>
<td>Chapter 3</td>
<td>Permit Fee Payment</td>
<td>7/9/2012</td>
<td>4/30/2015, 80 FR 24216.</td>
</tr>
<tr>
<td>Chapter 5</td>
<td>Air Permit Fees</td>
<td>7/9/2012</td>
<td>4/30/2015, 80 FR 24216.</td>
</tr>
<tr>
<td>Chapter 9</td>
<td>Administrative Procedures</td>
<td>7/9/2012</td>
<td>4/30/2015, 80 FR 24216.</td>
</tr>
</tbody>
</table>

The following definitions do not relate to the air program and are not being approved into the SIP: "Category", "Certificate", "Confirmed Animal Operation", "Discretionary Major Facility", "Evaluation", "Laboratory", "Major Municipal Facility", "Non-Municipal Major Facility", "Parameter", "Program".

(d) EPA-approved State source-specific requirements.

### EPA-APPROVED ARKANSAS SOURCE-SPECIFIC REQUIREMENTS

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit No.</th>
<th>State approval/effective date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>None.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(e) EPA-approved nonregulatory provisions and quasi-regulatory measures.
<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State submittal/ effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>82.1901</td>
<td>Title of Act</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82.1902</td>
<td>Definitions</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82.1903</td>
<td>Pollution Control Commis-</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82.1904</td>
<td>Powers and Duties of Commission.</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82.1905</td>
<td>Persons Operating Dis-</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82.1906</td>
<td>Hearing Before Commis-</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82.1907</td>
<td>Co-operation with Agency of Another State or United States.</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82.1908</td>
<td>Actions Declared Public Nuisance—Permit to Construct, Make Changes in or Operate Disposal System—Submission of Plans.</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82.1909</td>
<td>Violation of Act a Mis-</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1931</td>
<td>Air Pollution-State Policy</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1932</td>
<td>Purpose of Act</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1933</td>
<td>Definitions</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1934</td>
<td>Exemptions</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1935</td>
<td>Powers of Commission</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1936</td>
<td>Factors in Exercise of Commission Powers.</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1937</td>
<td>Industrial Secrets Con-</td>
<td>11/25/85</td>
<td>08/04/86 (51 FR 27840)</td>
<td>Ref 52.200(c)(23).</td>
</tr>
<tr>
<td>82–1938</td>
<td>Unlawful Acts</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1939</td>
<td>Variance from Regula-</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1940</td>
<td>Application of Water Poll-</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1941</td>
<td>Political Subdivision For-</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1942</td>
<td>Radiation Control Law</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>82–1943</td>
<td>Private Rights Unchanged</td>
<td>01/28/72</td>
<td>05/31/72 (37 FR 10841)</td>
<td>Ref 52.200(a) &amp; (b).</td>
</tr>
<tr>
<td>Act 251</td>
<td>SBAP Act</td>
<td>02/26/93</td>
<td>03/08/95 (60 FR 12691)</td>
<td>Ref 52.200(c)(31).</td>
</tr>
</tbody>
</table>
### EPA-APPROVED CONTROL MEASURES IN THE ARKANSAS SIP

<table>
<thead>
<tr>
<th>Control measures</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal/ effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality Surveillance ...</td>
<td>Statewide</td>
<td>04/24/80</td>
<td>08/06/81 (46 FR 40005)</td>
<td>Ref 52.200(c)(6) &amp; (20).</td>
</tr>
<tr>
<td>Protection of Visibility in Mandatory Class I Federal Areas.</td>
<td>Statewide</td>
<td>12/10/79</td>
<td>04/16/82 (47 FR 16328)</td>
<td>Ref 52.200(c)(17).</td>
</tr>
<tr>
<td>Part II of the Visibility Protection Plan.</td>
<td>Statewide</td>
<td>06/12/85</td>
<td>02/10/86 (51 FR 4910)</td>
<td>Ref 52.200(c)(22).</td>
</tr>
<tr>
<td>Good Engineering Practice Stack Height Regulations.</td>
<td>Statewide</td>
<td>10/09/87</td>
<td>07/21/88 (53 FR 27514)</td>
<td>Ref 52.200(c)(25).</td>
</tr>
<tr>
<td>Small Business Stationary Source Technical and Environmental Compliance Assistance Program.</td>
<td>Statewide</td>
<td>06/1/87</td>
<td>02/23/89 (54 FR 7764)</td>
<td>Ref 52.200(c)(26).</td>
</tr>
<tr>
<td>Statewide</td>
<td>11/06/92</td>
<td>03/08/95 (60 FR 12691)</td>
<td></td>
<td>Ref 52.200(c)(31).</td>
</tr>
</tbody>
</table>

### EPA-APPROVED NON-REGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE ARKANSAS SIP

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal/ effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emissions Inventory for Crittenden County. 8-Hour Ozone Maintenance plan for the Crittenden County, Arkansas Area. Interstate Transport for the 1997 ozone and PM$_2.5$ NAAQS (Noninterference with measures required to protect visibility in any other State).</td>
<td>Crittenden County ...</td>
<td>6/22/07</td>
<td>1/15/09 (74 FR 23883).</td>
<td>Noninterference with measures required to protect visibility in any other State partially approved 3/12/12. The following portions are partially approved and partially disapproved: (a) Identification of best available retrofit technology (BART) sources; (b) requirements for best available retrofit technology (BART); (c) the Arkansas Regional Haze Rule; and (d) Long Term Strategy. (See §52.173(a)).</td>
</tr>
<tr>
<td>Regional Haze SIP ..........</td>
<td>Statewide</td>
<td>9/23/08, 8/3/10</td>
<td>3/12/12 (77 FR 14604)</td>
<td>(a) Identification of affected Class I areas.</td>
</tr>
<tr>
<td>(b) Determination of baseline and natural visibility conditions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(c) Determination of the Uniform Rate of Progress.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) Reasonable progress goal consultation and long term strategy consultation.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(e) Coordination regional haze and reasonably attributable visibility impairment.</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(f) Monitoring Strategy and other implementation requirements.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(g) Commitment to submit periodic Regional Haze SIP revisions and periodic progress reports describing progress towards the reasonable progress goals.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### EPA-APPROVED NON-REGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE ARKANSAS SIP—Continued

<table>
<thead>
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<th>Applicable geographic or nonattainment area</th>
<th>State submittal/ effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(h) Commitment to make a determination of the adequacy of the existing SIP at the time a progress report is submitted.</td>
<td></td>
<td></td>
<td>8/20/12 (77 FR 50033)</td>
<td>Approval for CAA elements 110(a)(2)(A), (B), (E), (F), (G), (H), (K), (L), and (M).</td>
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<tr>
<td>(i) Coordination with States and Federal Land Managers.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>(j) The following best available retrofit technology (BART) determinations: PM BART determination for the AEP Flint Creek Plant Boiler No. 1; SO\textsubscript{2} and PM BART determinations for the natural gas firing scenario for the Entergy Lake Catherine Plant Unit 4; PM BART determinations for both the bituminous and sub-bituminous coal firing scenarios for the Entergy White Bluff Plant Units 1 and 2; and PM BART determination for the Domtar Ashdown Mill Power Boiler No. 1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Infrastructure for the 1997 Ozone NAAQS.</td>
<td>Statewide ...............</td>
<td>12/17/07 3/28/08</td>
<td>8/20/12 (77 FR 50033)</td>
<td>Approval for CAA elements 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality), (D)(ii), and (J) for the 1997 ozone NAAQS, except as it relates to Greenhouse Gas (GHG) emissions. The GHG PSD deficiency was addressed on April 2, 2013 (78 FR 19596).</td>
</tr>
<tr>
<td>Infrastructure for the 1997 and 2006 PM\textsubscript{2.5} NAAQS.</td>
<td>Statewide ...............</td>
<td>3/28/08 9/13/2014</td>
<td>3/4/2015 (80 FR 11573)</td>
<td>Approval for CAA elements 110(a)(2)(A), (B), (E), (F), (G), (H), (K), (L), and (M) on 8/20/2012 (77 FR 50033); Approval for PSD elements (C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality) and (J) on March 4, 2015 (80 FR 11573).</td>
</tr>
</tbody>
</table>
## § 52.171 EPA-APPROVED NON-REGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE ARKANSAS SIP—Continued

<table>
<thead>
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<th>State submittal/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
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<tr>
<td>Interstate transport for the 1997 ozone NAAQS (Noninterference with measures required to prevent significant deterioration of air quality in any other State).</td>
<td>Statewide .................</td>
<td>4/5/11</td>
<td>8/20/12 (77 FR 50033)</td>
<td>Approved except as it relates to GHGs. The GHG PSD deficiency was addressed on April 2, 2013 (78 FR 19596).</td>
</tr>
<tr>
<td>Interstate transport for the 1997 and 2006 PM$_{2.5}$ NAAQS (contribute to nonattainment or interfere with maintenance).</td>
<td>Statewide .................</td>
<td>12/17/2007</td>
<td>8/29/2013 (78 FR 53269)</td>
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<td>Crittenden County Base Year Emission Inventory for the 2008 Ozone Standard.</td>
<td>Crittenden County ...</td>
<td>8/28/2015</td>
<td>1/13/2016 (81 FR 1884).</td>
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</tbody>
</table>

§ 52.171 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
</tr>
</thead>
<tbody>
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<td></td>
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<td></td>
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<td>Metropolitan Fort Smith Intrastate</td>
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§ 52.172 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Arkansas’s state implementation plan under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all applicable requirements of Parts C and D, Title I, of the Clean Air Act as amended in 1990, except as noted below.

(a) 1997 PM$_{2.5}$ NAAQS: The SIP submitted March 28, 2008 is disapproved for CAA element 110(a)(2)(D)(ii).

(b) 2006 PM$_{2.5}$ NAAQS: The SIPs submitted March 28, 2008 and September 16, 2009 are disapproved for CAA element 110(a)(2)(D)(ii).

(c) GHGs: The revisions to the Arkansas SIP definition of “CO$_2$ Equivalent Emissions” at Regulation 19, Chapter 2 to implement the GHG Biomass Deferral as submitted on November 6, 2012 are disapproved.

[81 FR 32241, May 23, 2016]
§ 52.173 Visibility protection.

(a) Regional haze. The regional haze State Implementation Plan (SIP) revisions submitted on September 23, 2008 and August 3, 2010, and supplemented on September 27, 2011 are partially approved and partially disapproved.

(1) The identification of sources that are eligible for Best Available Retrofit Technology (BART) is approved, with the exception of the 6A Boiler at the Georgia-Pacific Crossett Mill, which is BART eligible.

(2) The identification of sources subject to BART is approved, with the exception of the 6A and 9A Boilers at the Georgia-Pacific Crossett Mill, which are both subject to BART.

(3) The following BART determinations are disapproved:

(i) The sulfur dioxide (SO₂), nitrogen dioxide (NOₓ), and particulate matter (PM) BART determinations for the Arkansas Electric Cooperative Corporation Bailey Plant Unit 1 and the AECC McCllelan Plant Unit 1;

(ii) The SO₂ and NOₓ BART determinations for the American Electric Power Flint Creek Plant Boiler No. 1;

(iii) The NOₓ BART determination for the natural gas firing scenario and the SO₂, NOₓ, and PM BART determinations for the fuel oil firing scenario for the Entergy Lake Catherine Plant Unit 4;

(iv) The SO₂ and NOₓ BART determinations for both the bituminous and sub-bituminous coal firing scenarios for the Entergy White Bluff Plant Units 1 and 2;

(v) The BART determination for the Entergy White Bluff Plant Auxiliary Boiler;

(vi) The SO₂ and NOₓ BART determinations for the Domtar Ashdown Mill Power Boiler No. 1; and

(vii) The SO₂, NOₓ, and PM BART determinations for the Domtar Ashdown Mill Power Boiler No. 2.

(4) The Arkansas Regional Haze Rule, (APCEC Regulation 19, Chapter 15), is partially approved and partially disapproved such that:

(i) The requirement under Reg. 19.104(B) for BART installation and operation as expeditiously as practicable, but no later than 5 years after EPA approval of the Arkansas Regional Haze State Implementation Plan is partially approved and partially disapproved, such that the partial approval is for the BART determinations we are approving and the partial disapproval is for the BART determinations we are disapproving;

(ii) The requirement under Reg. 19.1504(B) for BART installation and operation no later than 6 years after the effective date of the State regulation is disapproved;

(iii) Reg. 19.1505 (A)(1) and (2), (B), (C), (D)(1) and (2), (E), (F)(1) and (2), (G)(1) and (2), (H), (I)(1) and (2), (J)(1) and (2), (K), (L), (M)(1), and (N) are disapproved;

(iv) the Reg. 19.1506 requirement to demonstrate compliance with the BART limits listed in Reg. 19.1505 (A)(1) and (2), (B), (C), (D)(1) and (2), (E), (F)(1) and (2), (G)(1) and (2), (H), (I)(1) and (2), (J)(1) and (2), (K), (L), (M)(1), and (N) is disapproved; and

(v) The remaining portions are approved.

(5) The regional haze long term strategy under 40 CFR 51.308(d)(3) is partially approved and partially disapproved.

(6) The reasonable progress goals are disapproved.

(b) Interstate Transport. The portion of the SIP pertaining to adequate provisions to prohibit emissions from interfering with measures required in another state to protect visibility, submitted on March 28, 2008, and supplemented on September 27, 2011, is partially approved and partially disapproved.

(1) The Arkansas Regional Haze Rule, (APCEC Regulation 19, Chapter 15), is partially approved and partially disapproved such that:

(i) The requirement under Reg. 19.104(B) for BART installation and operation as expeditiously as practicable, but no later than 5 years after EPA approval of the Arkansas Regional Haze State Implementation Plan is partially approved and partially disapproved, such that the partial approval is for the BART determinations we are approving and the partial disapproval is for the BART determinations we are disapproving;

(ii) The requirement under Reg. 19.1504(B) for BART installation and operation no later than 6 years after the effective date of the State regulation is disapproved;

(iii) Reg. 19.1505 (A)(1) and (2), (B), (C), (D)(1) and (2), (E), (F)(1) and (2), (G)(1) and (2), (H), (I)(1) and (2), (J)(1) and (2), (K), (L), (M)(1), and (N) are disapproved;

(iv) the Reg. 19.1506 requirement to demonstrate compliance with the BART limits listed in Reg. 19.1505 (A)(1) and (2), (B), (C), (D)(1) and (2), (E), (F)(1) and (2), (G)(1) and (2), (H), (I)(1) and (2), (J)(1) and (2), (K), (L), (M)(1), and (N) is disapproved; and

(v) The remaining portions are approved.
§ 52.174 Control strategy and regulations: Ozone.

(a) The EPA has determined that the Crittenden County Marginal 2008 ozone NAAQS nonattainment area attained the NAAQS by the applicable attainment date of July 20, 2015.

(b) [Reserved]

[81 FR 26708, May 4, 2016]

§§ 52.175–52.180 [Reserved]

§ 52.181 Significant deterioration of air quality.

(a) The plan submitted by the Governor of Arkansas as follows:

(1) April 23, 1981—submittal of the PSD Supplement Arkansas Plan of Implementation for Pollution Control (the ‘‘PSD Supplement’’) submitted April 22, 1981 (as adopted by the Arkansas Commission on Pollution Control and Ecology (ACPCE) on April 10, 1981);

(2) June 3, 1988—submittal of revisions to the PSD Supplement (revised and adopted by the ACPCE on March 25, 1988);

(3) June 19, 1990—submittal of revisions to the PSD Supplement (revised and adopted by the ACPCE on May 25, 1990), and;

(4) March 5, 1999—submittal of Regulation 19, Chapter 9, Prevention of Significant Deterioration which recodified Arkansas’ PSD regulations (as adopted by the Arkansas Pollution Control and Ecology Commission on January 22, 1999)

(5) November 6, 2012—submittal of Regulation 19, Chapter 9, Prevention of Significant Deterioration which provided the authority to regulate greenhouse gas emissions in the Arkansas PSD program.

(6) January 7, 2014—submittal of Regulation 19, Chapter 9, Prevention of Significant Deterioration which updated the Arkansas PSD program to provide for the issuance of greenhouse gas plantwide applicability limit permits.

(7) December 1, 2014—submittal of Regulation 19, Chapter 9, Prevention of Significant Deterioration which provided the authority to regulate and permit emissions of PM$_{2.5}$ and its precursors.

(b) The requirements of sections 160 through 165 of the Clean Air Act are not met for federally designated Indian lands. Therefore, the provisions of §52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable implementation plan and are applicable to sources located on land under the control of Indian governing bodies.


§ 52.183 Small business assistance program.

The Governor of Arkansas submitted on November 6, 1992, a plan revision to develop and implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM) to meet the requirements of section 507 of the Clean Air Act by November 15, 1994. The plan commits to provide technical and compliance assistance to small businesses, hire an Ombudsman to serve as an independent advocate for small businesses, and establish a Compliance Advisory Panel to advise the program and report to the EPA on the program’s effectiveness. On April 23, 1993, the Governor submitted Act 251 of 1993 which establishes the Compliance Advisory Panel for the PROGRAM.

[60 FR 12695, Mar. 8, 1995]
§ 52.184 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a) The owner and operator of each source and each unit located in the State of Arkansas and for which requirements are set forth under the TR NOX Ozone Season Trading Program in subpart BBBB 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 Arkansas’ 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.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Arkansas’ SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR NOX Ozone Season allowances under subpart BBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NOX 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 48361, Aug. 8, 2011]

§ 52.200 Original identification of plan section.

(a) This section identifies the original “Arkansas Plan for Implementation for Air Pollution Control” and all revisions submitted by Arkansas that were federally approved prior to July 1, 1998.

(1) The plan was officially submitted on January 28, 1972.

(2) State Department of Pollution Control and Ecology letter outlining projected emission reductions, ASA forecasts, source surveillance, legal authority and interstate cooperation was submitted on February 24, 1972. (Non-regulatory)

(3) Revision of section 16 of the State air code was submitted by the Department of Pollution Control and Ecology on July 7, 1972.

(4) June 27, 1975, letter from the Governor submitting sections 1 through 10 of the Regulations and Strategy of the Arkansas Plan of Implementation for Air Pollution Control except those portions relating to delegation of authority to enforce Federal requirements.

(5) August 16, 1976, statement issued by Director of the Arkansas Department of Pollution Control and Ecology specifying the test and reference methods for determining compliance with emission limitations.

(6) Administrative changes to the Arkansas Air Quality Surveillance Network were submitted by the Arkansas Department of Pollution Control and Ecology on February 15, 1977, January 10, 1978, and March 27, 1978. (Non-regulatory.)

(7) On April 4, 1979, the Governor submitted the nonattainment area plan for the area designated nonattainment as of March 3, 1978.

(8) On August 14, 1979, the Governor submitted supplemental information clarifying the plan.

(9) Revisions to Arkansas Regulation 4.5(a) for the “Control of Volatile Organic Compounds” showing a final compliance date of June 1, 1981, was submitted by the Arkansas Governor on December 10, 1979.

(10) A modification to the definition for lowest achievable emission rate (LAER), consistent with the definition contained in section 171(3) of the Act, was submitted by the Arkansas Governor on December 10, 1979.

(11) On July 11, 1979, the Governor submitted revisions to section 6(a) malfunction or upset and section 7(e) continuous emission monitoring of the Arkansas Regulations.

(12) Revisions to section 3 (i.e., 3.a), (b), (k), (l), (n), (o), (s), (bb), (dd), (ee), (ff), and (gg)), section 4 (i.e., 4.1(b), 4.2(a), 4.5(a)(1), 4.5(a)(2), 4.6(c), and
4.6(d)), and section 5 (i.e., 5.4 and 5.5) were adopted by the Arkansas Commission on Pollution Control and Ecology on September 26, 1980 and submitted by the Governor on October 10, 1980.

(13) Revisions to section 3 (i.e., 3.(ii) through 3.(nn)), section 4 (i.e., 4.1, 4.5(a)(1), 4.5(a)(2), and 4.6(e)), and section 5 (i.e., 5.6) of the Arkansas Regulations for the Control of Volatile Organic Compounds were adopted by the Arkansas Commission on Pollution Control and Ecology on April 10, 1981 and submitted by the Governor on April 23, 1981.

(14) A variance to Regulation 8 for Weyerhaeuser Gypsum Plant in Nashville, Arkansas was submitted by the Governor on June 29, 1981.


(17) The Arkansas State Implementation Plan for lead was submitted to EPA on December 10, 1979, by the Governor of Arkansas as adopted by the Arkansas Department of Pollution Control and Ecology on November 16, 1979. A letter of clarification dated January 5, 1982, also was submitted.

(18) Revisions to the plan for intergovernmental consultation, interstate pollution abatement, and composition of the Arkansas Commission on Pollution Control and Ecology were submitted to EPA by the Arkansas Department of Pollution Control and Ecology on January 9, 1980.

(19) Revision to the plan for maintenance of employee pay was submitted to EPA by the Arkansas Department of Pollution Control and Ecology on January 9, 1980.

(20) On April 24, 1980, the Governor submitted final revisions to the ambient monitoring portion of the plan.

(21) On December 10, 1979, the Governor submitted a revision to Section 5.1(a) of the Arkansas Plan of Implementation for Air Pollution Control, which controls VOC emissions. This revision was adopted by the Arkansas Commission on Pollution Control and Ecology on November 16, 1979.

(22) On July 12, 1985, the Governor submitted a revision entitled, “Protection of Visibility in Mandatory Class I Federal Areas, May 6, 1985.” This submittal included new source review regulations and visibility monitoring strategy as adopted by the Arkansas Commission on Pollution Control and Ecology on May 24, 1985.

(i) Incorporation by reference. (A) New source review regulations include amendments to rules and regulations of the Arkansas Department of Pollution Control and Ecology entitled, “Prevention of Significant Deterioration Supplement to the Arkansas Plan of Implementation for Air Pollution Control,” Sections 1 through 6, adopted on May 24, 1985.

(B) Arkansas Department of Pollution Control and Ecology Minute Order No. 85–12, adopted May 24, 1985.

(ii) Additional material. (A) Narrative submittal, including introduction, and visibility monitoring strategy.

(23) A revision to the Arkansas Plan of Implementation for Air Pollution Control was submitted by the Governor on November 25, 1985.


(24) A revision to the Arkansas Plan of Implementation for Air Pollution Control was submitted by the Governor on December 16, 1985.

(i) Incorporation by reference. (A) Act 817 of 1983 (permit fees) adopted March 25, 1983. Act 817 of 1983 added sections 82–1916 thru 82–1921 to the Arkansas Statutes. (B) Arkansas Department of Pollution Control and Ecology Regulation No. 9 (Regulations for Development and Implementation of a Permit Fee System for Environmental Permits) adopted by the Arkansas Commission on Pollution Control and Ecology on November 16, 1984. Only those portions of Regulation No. 9 related to air permits are incorporated.
(25) Part II of the Visibility Protection Plan was submitted by the Governor on October 9, 1987.

(i) Incorporation by reference. (A) Revision entitled “Arkansas Plan of Implementation for Air Pollution Control—Revised: Protection of Visibility in Mandatory Class I Federal Areas: Part II—Long-Term Strategy, September 29, 1987”. This submittal includes a visibility long-term strategy and general plan provisions as adopted by the Arkansas Commission on Pollution Control and Ecology on September 25, 1987.

(B) Arkansas Department of Pollution Control and Ecology, Minute Order No. 87–24, adopted September 25, 1987.

(ii) Additional material. (A) None.

(26) A revision to the Arkansas Plan of Implementation for Air Pollution Control, as adopted by the Arkansas Commission on Pollution Control and Ecology on May 22, 1987, was submitted by the Governor of Arkansas on July 1, 1987. This revision adds the definitions and dispersion technique regulations required to implement the Federal stack height regulations.

(i) Incorporation by reference. (A) Sections 3(r), 3(s), 3(t), 3(u), 3(v), 3(w), 3(x), 3(y), 5(f), and 5(g) of the Arkansas Plan of Implementation for Air Pollution Control as adopted by the Arkansas Commission on Pollution Control and Ecology on May 22, 1987.

(ii) Additional material. None.

(27) Revisions to the Arkansas State Implementation Plan for (1) the National Ambient Air Quality Standards and particulate matter definitions (subsections (z) through (ff) of “Section 3. Definitions”), (2) Prevention of Significant Deterioration of Air Quality and its Supplement, and (3) subsection f(x) of “Section 4. Permits”, as adopted on March 25, 1988, by the Arkansas Commission on Pollution Control and Ecology, were submitted by the Governor on June 3, 1988.

(i) Incorporation by reference. (A) Regulations of the Arkansas Plan of Implementation for Air Pollution Control “Section 3. Definitions”, subsections (z) through (ff), as promulgated on March 25, 1988.

(ii) Other material. None.

(28) Revisions to the Arkansas State Implementation Plan for Prevention of Significant Deterioration (PSD) of Air Quality Supplement Arkansas Plan of Implementation for Air Pollution Control (PSD nitrogen dioxide increments), as adopted on May 25, 1990, by the Arkansas Commission on Pollution Control and Ecology, were submitted by the Governor on June 19, 1990.

(i) Incorporation by reference. (A) Prevention of Significant Deterioration Supplement Arkansas Plan of Implementation For Air Pollution Control as amended on May 25, 1990.

(ii) Additional material. None.

(29)–(30) [Reserved]

(31) The State is required to implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM) as specified in the plan revision submitted by the Governor on November 6, 1992. This plan submittal, as adopted by the Arkansas Commission on Pollution Control and Ecology on November 5, 1992, was developed in accordance with section 507 of the Clean Air Act. On April 23, 1993, the Governor submitted Act 251 of 1993 which establishes the Compliance Advisory Panel (CAP) for the PROGRAM.

(i) Incorporation by reference. (A) Act 251 of 1993 approved by the Governor on February 26, 1993. Included in this Act are provisions creating a CAP, establishing membership of the CAP, and addressing the responsibilities and duties of the CAP.

(B) Arkansas Department of Pollution Control and Ecology, Minute Order No. 92–81, adopted November 5, 1992.


(B) Legal opinion letter dated November 5, 1992, from Steve Weaver,
§ 52.220

Chief Counsel, Arkansas Department of Pollution Control and Ecology, regarding legality of Commission teleconference meeting.


EDITORIAL NOTE: For Federal Register citations affecting § 52.200, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart F—California

§ 52.220 Identification of plan—in part.

This section identifies the local and regional air district rules, local ordinances, source-specific requirements, and nonregulatory materials submitted by the State of California and approved as part of the California state implementation plan. This section also identifies California statutes and state regulations submitted by the State of California and approved as part of the California state implementation plan on or prior to April 1, 2016. New or amended California statutes and state regulations approved after April 1, 2016 are identified in § 52.220a.

(a) Title of plan: “The State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards”.

(b) The plan was officially submitted on February 21, 1972.

(1) Mendocino County APCD.

(i) Previously approved on May 31, 1972 and now deleted without replacement parts XI, XII, and part XIII.

(ii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Part X, Paragraph 3.

(2) Placer County APCD.

(i) Previously approved on May 31, 1972 and now deleted without replacement Rule 42 (Mountain Counties Air Basin), Rules 40 and 42 (Lake Tahoe Air Basin).

(ii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rules 40 and 42.

(iii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement for implementation in the Lake Tahoe Air Basin, Rules 2–17, 2–18, 2–19, and 2–20.

(iv) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement for implementation in the Mountain Counties Air Basin, Rules 2–17, 2–18, 2–19, 2–20.

(3) Tehama County APCD.

(i) Previously approved on May 31, 1972 and now deleted without replacement Rule 5.1.


(4) San Bernardino County APCD.

(i) Previously approved on May 31, 1972 and now deleted without replacement Regulation VI, Rules 100 to 104, 109, 110, 120, and 129 to 137.

(ii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Regulation 3, Rules 40, 42, 43, and 44.

(5) Ventura County Air Pollution Control District.

(i) Previously approved on September 22, 1972 and now deleted without replacement Rule 18.

(6) Lassen County APCD.

(i) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rules 1.4, 3.2, 3.3 (Schedules 1–6), 3.4, and 3.5.

(7) Nevada County APCD.

(i) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rules 11 and 51.

(8) Orange County APCD.

(i) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rule 120.

(9) Sierra County APCD.

(i) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rules 46 and 50.

(10) Siskiyou County APCD.
(i) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rules 3.1, 3.2, and 3.3.

(ii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rules 2.4, 2.6, and 5.1 to 5.18.

(11) Yolo-Solano AQMD.

(i) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rules 1.7 and 2.18.

(ii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rule 2.7.

(12) California Air Resources Board.

(i) Previously approved on May 31, 1972 in paragraph (b) and deleted without replacement, effective September 10, 1986, chapter 7 (“Legal Considerations”) of part I (“State General Plan”) of the plan submitted on February 21, 1972, and all of the statutory provisions and other legal documents contained in appendix II (“State Statutes and other Legal Documents Pertinent to Air Pollution Control in California”) to chapter 7.

(13) El Dorado County Air Pollution Control District.

(i) Previously approved on May 31, 1972 in paragraph (b) and deleted without replacement, Rules 77, 78, 79, and 80.

(14) Imperial County Air Pollution Control District.

(i) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rule 110.

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

(1) Air quality data submitted on April 10, 1972, by the Air Resources Board.

(2) Report on status of regulations submitted on April 19, 1972, by the Air Resources Board.

(3) Emission inventory submitted on April 21, 1972, by the Air Resources Board.

(4) Air quality data submitted on April 26, 1972, by the Air Resources Board.

(5) Air quality data submitted on May 5, 1972, by the Air Resources Board.

(6) Revised regulations for all APCD’s submitted on June 30, 1972, by the Governor, except for:

(i) San Diego County Air Pollution Control District.

(A) Rule 65 is now removed without replacement as of March 14, 1989.

(B) Previously approved on September 22, 1972 and now deleted without replacement Rules 44, 75, 77 to 80, 82 to 84, and 86 to 91.

(C) Previously approved on September 22, 1972 and now deleted without replacement, Rules 12 and 13.

(D) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rules 18, 22, 23, and 24.

(ii) Calaveras County APCD.

(A) Previously approved on September 22, 1972 and now deleted without replacement Rule 305.

(B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement.

(C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rules 204, 206, 210, 211, 212, and 213.

(iii) Colusa County APCD.

(A) Previously approved on September 22, 1972 and now deleted without replacement Rules 3.1 and 5.1 to 5.17.

(B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rules 1.4, 2.13, 6.11 and 6.12.

(C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rules 1.6, 2.9, 2.10, 2.11, 2.12, and 4.2.

(iv) Fresno County APCD.

(A) Previously approved on September 22, 1972 and now deleted without replacement Rules 501, 502, 504, 506, 508 to 512, 514, 516, and 517.

(B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rules 104, 105, 107, 109, 303, and 304.

(C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rule 206.
(v) Glenn County APCD.
   (A) Previously approved on September 22, 1972 and now deleted without replacement Rules 111, 113 to 117, 119 to 125, and 150.
   (B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rules 53, 54, 55, and 97.
   (vi) Kern County APCD (including Southeast Desert).
   (A) Previously approved on September 22, 1972 and now deleted without replacement Rules 502, 505 to 510, 512 to 515, and 517.
   (B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rules 107, 109, 303, and 304.
   (C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement for implementation in Kern County, Southeast Desert Air Basin, Rules 204, 206, 210, 211, 212, and 213.
   (D) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement for implementation in Kern County, San Joaquin Valley Air Basin, Rules 107, 109, 206, 303, and 304.
   (E) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement Rule 403 (Southeast Desert).
   (vii) Kings County APCD.
   (A) Previously approved on September 22, 1972 and now deleted without replacement Rules 502 to 509, 511 to 517.
   (B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rule 109.
   (C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rules 206 and 518.
   (viii) Lassen County APCD.
   (A) Previously approved on September 22, 1972 and now deleted without replacement Rules 1.5, 3.1, and 5.1 to 5.17.
   (B) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rules 2.02, 2.04, 2.06, 2.10, 2.11, 2.12, and 2.13.
   (ix) Madera County APCD.
   (A) Previously approved on September 22, 1972 and now deleted without replacement Rules 507 to 510 and 512 to 517.
   (B) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rule 206.
   (x) Merced County APCD.
   (A) Previously approved on September 22, 1972 and now deleted without replacement Rules 502, 503, 506 to 510, and 512 to 517.
   (B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rules 107, 301 (Paragraphs c to g, i, and j), 303, and 304.
   (C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rule 206.
   (xi) Modoc County APCD.
   (A) Previously approved on September 22, 1972 and now deleted without replacement Rules 1.5 and 4.1 to 4.17.
   (B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rule 1.4.
   (C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rules 2.02, 2.04, 2.06, 2.10, 2.12, and 2.13.
   (xii) San Joaquin County APCD.
   (A) Previously approved on September 22, 1972 and now deleted without replacement Rules 502 and 506 to 509.
   (B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rules 107 and 109.
   (C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rule 206.
   (xiii) Stanislaus County APCD.
(A) Previously approved on September 22, 1972 and now deleted without replacement Rules 303, 304, 502, 505 to 510 and 512 to 517.

(B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rule 107.

(C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rule 206.

(xiv) Tulare County APCD.

(A) Previously approved on September 22, 1972 and now deleted without replacement Rules 303, 304, 501, 502, 506 to 514, 516 to 518.

(B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rules 107 and 109.

(C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rules 013, 015, 019, 020, 021, and 022.

(xv) San Bernardino County Air Pollution Control District.

(A) Previously approved on December 21, 1975 and now deleted without replacement Rule 68.

(xvi) Northern Sonoma County Air Pollution Control District.

(A) Previously approved on September 22, 1972 and now deleted without replacement Rules 56, 64, 64.1 and 64.2.

(B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rules 42 and 100.

(C) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rules 013, 015, 019, 020, 021, and 022.

(xvii) Los Angeles County Air Pollution Control District.

(A) Previously approved on September 22, 1972 and now deleted without replacement Rule 51.

(B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rules 43, 44, and Rule 120.

(xviii) Orange County Air Pollution Control District.

(A) Previously approved on September 22, 1972 and now deleted without replacement Rules 51, 67.1 and 68.

(xix) Riverside County Air Pollution Control District.

(A) Previously approved on September 22, 1972 and now deleted without replacement Rule 51.

(B) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rules 43 and 44 (Mojave Desert AQMD only).

(xx) Mariposa County APCD.

(A) Previously approved on September 22, 1972 in paragraph (c) of this section and now deleted without replacement, Rule 16.

(xxi) Plumas County APCD.

(A) Previously approved on September 22, 1972 in paragraph (c)(6) of this section and now deleted without replacement, Rules 3, 4, and 40.

(20) Information (Non-regulatory) regarding air quality surveillance submitted on July 19, 1972, by the Air Resources Board.

(8) Compliance schedules submitted on December 27, 1973, by the Air Resources Board.

(9) Compliance schedules submitted on February 19, 1974, by the Air Resources Board.

(10) Compliance schedules submitted on April 22, 1974, by the Air Resources Board.
(11) Compliance schedules submitted on June 7, 1974, by the Air Resources Board.

(12) Compliance schedules submitted on June 19, 1974, by the Air Resources Board.

(13) Compliance schedules submitted on September 4, 1974, by the Air Resources Board.

(14) Compliance schedules submitted on September 19, 1974, by the Air Resources Board.

(15) Compliance schedules submitted on October 18, 1974, by the Air Resources Board.

(16) Compliance schedules submitted on December 4, 1974, by the Air Resources Board.

(17) Compliance schedules submitted on January 13, 1975, by the Air Resources Board.

(18) Air quality maintenance area designations submitted on July 12, 1974, by the Governor.

(19)-(20) [Reserved]

(21) Revised regulations for the following APCD’s submitted on July 25, 1973, by the Governor. 

(i) Lassen County APCD.
(A) Appendix A (Implementation Plan for Agricultural Burning) and Appendix B (Enforcement).

(ii) Modoc County APCD.
(A) Rule 3:10A and Regulation V (Rules 5:1 to 5:7).

(iii) Siskiyou County APCD.

(iv) Bay Area APCD.
(A) Regulation 1.

(1) Division 1, Sections 1000–1010.

(2) Division 2, Section 2000.

(3) Division 3, Sections 3000–3004, 3100–3111, 3115–3118, 3120, and 3200–3500.

(4) Division 4.

(B) Regulation 4.

(1) Sections 1–2.

(C) Regulation 2.

(1) Division 1, Sections 1214 to 1214.3.

(D) Regulation 3.

(1) Division 1, Sections 1205 to 1205.3.

(v) Butte County APCD.
(A) Sections 1–1 to 1–35, 2–8, 2–10 to 2–11, 2A–1 to 2A–18, 3–2 to 3–2.1, 3–6, 3–9, 3–10, 3–11.1, 3.14, and 3.16.

(vi) San Diego County APCD.
(A) Rules 41, 55, 58, and 101–113.

(B) Previously approved on May 11, 1977 and now deleted without replacement Rule 41.

(C) Previously approved on May 11, 1977 and now deleted without replacement, Rule 55.

(D) Previously approved on May 11, 1977 in paragraph (c)(21)(vi)(A) of this section and now deleted Rules 105, 106, 107, 110, 111, and 112 (now replaced by Rule 101).

(vii) Tehama County APCD.
(A) Rules 1.2, 3.1–3, 3.3a, 3.3b, 3.4–3.5, 3.5a, 3.6–3.14, 4.9, and Implementation Plan for Agricultural Burning.

(B) Previously approved on May 11, 1977 and now deleted without replacement Rule 41.

(viii) Yuba County APCD.
(A) Rules 1.1, 2.1–2.2, 2.10, 4.11, and Agricultural Burning Regulations, Sections 1 to 6.

(B) Rule 4.5.

(C) Previously approved on August 22, 1977 in paragraph (c)(21)(viii)(A) of this section and now deleted without replacement, Rule 4.11.

(ix) Kings County APCD.

(B) Rule 111.

(C) Previously approved on August 22, 1977 and now deleted without replacement Rule 510.

(D) Previously approved on August 22, 1977 in paragraph (c)(21)(viii)(A) of this section and now deleted without replacement, Rule 107.

(x) Colusa County APCD.
(A) Rule 6.5 and Amendment Number 3.

(B) Rule 4.4g.

(xi) Imperial County APCD.
(A) Agricultural Burning Implementation Plan (Rules 200–206).

(xii) Sacramento County APCD
(A) Rules 72, 90, 91, and 92.

(xiii) Ventura County APCD.
(A) Rules 2, 37, 50, 59, 60, and 101.

(xiv) Yolo-Solano APCD.
(A) New or amended Rules 1.2 (a, b, d to g, i to x, and z to ae), 1.4, 2.4(e), 2.8, 2.9, 4.1 to 4.5, 5.1 to 5.18, 6.1 (i) and (j), 6.2 to 6.5, and 6.7 to 6.8.
Environmental Protection Agency § 52.220

(B) Previously approved on June 14, 1978 and now deleted without replacement Rules 4.4, 4.5, 5.2, 5.3, 5.5, 5.7 to 5.9, and 5.13 to 5.17.

(C) Previously approved on June 14, 1978 and now deleted without replacement, Rule 5.18.

(D) Previously approved on June 14, 1978 in paragraph (c)(21)(xiv)(A) of this section and now deleted without replacement, Rule 5.18.

(xv) San Bernardino County APCD.
(A) New or amended Rules 5(a), 53A, 57, 57.1, 57.2.

(xvi) Santa Barbara County APCD.
(A) Rules 2(a, b, k, l, m, n, o, p, q, r, s, t, u, v, w), 40 [with the exception of 40(4)(m)].

(xvii) Calaveras County APCD.
(A) Rules 110 and 402(f).

(xviii) Los Angeles County APCD (Metropolitan Los Angeles portion).
(A) Amended Rule 45.

(B) Previously approved on September 8, 1978 in paragraph (c)(21)(xiv)(A) of this section and now deleted without replacement, Rule 45.

(22) Revised regulations for the following APCD's submitted on November 2, 1973 by the Governor's designee.

(i) Bay Area APCD.
(A) Regulation 2.

(j) Division 1, Section 1222.

(k) Division 3, Section 3211.

(l) Division 4, Section 4113.

(m) Division 8, Sections 8414–8416.

(n) Division 9, Sections 9613, 9615, 9711.3, and 9711.5.

(o) Division 11, Section 11101.

(23) Revised regulations for the following APCD's submitted on January 22, 1974 by the Governor's designee.

(i) Sacramento County APCD.
(A) Rule 30.

(ii) Santa Barbara County APCD.
(A) Rules 22, 24.1, 24.2.

(24) Revised regulations for the following APVD's submitted on July 19, 1974, by the Governor's designee.

(i) Sutter County APCD.
(A) Rule 1.3

(ii) Bay Area APCD.
(A) Regulation 1: (i) Sections 3112–3114, 3119 and 3122.

(iii) San Diego County APCD.
(A) Regulation IX.

(B) Rule 61.

(iv) Stanislaus County APCD.

(B) Rule 110.

(C) Previously approved on August 22, 1977 in paragraph (c)(iv)(A) of this section and now deleted without replacement, Rule 518.

(v) Tehama County APCD.
(A) Rules 3.14 and 4.18.

(B) Rule 4.17.

(vi) Shasta County APCD.
(A) Rules 1.1 to 1.2, 2.6(1.)(a), 2.6(1.)(b) (i–ii and iv–vii) 2.6(1.)(c)(i–vi), 2.6(1.)(d–e), 2.6(2–4), 2.7, 2.8(a–c), 2.9, 2.11, 2.14, 2.25, 3.1 to 3.9, 3.11 to 3.12, and 4.1 to 4.23.

(B) Rule 3.10.

(C) Previously approved on August 22, 1977 and now deleted without replacement Rules 4.2 to 4.4, 4.8 to 4.10, 4.15, and 4.23.

(D) Previously approved on August 22, 1977 in paragraph (c)(24)(vi)(A) of this section and now deleted without replacement, Rule 3.7.

(vii) Kern County APCD.

(B) Rule 111.

(C) Rules 601–615, except those portions pertaining to sulfur dioxide and the 12-hour carbon monoxide criteria levels.

(D) Previously approved on August 22, 1977 and now deleted without replacement Rule 516 (including Southeast Desert).

(E) Previously approved on August 22, 1977 and now deleted without replacement for implementation in the Southeast Desert Air Basin, Rule 404.

(F) Previously approved on August 22, 1977 in paragraph (c)(vii)(A) of this section and now deleted without replacement for implementation in Kern County, Southeast Desert Air Basin, Rule 518.

(G) Previously approved on August 22, 1977 in paragraph (c)(vii)(A) of this section and now deleted without replacement for implementation in Kern County, San Joaquin Valley Air Basin, Rule 518.

(viii) Sacramento County APCD.
(A) Rules 11, 39, 44, 70, 73, and 111.
(B) Rules 123 and 124, except those portions that pertain to the 12-hour CO criteria level.

(ix) Yolo-Solano APCD.

(A) Rule 2.22.

(B) New or amended Rules 1.2(c, h, and y), 1.3, 2.11 to 2.16, 2.19, 4.3, 5.4, 5.6, and 5.12.

(C) Previously approved on June 14, 1978 and now deleted without replacement Rules 5.6 and 5.12.

(x) Ventura County APCD.

(A) Rules 2, 3, 31, 32, 200, 203, and 204.

(B) Rule 2.22.

(C) Rules 70, 73.

(D) Rule 96.

(E) Rule 111.

(F) Previously approved on August 15, 1977 in paragraph (c)(x)(A) of this section and now deleted without replacement.

(xi) Santa Barbara County Air Pollution Control District.

(A) Rules 150 to 152, 154 to 159, 160A, and 161 to 164, except those portions pertaining to nitrogen oxides, sulfur dioxide and the 12-hour carbon monoxide criteria levels.

(25) Revised regulations for the following APCD's submitted on October 23, 1974 by the Governor's designee.

(i) Fresno County APCD.

(A) Rules 102, 103, 108.1, 111–114, 401, 404–406, 408, 409.1, 409.2, 416, 416.1a, b, c(2), c(3), d, e(2), and f, 505 and 518.

(B) Rule 110.

(C) New or amended Rules 402 (a to g), 416.1(c)(1), 416.1(e)(1), 416.1(e)(3), and 416.1(e)(4).

(D) Rules 601–615, except those portions pertaining to sulfur dioxide and the 12-hour carbon monoxide criteria levels.

(E) Previously approved on August 22, 1977 and now deleted without replacement Rule 505.

(F) Previously approved on August 22, 1977 in paragraph (c)(25)(i)(A) of this section and now deleted without replacement, Rule 518.

(ii) San Joaquin County APCD.


(B) Rule 110.

(C) New or amended Rules 416.1 (D)(1) and (D)(2).

(D) Previously approved on August 22, 1977 and now deleted without replacement Rules 504, 505, 510, 512 to 518, and 520.

(E) Previously approved on August 22, 1977 in paragraph (c)(25)(ii)(A) of this section and now deleted without replacement, Rule 519.

(iii) Lake County APCD.


(iv) Tulare County APCD.


(B) Previously approved on August 22, 1977 and now deleted without replacement Rules 503 to 505, 515, and 519.

(v) Ventura County APCD.

(A) Rules 2 and 125.

(B) Previously approved on October 27, 1977 in paragraph (c)(25)(vii)(A) of this section and now deleted without replacement, Rules 302 and 303.

(26) Revised regulations for the following APCD's submitted on January 10, 1975, by the Governor's designee.

(i) Sutter County APCD

(A) Rule 4.1

(ii) Bay Area APCD

(A) Regulation 7. (i) Sections 2018.1–2.

(B) Regulation 7.

(C) Regulation 8.

(D) Previously approved on May 11, 1977 in paragraph (c)(26)(ii)(B) of this section and now deleted without replacement, Regulation 7.

(iii) Butte County APCD.

(A) Sections 3–11, 3–12, and 3–12.1.

(iv) Glenn County APCD.
(A) Sections 2, 3.1, 10-14.3, 16, 17, 21, 21.1, 24, 57, 58, 81, 85, 86, 95.1, 118, 122.1–122.3, 154 and 155.
(B) Rules 95.2 and 95.3.
(C) Previously approved on May 11, 1977 and now deleted without replacement Rules 118 and 122.1 to 122.3.
(D) Previously approved on May 11, 1977 in paragraph (c)(26)(iv)(A) of this section and now deleted without replacement, Rule 155.
(E) Previously approved on August 22, 1977 in paragraph (c)(26)(iv)(A) of this section and now deleted without replacement, Rule 3.1.
(v) Yuba County APCD.
(A) Agricultural Burning Regulations, sections 1 and 3.
(vi) Colusa County APCD.
(A) Rules 6.2 and 6.4.d. (1–2).
(vii) Fresno County APCD.
(A) Rules 409, 417, 503, 507, 513, and 515.
(B) Previously approved on August 22, 1977 and now deleted without replacement Rules 503, 507, 513, and 515.
(viii) Mariposa County APCD.
(B) Rule 203(j).
(C) Previously approved on August 22, 1977 and now deleted without replacement Rules 601, 602, 604 to 609, 611 to 616, and 618.
(D) Previously approved on August 22, 1977 in paragraph (c)(26)(viii)(A) of this section and now deleted without replacement, Rule 617.
(ix) Sierra County APCD.
(B) Previously approved and now deleted, Rule 102.
(C) Previously approved on August 22, 1977 in paragraph (c)(26)(ix)(A) of this section and now deleted without replacement Rules 619 and 620.
(D) Previously approved on August 22, 1977 in paragraph (c)(26)(ix)(A) of this section and now deleted without replacement Rules 201 and 205.
(x) Shasta County APCD.
(xi) Tulare County APCD.
(A) Rules 417 and 417.1a thru d., e.2., and f.
(B) New or amended Rules 417.1 (e)(1), (e)(3) and (e)(4).
(xii) Kern County APCD.
(A) Rules 410 and 503.
(xiii) Madera County APCD.
(B) Rule 402(f).
(C) Rule 110.
(D) New or amended Rules 416.1 (c)(1), (e)(1), (e)(3), and (e)(4).
(xiv) Yolo-Solano APCD.
(A) New or amended Rule 6.1 (a), (b), (c), (d), (e), and (g) (1, 2, and 3).
(xv) Monterey Bay Unified APCD.
(A) Rules 49 to 411 and 421.
(xvi) Plumas County APCD.
(A) Rule 203(j).
(C) Previously approved and now deleted (without replacement) Rules 51.7, 57.5, 62, 70.
(D) Previously approved on June 14, 1978 and now deleted without replacement Rules 705 to 709.
(E) Previously approved and now deleted, Rule 102.
(F) Previously approved on June 14, 1978 in paragraph (c)(26)(xvi)(B) of this section and now deleted without replacement, Rule 717.
(xvii) Placer County APCD.
(A) New or amended Rules 102, 105, 201, 202, 204, 209, 312, 403, 405, 406, 701, 705, 707, 711, 712, 713, 714, 716, 717.
(B) Previously approved on June 14, 1978 and now deleted without replacement Rules 701, 707, 711 to 714, and 716 (Mountain Counties Air Basin).
(C) Previously approved on June 14, 1978 and now deleted without replacement Rules 701, 705, 707, 711 to 714, and 716 (Lake Tahoe Air Basin).
(D) Previously approved on June 14, 1978 in paragraph (c)(26)(xvii)(A) of this section and now deleted without replacement, Rule 105.
(E) Previously approved on June 14, 1978 in paragraph (c)(26)(xvii)(A) of this
§ 52.220

40 CFR Ch. I (7–1–16 Edition)

section and now deleted without replacement Rule 717 (Lake Tahoe Air Basin).

(F) Previously approved on June 14, 1978 in paragraph (c)(26)(xvii)(A) of this section and now deleted without replacement Rules 705 and 717 (Mountain Counties Air Basin).

(G) Previously approved on June 14, 1978 in paragraph (c)(26)(xvii)(A) of this section and now deleted without replacement Rules 701, 705, 707, 711 to 714, 716, and 717 (Sacramento Valley Air Basin).

(27) Revised regulations for the following APCD’s submitted on April 10, 1975, by the Governor’s designee.

(i) Stanislaus County APCD.
   (A) Rule 409.
   (ii) Tehama County APCD.
   (A) Rule 4:6.
   (iii) Sacramento County APCD.
   (A) Rules 12, 22a, 22b, 25, 32–34, and 40.
   (iv) Bay Area APCD.
   (A) Regulation 2, section 1302.2 and section 1302.22.
   (B) Rules 32, 33, 34, 38, 40.
   (v) San Bernardino County APCD.
   (A) New or amended Rule 73.
   (vi) Riverside County APCD.
   (A) New or amended Rule 57.
   (vii) Nevada County APCD.
   (B) Previously approved on June 14, 1978 and now deleted without replacement Rules 701 to 703, 705 to 709, and 712 to 716.
   (C) Previously approved and now deleted, Rule 102.
   (D) Previously approved on June 14, 1978 in paragraph (c)(27)(vii)(A) of this section and now deleted without replacement, Rules 105, 601, and 602.
   (E) Previously approved on June 14, 1978 in paragraph (c)(27)(vii)(A) of this section and now deleted without replacement Rule 717.
   (viii) El Dorado County APCD.
   (B) Previously approved and now deleted (without replacement) Rules 5, 6, 7.
   (C) Previously approved on June 14, 1978 in paragraph (c)(27)(vii)(A) of this section and now deleted Rule 10.
   (D) Previously approved on June 14, 1978 in paragraph (c)(27)(vii)(A) of this section and now deleted without replacement, Rules 323, 601, and 602.
   (E) Previously approved on June 14, 1978 in paragraph (c)(27)(vii)(A) of this section and now deleted without replacement Rules 701, 702, 704 to 709, and 711 to 717.
   (F) Previously approved on June 14, 1978 in paragraph (c)(27)(vii)(A) of this section and now deleted without replacement Rules 105, 601, 602, and 403.
   (ix) [Reserved]
   (x) Santa Barbara County APCD.
   (A) Rules 32, 36, 36.3, 36.4, 36.5, 37, 38.
   (28) Revised regulations for the following APCD’s submitted on July 22, 1975, by the Governor’s designee.
   (i) Sutter County APCD.
   (A) Rules 1.2, 2.82, and 4.11.
   (ii) San Diego County APCD.
   (A) Rule 66.
   (iii) Yuba County APCD.
   (A) Rule 1.1.
   (iv) Calaveras County APCD.
   (B) Previously approved on August 22, 1977 and now deleted without replacement Rules 701, 704 to 709, 711 to 714, and 716.
   (C) Previously approved on August 22, 1977 in paragraph (c)(28)(iv)(A) of this section and now deleted without replacement Rule 717.
   (v) Tuolumne County APCD.
   (vi) Kings County APCD.
   (A) Rule 410.
   (vii) Shasta County APCD.
   (A) Rule 2.8(e).
(viii) Kern County APCD.
(A) Rules 115, 407.1, 422, and 423.
(B) Previously approved on August 22, 1977 in paragraph (c)(28)(viii)(A) of this section and now deleted without replacement, Rules 422 and 423.
(ix) Sacramento County APCD.
(A) Rule 93.
(x) Riverside County APCD.
(A) New or amended Rule 53.
(xi) Orange County APCD (Metropolitan Los Angeles portion).
(A) Amended Rule 53.
(29) Revised regulations for the following APCD’s submitted on November 3, 1975 by the Governor’s designee.
(i) Lake County APCD.
(A) Part III, Number 58a.
(ii) Sacramento County APCD.
(A) Rules 13 and 14.
(B) Rules 71, 112, and 113.
(iii) Monterey Bay Unified APCD.
(A) Rule 418.
(iv) Bay Area APCD.
(A) Regulation 2, section 1302.21 and section 1302.23.
(v) San Diego County.
(A) Rule 63.
(B) Rules 112, 113.
(vi) Ventura County APCD.
(A) Rules 65, 66, 72, and 73.
(B) Previously approved on August 15, 1977 and now deleted without replacement Rules 65 and 66.
(C) Previously approved on August 15, 1977 in paragraph (c)(29)(vi)(A) of this section and now deleted without replacement, Rule 72 (72–72.8).
(30) Revised regulations for the following APCD’s submitted on February 10, 1976 by the Governor’s designee.
(i) Bay Area APCD.
(A) Regulation 1: (f) Section 3121.
(B) Regulation 6.
(ii) Butte County APCD.
(A) Section 3–11.2
(iii) Yuba County APCD.
(A) Agricultural Burning Regulations, sections 1 and 3.
(iv) Colusa County APCD.
(A) Rule 6.6A.I and 6.6A.II–I. (a–f).
(v) Fresno County APCD.
(A) Rules 115, 422, 423, and 407.
(B) Previously approved on August 22, 1977 in paragraph (c)(30)(v)(A) of this section and now deleted without replacement, Rules 422 and 423.
(vi) San Joaquin County APCD.
(A) Rules 114, 401, 402, 407.1, 409, 411, 422 and 423.
(B) Previously approved on August 22, 1977 in paragraph (c)(30)(v)(A) of this section and now deleted without replacement, Rules 422 and 423.
(C) Rule 411.1 and 411.2.
(vii) Lake County APCD.
(A) Table V.
(viii) Sacramento County APCD.
(A) Rules 94–97.
(ix) Ventura County APCD.
(A) Rules 70 and 71.
(x) Southern California APCD.
(B) Previously approved on June 14, 1978 and now deleted without replacement Rules 501, 502, 506 to 509, 511 to 518, 801, 803 to 804, 807 to 811, 813 to 815, and 817.
(xi) Santa Barbara County APCD.
(A) Rule 32.1.
(31) Revised regulations for the following APCD’s submitted on April 21, 1976, by the Governor’s designee.
(i) Great Basin Unified APCD.
(A) Rules 200 to 216.
(B) Rules 100 to 107, 215, 300 to 303, 400 to 402, 404 to 415, 416 to 421, 500 to 501, 600 to 616, and 800 to 817.
(C) Alpine County APCD: Rules 1.4, 3.1, 4.2–1, 4.7, 4.7–1, 4.8, 4.10, 4.11, and 5.18.
(D) Inyo County APCD: Rules 1.3, 3.1, 4.1, 4.10, 4.11, 4.12, and 5.1.
(E) Mono County APCD: Rules 1.4, 3.1, 4.2–1, 4.7, 4.7–1, 4.8, 4.10, 4.11, 5.1, and 5.18.
(F) Previously approved on June 6, 1977 and now deleted without replacement Rules 600 to 615 and 800 to 817.
(G) Previously approved on June 6, 1977 in paragraph (c)(31)(i)(B) of this section and now deleted without replacement, Rules 105, 302, and 303.
(H) Previously approved on December 8, 1976 in paragraph (c)(31)(i)(A) of this section and now deleted without replacement Rules 211 and 214.
(I) Previously approved on June 6, 1977 in paragraph (c)(31)(i)(B) of this section and now deleted without replacement Rules 107 and 616.
(ii) Sutter County APCD.
(A) Rule 4.1.
(iii) San Diego County APCD.
(A) Rule 5.
§ 52.220  [Reserved]

40 CFR Ch. I (7–1–16 Edition)
environmental-protection-agency-§52.220

(F) Previously approved on June 14, 1978 in paragraph (c)(32)(iii)(C) of this section and now deleted without replacement, Rule 302.

(G) Previously approved on June 14, 1978 in paragraph (c)(32)(iii)(C) of this section and now deleted without replacement Rules 505 and 518.

(iv) Southern California APCD.


(B) Previously approved and deleted (without replacement).

(i) Los Angeles County APCD Rules 53.1, 55.

(ii) San Bernardino County APCD Rules 50, 51.

(iii) Riverside County APCD Rule 55.

(d) Orange County APCD Rule 55.

(C) Rules 202 and 219.

(D) Previously approved on June 14, 1978 and now deleted without replacement Rules 504, 505, 510, 802, 805, 806, 812, and 816.

(E) Previously approved on June 14, 1978 and now deleted without replacement.

(i) Los Angeles County APCD Rule 505.

(ii) Riverside County APCD Rule 505.

(iii) San Bernardino County APCD Rule 505.

(F) Previously approved on June 14, 1978 and now deleted without replacement Rule 432.

(v) Plumas County APCD.

(A) Amended Rule 324.

(vi) El Dorado County APCD.

(A) Amended Rule 211.

33.-(34) [Reserved]

35. Revised regulations for the following APCDs submitted on November 10, 1976 by the Governor’s designee.

(i) Sacramento County APCD.

(A) Rules 1, 2, 11, 12, 21, 22a, 22b, 24, 25, 27, 28, 29, 33, 39, 44, 70, 71, 90, 92, 93, 94, 95, 96, 97, 98, and definitions list addition to Regulation VII.

(B) Rule 14.

(ii) Southern California APCD.

(A) Rule 461.

(iii) Ventura County APCD.

(A) Rule 70.

(B) Rules 2, 57, 72, and 73 and Regulation VII (Rules 110-129).

(C) Previously approved on August 15, 1977 and now deleted without replacement Rules 115 to 119, 122, and 128 to 129.

(D) Previously approved on August 15, 1977 in paragraph (c)(35)(iii)(B) of this section and now deleted without replacement, Rules 72 (72.9–72.10) and 73.

(iv) Santa Barbara County APCD.

(A) Rule 35.2.

(v) San Joaquin County APCD.

(A) Rules 102, 103, 103.1, 104, 105, 111, 112, 301, 305, 402, 416.1, 501, 504, 511.

(B) Previously approved on October 4, 1977 and now deleted without replacement Rule 501.

(C) Previously approved on October 4, 1977 in paragraph (c)(35)(v)(A) of this section and now deleted without replacement, Rules 104, 105, and 112.

(vi) Tulare County APCD.

(A) Rules 102, 103, 103.1, 104, 105, 110, 112, 115, 305 (402 paragraphs a. through e. and g.), 405, 407.1, 407.3, 409, 417.1, and 421.

(B) Rules 111 and 402(f).

(C) Previously approved on September 21, 1976 and now deleted without replacement Rules 105 and 305.

(vii) Fresno County APCD.

(A) Rules 407 and 408.

(viii) Imperial County APCD.

(A) Rules 100, 114.5, 131.5, and 148.D(3).

(ix) Del Norte County APCD.

(A) Rule 540.

(B) [Reserved]

(C) New or amended Rules 100, 110, 120, 130, 150, 156 (except 160(a) and non-criteria pollutants), 190, 240(d) (except paragraph (3)), 300, 310, 320, 340, 400(b), 410(a), 410(c), 420, 430, 440, 470, 480, 482, 500, 510, 520, 600, 610, 620, 630, 640, and 650; and the following portions of Regulation 2: General prohibitions (all of page 1), Articles I and II, paragraphs A1, A2, A3, A4, 5, 7, and 8 of Article III, and Articles IV to VII.

(x) San Diego County APCD.

(A) Rules 2(k), 3, 50, 52, 53, 60, 62.

(xi) Monterey Bay Unified APCD.

(A) Rules 101, 104, 106, 214, 301, 304(c), 406, 407, 415, 601 to 603, 609, 801, 805, and 811.

(xii) San Luis Obispo County APCD.

(B) Rule 107.

(C) Rules previously approved and now deleted (without replacement) 101(1)(b), 101(2), 101(3), and 101(4) Effective Date, 110 Prohibitions, 116(1), 116(3), 119(1) and 119(4).


(E) New or amended Rules 202, 205, 206, 207, 208, 209, 210, and 211.

(F) Previously approved on August 4, 1978 and now deleted without replacement Rules 801 to 817.

(G) Previously approved on August 4, 1978 and now deleted without replacement Rules 102 and 408.

(H) Previously approved on August 4, 1978 in paragraph (c)(35)(xii)(A) of this section and now deleted without replacement, Rules 110 and 111.

(I) Previously approved on December 1, 1994 in paragraph (c)(35)(xii)(E) of this section and now deleted without replacement Rules 202, 206, 207, and 606.

(xiii) Kern County APCD.

(A) New or amended Rules 102, 102(d), 102(oo), 103, 103.1, 104 to 105, 110, 112, 301(1), 305(a), 402 (c) and (e), 417(I)(A), 417(L)(B), 501, and 511.

(B) Rule 504.

(C) Previously approved on March 22, 1978 and now deleted without replacement Rules 105, 501, 504, and 511 (including Southeast Desert).

(D) Previously approved on March 22, 1978 in paragraph (c)(35)(xii)(A) of this section and now deleted without replacement, Rule 104.

(E) Previously approved on March 22, 1978 in paragraph (c)(35)(xii)(A) of this section and now deleted without replacement for implementation in the San Joaquin Valley Air Basin, Rule 104.

(xiv) Humboldt County APCD.

(A) Rule 540.

(B) [Reserved]

(C) New or amended Rules 100, 110, 120, 130, 150, 160 (except 160(a) and non-criteria pollutants), 190, 300, 310, 320, 340, 400(b), 410(a), 410(c), 420, 430, 440, 470, 480, 482, 500, 510, 520, 600, 610, 620, 630, 640, and 650; and the following portions of Regulation 2: General prohibitions (all of page 1), Articles I and II, paragraphs A1, A2, A3, A4, 5, 7, and 8 of Article III, Articles IV and V, Article VII(a) to (i), (j), (k), (l), (m), (n), and (o) and Appendix B and C.

(F) Previously approved on November 7, 1978 in paragraph (c)(35)(xv)(C) of this section and now deleted without replacement, Rules 510, 520, 530, and 540.

(G) Previously approved on November 7, 1978 in paragraph (c)(35)(xv)(C) of this section and now deleted without replacement Rule 104.

(xv) Mendocino County APCD.

(A) Rule 540.

(B) [Reserved]

(C) New or amended Rules 100, 110, 120, 130, 150, 160 (except 160(a) and non-criteria pollutants), 190, 300, 310, 320, 340, 400(b), 410(b), 410(c), 430, 440, 460, 470, 480, 482, 500, 510, 520, 600, 610, 620, 630, 640, and 650; and the following portions of regulation 2: General prohibitions (all of page 1), Articles I and II, paragraphs A1, A2, A3, A4, 5, 7, and 8 of Article III, Articles IV and V, Article VII(a) to (i), (j), (k), (l), (m), (n), and (o) and Appendices B and C.

(D) Previously approved and now deleted (without replacement) Rules 5, 6, 80, 87, and 95.

(E) Previously approved on August 2, 1978 and now deleted without replacement Rules 340, 510, and 620 to 650.

(xv) Mendocino County APCD.

(A) Rule 540.

(B) [Reserved]

(C) New or amended Rules 100, 110, 120, 130, 150, 160 (except 160(a) and non-criteria pollutants), 190, 300, 310, 320, 340, 400(b), 410(b), 410(c), 430, 440, 460, 470, 480, 482, 500, 510, 520, 600, 610, 620, 630, 640, and 650; and the following portions of regulation 2: General prohibitions (all of page 1), Articles I and II, paragraphs A1, A2, A3, A4, 5, 7, and 8 of Article III, Articles IV and V, Article VII(a) to (i), (j), (k), (l), (m), (n), and (o) and Appendix B and C.

(F) Previously approved on November 7, 1978 in paragraph (c)(35)(xvi)(C) of this section and now deleted without replacement, Rules 340.

(G) Previously approved on November 7, 1978 in paragraph (c)(35)(xvi)(C) of this section and now deleted without replacement Rule 630.

(xvi) Northern Sonoma County APCD.

(A) Rule 540.

(B) New or amended Rules 100, 110, 120, 130, 150, 160 (except 160(a) and non-criteria pollutants), 190, 300, 310, 320, 340, 400(b), 410(a), 410(c), 420, 430, 440, 470, 480, 482, 500, 510, 520, 600, 610, 620, 630, 640, and 650; and the following portions of Regulation 2: General prohibitions (all of page 1), Articles I and II, paragraphs A1, A2, A3, A4, 5, 7, and 8 of Article III, Articles IV to VII, and Appendix A.

(C) Previously approved on August 16, 1978 and now deleted without replacement Rules 340, 510, 600, 610, 620, 630, 640, and 650.

(xvii) Trinity County APCD.

(A) Rule 540.

(B) [Reserved]

(C) New or amended Rules 100, 110, 120, 130, 150, 160 (except 160(a) and non-
Environmental Protection Agency § 52.220

criteria pollutants), 190, 240(d) except paragraph (3), 300, 310, 320, 340, 400(b), 410(a), 410(c), 420, 430, 440, 470, 480, 482, 500, 510, 520, 600, 610, 620, 630, 640, and 650; and the following portions of regulation 2: General prohibitions (all of page 1), articles I and II, paragraphs A1, A2, A3, A4, 5, 7 and 8 of article III, articles IV and V, paragraphs (a) to (i) of article VI, and article VII.

(D) Previously approved on August 2, 1978 and now deleted without replacement Rules 340, 510, and 620 to 650.

(36) Revised regulations for the following APCD's submitted on November 19, 1976, by the Governor's designee.

(i) Southern California APCD.

(A) Rules 213, 213.1, and 213.2.

(B) Previously approved on November 9, 1978 and now deleted without replacement Rule 213, 213.1, and 213.2.

(37) Revised regulations for the following APCD's submitted on February 10, 1977, by the Governor's designee.

(i) Southern California APCD.

(A) New or amended Rules 102, 468, 469, 474, 475, 476.

(B) Rule 430.

(C) Amended Rule 431.

(ii) San Diego County APCD.

(A) Rule 68.

(iii) San Luis Obispo County APCD.

(A) Rule 112, and Rules 404(A) through 404(B)(1)(a), 404(B)(1)(c), 404(B)(2), 404(B)(3), 404(B)(4), 404(C), 404(D), and 404(E).

(iv) Lake County APCD.

(A) Rules 500, 510, and 511.

(B) New or amended sections 100, 200 to 205.1, 207 to 234, 236, 238 to 260, 300, 301, 400, 401, 402 (A to E, and G), 410, 411, 412 (A and C), 430 to 439, 520, 530 to 533, 800, 900 to 902, 1000 to 1003, 1100, 1200, 1300, 1400, 1500, 1600, 1601, 1610, 1611, 1612, 1620, 1700, 1701, 1710 to 1714, 1720 to 1725, 1730, 1731 to 1736, and tables I, II, III, IV, and V.

(C) Previously approved and now deleted (without replacement) part II; sections 9, 15, 18, 28, 42, 43, 49a, 49b, 50, 52, and 54 of part III; sections 1 to 4 of part IV; section (1)(B) of part V; and parts IV and VI of Appendix B.

(D) Previously approved on August 4, 1978 and now deleted without replacement Rules 300, 800, 1000, 1600, 1610 to 1612, 1700 to 1701, 1710 to 1714, 1720 to 1725, 1730 to 1736, and Tables I to V.

(E) Previously approved on August 4, 1978 in paragraph (c)(37)(v)(B) of this section and now deleted without replacement, Rules 531, 901, and 1500.

(v) Tuolumne County APCD.

(A) Rule 404.


(C) Previously approved on December 6, 1979 and now deleted without replacement Rules 601 to 605, 700 to 704, and 705 to 716.

(D) Previously approved on December 6, 1979 in paragraph (c)(37)(v)(B) of this section and now deleted without replacement, Rules 216, 323, and 324.

(E) Previously approved on December 6, 1979 in paragraph (c)(37)(v)(B) of this section and now deleted without replacement rule 717.

(38) Revisions to air pollution emergency episode plans submitted on June 1, 1977 by the Governor's designee.

(i) South Coast Air Quality Management District's Regulation VII Emergencies as revised on May 6, 1977. No action has been taken on those portions of Rules 702, 703, 704, 706, 708.2, 710, 711, 712 and 714 that pertain to sulfate, oxidant in combination with sulfate, or oxidant in combination with sulfur dioxide. No action has been taken on Rules 708.2(b)(3)(B), 708.2(b)(4)(B), 708.2(b)(4)(C), and 708.2(b)(5)(C).

(39) Revised regulations for the following APCD's submitted on June 6, 1977, by the Governor's designee.

(i) Great Basin Unified APCD.

(A) Rule 403.

(ii) San Bernardino County APCD (Southeast Desert portion).

(A) Rule 430.


(C) New or amended Rules 104, 106, 208, 281, 401, 403, 53–A(a), 407 to 409, 431, 432, 441 to 443, 464 to 470, 472, 473, 475, 476, 503 to 506, 510 to 518, 501 to 617.

(D) [Reserved]

(E) Rules 703, 704 (except those portions that pertain to the criteria levels
for carbon monoxide and sulfur dioxide), 705, 706, 707, 708, 709, 710, 711, 713, and 714.

(F) Previously approved on September 8, 1978 and now deleted without replacement Rules 503 to 508, 510 to 516, 518, and 501 to 817.

(G) Previously approved on September 8, 1978 and now deleted without replacement Rules 466 and 467.

(H) Previously approved on September 8, 1978 in paragraph (c)(39)(ii)(C) of this section and now deleted without replacement for implementation in the Mojave Desert Air Quality Management District, Rule 517.

(I) Previously approved on November 9, 1978 in paragraph (c)(39)(ii)(B) of this section and now deleted without replacement for implementation in the Mojave Desert Air Quality Management District, Rules 210, 211, and 214 to 216.

(iii) Los Angeles County APCD (Southeast Desert portion).
  (A) Rule 430.
  (C) New or amended Rules 101, 102, 2, 103 to 106, 208, 218, 301, 42, 401, 403 to 405, 407 to 409, 431, 432, 441 to 444, 461, 463 to 476, 502 to 518, 801 to 817.
  (D) Deleted without replacement Rule 53.1, and Regulation VI—Orchard or Citrus Grove Heaters.
  (E) Rules 701, 702, 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, and 715.
  (F) Previously approved on September 8, 1978 and now deleted without replacement Rules 503 to 516, 518, and 501 to 714.
  (G) Previously approved on September 8, 1978 in paragraph (c)(39)(iv)(B) of this section and now deleted without replacement, Rules 42 and 301.
  (H) Previously approved on November 9, 1978 in paragraph (c)(39)(iv)(B) of this section and now deleted without replacement for implementation in the Mojave Desert Air Quality Management District, Rules 210, 211, and 214 to 216.

(iv) Riverside County APCD (Southeast Desert portion).
  (A) Rule 430.
  (C) New or amended Rules 103, 104, 208, 218, 301, 42, 401, 403 to 405, 53, 56, 407 to 409, 431, 432, 441 to 444, 463 to 476, 73, 503 to 518, 801 to 817.
  (D) Deleted without replacement Regulation V—Orchard, Field or Citrus Grove Heaters.
  (E) Rules 702, 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, and 715.
  (F) Previously approved on September 8, 1978 and now deleted without replacement Rules 503 to 516, 518, and 801 to 817.
  (G) Previously approved on September 8, 1978 in paragraph (c)(39)(iv)(C) of this section and now deleted without replacement, Rules 42 and 301.

(v) Yolo-Solano APCD.
  (A) Amended Rule 2.21.
  (vi) South Coast Air Quality Management District.
  (A) Amended Rule 461.
  (B) Amended Rule 431.

(vii) Mariposa County APCD.
  (A) New or amended Rules 102(B), 102(E), 102(II), 102(SS), 203 (with the exception of (D)), 206(B), 207, 208, 211, 215, 216, 301, 302, 303, 304, 308, 319, 320, 321, 322, 324, 402, 404, 407, 507, 514, 600, 603, and 610.
  (B) Previously approved and now deleted (without replacement) Rule 203(k).
  (C) Previously approved on June 6, 1977 and now deleted without replacement Rules 600, 603, and 610.
  (D) Previously approved on August 16, 1978 in paragraph (c)(39)(vii)(A) of this section and now deleted without replacement, Rules 216 and 402.
  (E) Previously approved on August 16, 1978 in paragraph (c)(39)(vii)(A) of this section and now deleted without replacement Rule 514.
  (viii) Sierra County APCD.
(A) New or amended Rules 102(B), 102(E), 102(S), 102(II), 102(SS), 203 (with the exception of (D) and (G)), 206(B), 207, 208, 211, 215, 216, 301, 302, 303, 308, 319, 320, 321, 322, 324, 402, 404, 407, 409, 507, 514, 516, 600 to 617.

(B) Previously approved and now deleted (without replacement) Rules 203(j) and 620.

(C) Previously approved on September 14, 1978 and now deleted without replacement Rules 601 to 602, 604 to 609, and 611.

(D) Previously approved and now deleted, Rule 102.

(E) Previously approved on September 14, 1978 in paragraph (c)(39)(viii)(A) of this section and now deleted without replacement Rules 600, 612, 613, 614, 615, 616, and 617.

(ix) Plumas County APCD.

(A) New or amended Rules 102(B), 102(E), 102(S), 102(II), 102(SS), 203 (with the exception of (D) and (G)), 206(B), 207, 208, 211, 215, 216, 301, 302, 303, 304, 307, 308, 319, 320, 321, 322, 324, 402, 404, 407, 409, 507, 514, 600 to 605, 700, 703, and 710.

(B) Previously approved on September 14, 1978 and now deleted without replacement Rules 602 to 605, 700, and 710.

(C) Previously approved and now deleted, Rule 102.

(x) Nevada County APCD.

(A) New or amended Rules 102(B), 102(E), 102(S), 102(II), 102(SS), 103, 104, 203(e and i), 206(B), 207, 216, 304, 319, 320, 321, 402, 407, 409, 507, 514, 700, 703(E and I), 704, 710 and 711(A).

(B) Previously approved on September 14, 1978 and now deleted without replacement Rules 704, 710, and 711(A).

(c) Previously approved and now deleted, Rule 102.

(D) Previously approved on September 14, 1978 in paragraph (c)(39)(x)(A) of this section and now deleted without replacement Rule 402.

(E) Previously approved on September 14, 1978 in paragraph (c)(39)(x)(A) of this section and now deleted without replacement Rule 514.

(40) [Reserved]

(41) Revised regulations for the following APCD's submitted on October 13, 1977, by the Governor's designee.

(i) Kings County APCD.

(A) New or amended Rules 412 and 412.2.

(ii) San Diego County Air Pollution Control District.

(A) New or amended Rules 2(b), 2(t), 2(u), 2(v), 2(w), 3, 19.2, 40, 42, 50, 52, 53, 54, 61.5, 64, 65, 66, 68, 71, 76, 77, 83, 95, 96, 101(f), 102(d), 102(e), 103(d), 103(g), 104, 109, and 177.

(J) Rule 65 is now removed without replacement as of March 14, 1989.

(B) Previously approved and now deleted (without replacement) Rule 113.

(C) Regulation VIII, Rules 126-138 and Appendix A, except as these rules apply to the 12-hour carbon monoxide episode criteria specified in Rule 127.

(D) Previously approved on August 31, 1978 and now deleted without replacement Rule 77, 85, and 96.

(E) Previously approved on August 31, 1978 and now deleted without replacement Rule 3.

(F) Previously approved on August 31, 1978 in paragraph (c)(41)(ii)(A) of this section and now deleted Rule 104 (now replaced by Rule 101).

(iii) Bay Area APCD.

(A) New or amended rules: Regulation 1, section 3121 and Regulation 2, sections 3210.5 to 3210.11.

(iv) Ventura County APCD.

(A) New Rule 105.

(v) Kern County APCD.

(A) Rule 108.

(vi) San Luis Obispo County APCD.

(A) New Rule 113.

(vii) Monterey Bay Unified APCD.

(A) New Rules 215, 422.

(viii) Amador County APCD.

(A) New or amended Rules 102(C), 102(F), 102(AW), 103, 205(A)(1), 207, 212, 216, 302(A), 304, 305(C), 313(A), 507, 602.1, 604, 605, 701, 703(E) and 710.

(ix) Calaveras County APCD.

(A) New or amended Rules 102, 203 (with the exception of (D) and (G)), 206(B), 207, 208, 209, 211, 215, 216, 301, 302, 303, 304, 307, 308, 319, 320, 321, 322, 324, 402, 404, 407, 507, 602 to 604, 704, 702, 703, 710, and 715.

(B) Previously approved and now deleted (without replacement) Rule 203(J).

(C) Previously approved on November 7, 1978 and now deleted without replacement Rules 700, 702, 703, 710, 715.

(D) Previously approved on November 7, 1978 in paragraph (c)(41)(ix)(A) of this
§ 52.220

section and now deleted without replacement, Rules 216, 324, 402, 602, 603, and 604.

(x) Placer County APCD.

(A) New or amended Rules 101, 102, 103, 104, 203 (with the exception of (G)), 206, 207, 208, 210, 211, 213, 214, 301 to 311, 313 to 322, 401, 402, 404, 407, 408, 409, 410, 507, 603 to 605, 702 to 704, 706, 708, 709, 710, 715, 801 to 804.

(B) Previously approved on November 14, 1978 and now deleted without replacement Rules 4.5 and 4.6.

(xii) Shasta County APCD.

(A) New or amended Rules 1:2 (with the exception of the definition of “person”), 2:6(1)(a), (1)(b), (1)(i–ii), (1)(b)(iii), (a, b, and d), (1)(b), (iv–vii), (1)(c), (i–vi and viii), (1)(d and e), (2)(a–d and f), (3)(a–c and e–g), (4)(a–c and e–i), (5)(b–d); 2.7, 2.8, 3.2 (except part VI and VII of table I, and explanatory notes 6 and 7); 3.4, 4.1, 4.5, 4.6, 4.14, and 4.19.

(xvii) Madera County APCD.

(A) Amended Rule 412.1.

(xiv) South Coast Air Quality Management District.

(A) New or amended Rules 101 and 102 (except for the definition of “agricultural burning”).

(xv) Northern Sonoma County APCD.

(A) New or amended Rules 420(e) and (f), and 455(a) and (d).

(42) Revised regulations for the following APCD’s submitted on November 4, 1977 by the Governor’s designee.

(i) Imperial County APCD.

(A) New or amended Rules 100 to 110, 113 to 115, 301 to 303, 305, 401, 403 to 406, 408, 409, 411 to 416, 419 to 422, 501 to 516, and 701 to 706.

(B) Previously approved and now deleted (without replacement), Rules 106B, 113, 126, 131 and 147.

(C) Rules 601, 602 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, and 614.

(D) New Rule 417 (A–H, and J).

(E) Previously approved on August 11, 1978 and now deleted without replacement Rules 501 to 512 and 514 to 516.

(F) Previously approved on August 11, 1978 in paragraph (c)(42)(i)(A) of this section and now deleted without replacement, Rules 104, 106, and 303.

(ii) Sacramento County APCD.

(A) Rules 3, 7(a) to 7(b)(2), 7(b) to 7(d), 9, 11, 12, 13, 14, 15, 21, 22a, 23, 24, 25, 26, 94, 95, 96, 97, and 98.

(B) Rules 120, 121, 122, 125, and 126, except those portions that pertain to the 12-hour CO criteria level.

(iii) Kings County APCD.


(B) Previously approved and now deleted, Rule 405.1.
(C) Previously approved on August 4, 1978 and now deleted without replacement Rules 105 and 501.

(D) Previously approved on August 4, 1978 in paragraph (c)(42)(iii)(A) of this section and now deleted without replacement, Rules 104 and 110.

(iv) Stanislaus County APCD.

(v) Merced County APCD.
(A) Amended Rules 411(b) and 411.1.

(vi) Kern County APCD.
(A) Rule 412.1.

(vii) San Luis Obispo County APCD.

(viii) Glenn County APCD.
(A) New or amended Rules 82, 105, 461, and 501.

(ix) Great Basin Unified APCD.
(A) New or amended Rules 101, 102, 103, 105, 404, 405, 406(a), 444, 461, 462, 463, 471, 474, 501, 502 and 509.

(B) Previously approved and now deleted without replacement Rules 44 and 53.1.

(C) Rules 701, 702, 712, and 715.

(D) Previously approved on December 21, 1978 and now deleted without replacement Rules 501, 502, and 509.

(xiv) Riverside County APCD.
(A) New or amended Rules 101, 102, 105, 461, and 501.

(B) Rule 701.

(C) Previously approved on December 21, 1978 and now deleted without replacement Rule 501.

(D) Previously approved on December 21, 1978 in paragraph (c)(42)(xiv)(A) of this section and now deleted without replacement, Rule 105 (Mojave Desert AQMD only).

(xv) Del Norte County APCD.
(A) New or amended Rules 240(e), 420 (e) and (f), and 455 (a) and (d), and Appendix D to regulation 1.

(xvi) South Coast Air Quality Management District.
(A) New or amended Rules 218, 463, and 466.

(B) Rules 702 (map only) and 708.2.

(C) Rules 714 and 715.1 (except those portions that pertain to sulfate, oxidant in combination with sulfate, and oxidant in combination with sulfur dioxide).

(xvii) Humboldt County APCD.
(A) New or amended Rules 240(e), 420 (e) and (f), and 455 (a) and (d), and Appendix D to Regulation 1.

(xviii) Santa Barbara County APCD.
(A) New Rule 39.3.

(xix) Mendocino County APCD.
(A) New or amended Rules 240(e), 420 (e) and (f), and 455 (a) and (d), and Appendix D to Regulation 1.

(xx) Trinity County APCD.
(A) New or amended Rules 240(e), 420 (e) and (f), and 455 (a) and (d), and Appendix D to Regulation 1.

(xxii) Northern Sonoma County APCD.
(A) New or amended Rules 240(e), 310, and Appendix D to Regulation 1.

(43) [Reserved]
(44) Revised regulations for the following APCD's submitted on June 22, 1978, by the Governor's designee.

(i) Great Basin Unified APCD.
(A) Amended Rule 419.
(ii) Santa Barbara County APCD.
(A) New Rule 24.15.
(iii) Ventura County APCD.
(A) New or amended Rules 2, 7, and 56 (with the exception of Sections B(2)(c) and C).

(iv) Yolo-Solano APCD.
(A) Amended Rules 1.2 (preamble), 1.4, 2.8(c)(2), 2.13(b)(4), 2.15, 2.17, 2.20, 4.4(b), 5.1, 5.4(e)(1), 5.10, 5.11, and 6.7(f).
(B) Previously approved and now deleted (without replacement) Rule 2.8(b)(4).
(C) Previously approved on January 29, 1979 and now deleted without replacement Rules 5.1, 5.10 and 5.11.
(D) Previously approved on January 29, 1979 in paragraph (c)(44)(iv)(A) of this section and now deleted without replacement, Rule 1.4.

(v) South Coast Air Quality Management District.
(A) Rules 102, 501.1, and 503.
(B) Previously approved on March 28, 1979, and now deleted without replacement Rule 503.

(vi) San Diego County APCD.
(A) New or amended Rules 66, 67.0, and 67.1.

(45) Revised regulations for the following APCD's submitted on July 13, 1978 by the Governor's designee.

(i) Bay Area APCD.
(A) New or amended Regulation 2, Division 3, sections 3210.11(B), 3211.2; Regulation 3, Division 3, §3102.1; Regulation 9.

(ii) South Coast AQMD.
(A) Rules 302, 461, 465, 1102, and 1113.
(iii) San Diego County APCD.
(A) New or amended Rules 42, 76, and 97.

(B) Previously approved on July 30, 1979 and now deleted without replacement Rules 76 and 97.

(46) The following Administrative Chapters of the California SIP, submitted on December 29, 1978, by the Governor's designee.

(i) Chapter 2—Statewide Perspective.
(ii) Chapter 20—Compliance.
(iii) Chapter 23—Source Surveillance.
(iv) Chapter 24—Resources.

(v) Chapter 25—Intergovernmental Relations.

(47) Revised regulations for the following APCD's submitted on January 2, 1979 by the Governor's designee.

(i) South Coast AQMD.
(B) New or amended Rules 462, 481, and 1104.

(C) Previously approved on May 9, 1980 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rules 1201–1205, 1209–1211, 1214, 1217, 1220–1221, and 1223–1224.

(D) Previously approved on May 9, 1980 and now deleted without replacement for implementation in the South Coast Air Quality Management District, Rule 1231. (JR)

(E) Previously approved on May 9, 1980 in paragraph (c)(47)(i)(A) of this section and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1231.

(F) Previously approved on May 9, 1980 in paragraph (c)(47)(i)(A) of this section and now deleted without replacement for implementation in the Mojave Desert Air Quality Management District (Riverside County), Rules 1201 to 1205, 1209 to 1211, 1214, 1217, 1220, 1221, 1223, and 1224.

(G) Previously approved on May 9, 1980 in paragraph (c)(47)(i)(A) of this section and now deleted without replacement for implementation in the South Coast Air Quality Management District, Rules 1201 to 1205, 1209 to 1211, 1214, 1217, 1220, 1221, 1223, and 1224.

(H) Previously approved on May 9, 1980 in paragraph (c)(47)(i)(A) of this section and now deleted without replacement for implementation in the Mojave Desert Air Quality Management District (Riverside County), Rules 1201 to 1205, 1209 to 1211, 1214, 1217, 1220, 1221, 1223, and 1224.

(i) Fresno County APCD.
(A) New or amended Rules 110, 416.1, and 519.

(B) New or amended Rule 409.1.

(iii) Kern County APCD.
(A) New or amended Rules 111, 301, and 519.

(B) Rule 412.

(iv) Lake County APCD.
(A) New or amended Rules 435, and 436, and Tables V and VI.

(v) Monterey Bay Unified APCD.
(A) Amended Rule 301.

(vi) Siskiyou County APCD.
(A) Amended Rule 4.3.

(vii) San Luis Obispo County APCD.
(A) Rule 407.
(B) New or amended Rule 201.
(48) Chapter 3—Legal Authority of the California SIP, submitted on March 16, 1979, by the Governor’s designee.
(49) Addendum to Chapter 23 of the California SIP submitted on March 29, 1979, by the Governor’s designee.
(50) Revised regulations for the following APCD’s submitted on May 7, 1979, by the Governor’s designee.
   (i) Del Norte County APCD.
      (A) New or amended Rules 240, 410 (a) and (c), and 615.
      (B) Previously approved on October 31, 1980 and now deleted without replacement Rule 615.
   (ii) Humboldt County APCD.
      (A) New or amended Rules 240, 410 (a) and (c), 615.
      (B) Previously approved on October 31, 1980 and now deleted without replacement Rule 615.
   (iii) Mendocino County APCD.
      (A) New or amended Rules 240, 410, and 615.
      (B) Previously approved on October 31, 1980 and now deleted without replacement Rule 615.
   (iv) Trinity County APCD.
      (A) New or amended Rules 240, 410 (a) and (c), and 615.
      (B) Previously approved on October 31, 1980 and now deleted without replacement Rule 615.
   (v) Northern Sonoma County APCD.
      (A) New or amended Rules 240, 300, 310, 320, 410 (a) and (c), 420, 540, 615.
      (B) Previously approved on October 31, 1980 and now deleted without replacement Rules 320 and 615.
   (vi) Merced County APCD.
      (A) New or amended Rule 409.1.
      (B) New or amended Rule 519.
   (vii) Modoc County APCD.
      (A) New or amended Rules 1:2 w, 2:11, 2:15, 3:3 and 3:4.
      (viii) Monterey Bay Unified APCD.
         (A) Rules 403 and 602.
         (ix) Ventura County APCD.
            (A) New or amended Rules 71 and 71.3.
            (B) New or amended Rule 11.
         (x) San Diego County APCD.
            (A) New or amended Rule 10(h) and deletion of Rule 43.
   (51) Revised regulations for the following APCD’s submitted May 23, 1979, by the Governor’s designee.
      (i) Kern County APCD.
         (A) Amended Rules 305 and 503.
         (B) Rules 410.1 and 424.
      (C) Previously approved on August 11, 1980 and now deleted without replacement Rule 503 (including Southeast Desert).
      (ii) Monterey Bay Unified APCD.
         (A) Rule 417.
         (B) Rule 617.
      (iii) Del Norte County APCD.
         (A) New or amended Rules 130, 300, 310, 320, 420, 540 and Regulation 1 Appendix D.
         (B) Previously approved on October 31, 1980 and now deleted without replacement Rule 320.
      (iv) Humboldt County APCD.
         (A) New or amended Rules 130, 300, 310, 320, 420, 540 and Regulation 1 Appendix D.
         (B) Previously approved on October 31, 1980 and now deleted without replacement Rule 320.
      (v) Mendocino County APCD.
         (A) New or amended Rules 130, 300, 310, 320, 420, 540 and Regulation 1 Appendix D.
         (B) Previously approved on October 31, 1980 and now deleted without replacement Rule 320.
      (vi) Trinity County APCD.
         (A) New or amended Rules 130, 300, 310, 320, 420, 540 and Regulation 1 Appendix D.
         (B) Previously approved on October 31, 1980 and now deleted without replacement Rule 320.
      (vii) San Diego County APCD.
         (A) Amended Rules 2(t), 61.5, and 61.7.
         (B) New or amended Rules 19.2(d)(4), 50, 62(a), 66(P) and (W), 95, and 98.
        (C) New or amended Rule 11.
      (D) Previously approved on September 28, 1981 and now deleted without replacement Rules 95 and 98.
      (viii) San Joaquin County APCD.
         (A) New or amended Rule 409.1.
         (B) New or amended Rules 110 (a), (b), and (d)–(i), 301, 303–311, and 511.
        (C) New or amended Rules 102, 108.2, 110(c), 302, 401, and 521.
      (D) Previously approved on December 9, 1981 and now deleted without replacement Rules 301, 303 to 311, and 511.
      (E) Previously approved on June 18, 1982 and now deleted without replacement Rule 302.
      (ix) Stanislaus County APCD.
         (A) New or amended Rule 409.1.
§ 52.220

(B) New or amended Rule 110 (A), (B) and (D)–(I).

(C) New or amended Rules 110(c) and 519.

(D) Previously approved on June 18, 1982 and now deleted without replacement Rule 519.

(x) Tulare County APCD.

(A) New or amended Rules 410.1 and 413.

(B) New or amended Rules 111 (a), (b), and (d)–(i), 402, and 417.

(C) New or amended Rules 108, 111(c), 201, 410 and 519.

(xi) Lake County APCD.


(B) Previously approved on January 27, 1981 in paragraph (c)(51)(xi)(A) of this section and now deleted without replacement, Rule 660.

(xii) San Bernardino County Desert APCD.

(A) New Rules 480 and 501.1.

(B) New or amended Rules 442, 463, and 1113.

(C) Previously approved on January 27, 1981 and now deleted without replacement Rule 501.1.

(xiii) Santa Barbara County APCD.


(B) Previously approved on May 18, 1981 in paragraph (c)(51)(xiii)(A) of this section and now deleted without replacement Rule 206.

(C) Previously approved on May 18, 1981 and now deleted without replacement Rules 210 to 211, 501 to 504, 506 to 512, 514 to 516, and 518.

(D) Previously approved on May 18, 1981 in paragraph (c)(51)(xiii)(A) of this section and now deleted without replacement, Rule 402.

(E) Previously approved on May 18, 1981 in paragraph (c)(51)(xiii)(A) of this section and now deleted without replacement Rules 204, 207, 208, 209, 513, 517, and 519.

(F) Previously approved on May 18, 1981 in paragraph (c)(51)(xiii)(A) of this section and now deleted with replacement in paragraph (c)(187)(i)(E)(I) of this section, Rule 206.

(G) Previously approved on May 18, 1981 in paragraph (c)(51)(xiii)(A) of this section and now deleted with replacement in paragraph (c)(361)(i)(A)(d) of this section, Rule 203.

(xiv) El Dorado County APCD—Lake Tahoe Air Basin Portion.


(B) Amended Rule 306.

(C) New or amended Rules 102, LAER, stationary source, and modifications; 213 and 214.

(D) Previously approved on May 18, 1981 in paragraph (c)(51)(xiv)(A) of this section and now deleted without replacement, Rules 801 to 804.

(E) Previously approved on May 18, 1981 in paragraph (c)(51)(xiv)(A) of this section and now deleted without replacement Rules 702 to 704 and 707 to 710.

(xv) Placer County APCD—Mountain Counties Air Basin Portion.

(A) New or amended Rules 404, 602, and 603.

(B) Deletion of Rules 604 and 605.

(C) Previously approved on May 18, 1981 and now deleted without replacement Rules 404, 602, and 603.

(xvi) Sacramento County APCD.

(A) Amended Rule 71.

(B) Previously approved on January 26, 1982 and now deleted without replacement Rule 71.

(xvii) Shasta County APCD.

(A) New or amended Rules 3.4.

(xviii) Sierra County APCD. (A) Amended Rule 3.4.

(xix) Tehama County APCD.

(A) Amended Rule 2.1 and previously approved and now deleted Rule 2.9 (Action on Applications).

(xx) Ventura County APCD.

(A) New or amended Rules 6, 8, 9, 13, 24, 40, 63, 75, 102, 103, 110, 111, 112, 113,
Environmental Protection Agency § 52.220

114, 120, 121, 123, 124, 125, 126, 127, and 130.

(B) Previously approved on June 18, 1982 and now deleted without replacement Rules 40, 110 to 114, 120 to 121, 123 to 126, and 130.

(C) Previously approved on June 18, 1982 in paragraph (c)(51)(xx)(A) of this section and now deleted without replacement, Rule 9.

(D) Previously approved on June 18, 1982 in paragraph (c)(51)(xx)(A) of this section and now deleted without replacement Rules 8 and 127.

(52) Revised regulations for the following APCD’s submitted October 15, 1979, by the Governor’s designee.

(i) Kern County APCD.

(A) Amended Rule 302

(B) Rules 410.4, 410.5, and 414.2.

(C) Previously approved on August 21, 1981 and now deleted without replacement for implementation in the Southeast Desert Air Basin, Rule 414.2.

(D) Previously approved on August 21, 1981 in paragraph (c)(52)(i)(A) of this section and now deleted without replacement within the San Joaquin Valley Unified Air Pollution Control District area, Rule 414.2.

(ii) Imperial County APCD.

(A) Rules 415.1 and 424.


(C) Previously approved on January 27, 1981 in paragraph (c)(52)(ii)(B) of this section and now deleted without replacement, Rules 304 and 706.

(iii) [Reserved]

(iv) Kings County APCD.


(B) New or amended Rules 111 (A), (B), and (D)—(1), 301, 302, and 401.

(C) New or amended Rules 111(c), and 519.

(D) Previously approved on October 9, 1981 and now deleted without replacement Rule 302.

(E) Previously approved on June 18, 1982 and now deleted without replacement Rule 519.

(F) Previously approved on December 9, 1981 in paragraph (c)(52)(iv)(B) of this section and now deleted without replacement, Rule 301.

(G) Previously approved on May 7, 1982 in paragraph (c)(52)(iv)(A) of this section and now deleted without replacement: Rule 414.2.

(v) Madera County APCD.


(C) New or amended Rules 111(c) 402(f) and 519.

(vi) Merced County APCD.


(B) New or amended Rules 109 (A), (B), and (D)—(1).

(C) New or amended Rule 109(c).

(D) Previously approved on May 7, 1982 in paragraph (c)(52)(v)(A) of this section and now deleted without replacement: Rules 413.2 and 413.3.

(vii) San Joaquin County APCD.

(A) New or amended Rules 209.1 (except paragraphs (B)(3) and (D)(2)(b)), 209.2, 409.3, 410, 411.1, 413, 413.1, 413.2, and 413.3.

(B) New or amended Rule 209.3.

(C) New or amended Rule 209.4.

(viii) Stanislaus County APCD.

(A) New or amended Rules 209.2 and 411.

(ix) Tulare County APCD.

(A) New or amended Rules 210.1 (except paragraphs (C)(4) and (e)(2)(H)), 210.2 and 410.5.

(B) New or amended Rules 301 and 302.

(C) Previously approved on December 9, 1981 and now deleted without replacement Rules 301 and 302.

(x) Lake County APCD.

(A) Amended Rule 433.

(xi) Amador County APCD.


(B) Previously approved on May 18, 1981 and now deleted without replacement Rules 605, 700 to 704, and 710 to 711.

(C) Previously approved on May 18, 1981 in paragraph (c)(52)(xi)(A) of this section and now deleted without replacement: Rule 301.
section and now deleted without replacement, Rules 103, 402, and 601 to 604.
(xii) Nevada County APCD.
(B) Previously approved on May 18, 1981 and now deleted without replacement Rule 404.
(xiii) Placer County APCD—Mountain Counties Air Basin Portion.
(A) New or amended Rules 101, 102, 104, 201, 202, 207, 210, 211, 220–222, 301–310, and 312–323.
(B) New or amended Rules 215 and 219.
(C) Rule 508 (except paragraph (c)(3)(h)).
(D) New or amended Rules 501B, 502, 504, 506, 512, and 513.
(E) Previously approved and now deleted, Rule 104.
(F) Previously approved on May 18, 1981 in paragraph (c)(52)(xiii)(D) of this section and now deleted without replacement Rules 504, 506, 512, and 513.
(G) Previously approved on July 7, 1982 in paragraph (c)(52)(xiii)(C) of this section and now deleted without replacement: Rule 508.
(xiv) Tuolumne County APCD.
(A) New or amended Rules 207, 210, 218, and 404.
(xv) Fresno County APCD.
(B) New or amended Rules 301, 302, and 305.
(C) Previously approved on December 9, 1981 and now deleted without replacement Rule 305.
(D) Previously approved on December 9, 1981 in paragraph (c)(52)(xv)(B) of this section and now deleted without replacement, Rule 302.
(xvi) Yuba County APCD.
(A) New or amended Rules 1, Section 1 (except Silviculture Deletion), 1.1 (except PPM), 2.0–2.2, 2.4 except (a), 2.5–2.12, 2.15–2.20, 2.22–2.24, 2.27, 2.30, Section 5 (Deletion), 5.0–5.3, 5.5–5.19, 6.1–6.7, 7, 7.1 and 8.1.
(B) New or amended Rules 2.3 and 2.4(a).
(C) Previously approved on January 26, 1982 in paragraph (c)(52)(xvi)(A) of this section and now deleted without replacement, Rules 7.0, 7.1, and 8.1.
(D) Previously approved on January 26, 1982 in paragraph (c)(52)(xvi)(A) of this section and now deleted without replacement Rules 5.0 to 5.3, 5.5 to 5.19, and 6.1 to 6.7.
(xvii) San Diego County APCD.
(A) New or amended Rule 67.7 and 67.2.
(xviii) Shasta County APCD.
(A) New or amended Rules 1.1, 1.2, 2.11, 2.12, and 3.2 (except rows (vi) and (vii)).
(B) Amended Rule 2.5.
(xix) Yolo—Solano APCD.
(A) New or amended Rules 4.1–4.3.
(B) New or amended Rules 301, 302, and 305.
(C) Previously approved on January 26, 1982 and now deleted without replacement Rule 4.3.
(xx) Sacramento County APCD.
(A) New or amended Rule 1.
(xxii) Siskiyou County APCD.
(A) New or amended Rules 2.14–2.16.
(53) Revisions to air pollution emergency episode plans submitted on February 14, 1980 by the Governor’s designee.
(i) Bay Area Air Quality Management District Rules 100, 101, 300, 301, 302, 303, 304, 305, 400, 401, 402, 403, and 404.
(ii) Revised regulations for the following APCD’s submitted on February 25, 1980, by the Governor’s designee.
(i) Ventura County APCD.
(A) Rules 150, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, and 162.
(B) New or amended Rule 71.1.
(C) New or amended Rules 56, 80, 81, and deletion of Rules 17, 151, 163, and 164.
(ii) Monterey Bay Unified APCD.
(A) Rule 422 and deletion of Rule 508.
(B) Amended Rule 416.
(iii) San Luis Obispo County APCD.
(A) Rules 301, 302, 303, and 304.
(B) Previously approved on May 18, 1981 and now deleted without replacement Rules 303 and 304.
(iv) Yolo—Solano APCD.
(A) Amended Rule 5.4.
(B) New or amended Rules 2.21, 2.21.1, 2.24 and 2.25.
(C) New or amended Rule 3.13.
(D) Previously approved on January 26, 1982 and now deleted without replacement Rule 5.4.
(v) Sacramento County APCD.
(A) New or amended Rule 17.
(B) [Reserved]
(C) New or amended Rules 3.13, 3.4.1, and 3.4.2.
(vi) Sutter County APCD.
(A) New or amended Rules 1.4, 2.8.1 (Deletion), 2.17, and 2.82.
(B) Previously approved on January 26, 1982 in paragraph (c)(54)(vi)(A) of this section and now deleted without replacement, Rule 1.4.
(vii) Yuba County APCD.
(A) Amended Rule 2.26.
(viii) Butte County APCD.
(A) New Rule 2–12.e.
(B) Amended Rules 4.5A and 4.5B.
(C) Previously approved on May 27, 1982 in paragraph (viii)(B) of this section and now deleted Rules 4.5A and 4.5B.
(ix) Tehama County APCD.
(A) Amended Rules 2.5A and 2.5B.
(x) Colusa County APCD.
(A) New or amended Rules 2.7 A and B.
(xi) Glenn County APCD.
(A) New or amended Rules 51.1 and 51.2.
(xii) Shasta County APCD.
(A) New or amended Rules 1.2, 3.14, and 3.15.
(v) Copies of Board hearing testimony.
(55) The following material for Imperial County was submitted on October 11, 1979 by the Governor’s designee.
(i) Summary of Plan Compliance with Clean Air Act Requirements.
(ii) Imperial County plan to attain National Ambient Air Quality Standards for oxidants, October 31, 1978.
(iii) SIP Revision—Imperial County ARB Staff Report, No. 79–4–2.
(iv) ARB resolution 79–9, February 21, 1979.
(v) Copies of Board hearing testimony.
(56) Revised regulations for the following APCDs submitted on March 17, 1980, by the Governor’s designee.
(i) Imperial County APCD.
(A) Rules 207 [except Subparagraph C.1.], 208, and 209.
(ii) Ventura County APCD.
(A) Amended Rule 26.3.
(B) New or amended Rules 10, 25, and 27.
(C) Previously approved on June 18, 1982 and now deleted without replacement Rule 27.
(57) The North Central Coast Air Basin Strategy (Chapter 10 of the comprehensive revisions to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards) submitted on September 12, 1979 by the Governor’s designee.
(58) Revised regulations for the following APCDs submitted on December 17, 1979 by the Governor’s designee.
(i) Monterey Bay Unified APCD.
(A) Rules 418, 425 and 426.
(B) New or amended Rules 300, 405, and 601.
(ii) South Coast AQMD.
(A) New or amended Rules 1107, 1108, 1108.1 and 1128.
(B) New or amended Rules 404, 442, 501.1, 502, 504.1(b), (c), and (d), and 1124.
(C) Previously approved on September 28, 1981 and now deleted without replacement Rule 501.1.
(iii) Great Basin Unified APCD.
(A) New or amended Rules 206, 210, 300A, and G, 403, 404, 501.1, 502, 504.1(b), (c), and (d), and 617.
(B) New or amended Rules 203, 209–A and B, 212, and 213.
(v) Copies of Board hearing testimony.
(59) Revised regulations for the following APCDs submitted on March 4, 1980 by the Governor’s designee.
(i) Monterey Bay Unified APCD.
(A) Rules 207 (except B.4.) and 208.
(B) New or amended Rules 205, 211, 212, 213, and 214.
(C) Previously approved on June 18, 1982 in paragraph (c)(56)(i)(B) of this section and now deleted without replacement Rule 27.
(60) Chapter 4, California Air Quality Control Strategies, of the California SIP,
§ 52.220

submitted on May 23, 1979, by the Governor’s designee.

(61) Redesignation of AQCR’s in California, submitted on September 11, 1978, by the Governor’s designee.

(62) The San Diego Air Basin Control Strategy (Chapter 14 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards) submitted on July 5, 1979, by the Governor’s designee, except the inspection/maintenance portion. Additional documents were also submitted as appendices. Those portions of the San Diego Air Basin Control Strategy, including Appendices, identified by Table 14–1, “Location of Plan Elements Which Meet Clean Air Act Requirements” (pages 6–7), comprise the submitted nonattainment area plan, except the inspection/maintenance portion. The remaining portions are for informational purposes only.

(63) The following portions of the California Environmental Quality Act submitted on October 20, 1980, by the Governor’s designee: Sections 21000; 21001; 21002; 21002.1; 21061; 21063; 21065; 21080.1; 21080.4; 21080.5 (a), (b), (c) and (d); 21081; 21082; 21100; 21104; 21151; 21153; 21160.

(64) Revised regulations for the following APCD submitted on February 13, 1980, by the Governor’s designee.

(i) San Diego County APCD.


(iii) Previously approved on September 28, 1981 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rules 1206, 1208, 1212, 1213, 1215, 1216, 1218, 1219, 1222, and 1225–1230.

(iv) Previously approved on September 28, 1981 in paragraph (c)(65)(ii) of this section and now deleted without replacement Rules 1206, 1208, 1212, 1213, 1215, 1216, 1218, 1219, 1222, and 1225 to 1230.

(v) Previously approved on September 28, 1981 in paragraph (c)(65)(ii) of this section and now deleted without replacement for implementation in the Mojave Desert Air Quality Management District (Riverside County), Rules 1206, 1208, 1212, 1213, 1215, 1216, 1218, 1219, 1222, and 1225 to 1230.

(65) Revised regulations for the following APCD’s, submitted on February 7, 1980, by the Governor’s designee.

(i) South Coast AQMD.

(A) New or amended Rule 461.

(B) Amended Rule 466.

(ii) Bay Area AQMD.

(A) Regulation 8: Rule 1, 2 (except paragraph 301), 4, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18 and 19.

(66) Revised regulations for the following APCD’s, submitted on April 2, 1980, by the Governor’s designee.

(i) South Coast AQMD.

(A) New or amended Rule 1222.

(B) New or amended Rules 107, 709(c), 1111, 1121 and 1140.

(ii) Bay Area AQMD.


(iii) Kern County APCD.

(A) New or amended Rules 412.1(b)–(f).

(B) New Rule 411.1.

(C) Previously approved on July 8, 1982 and now deleted without replacement for implementation in the Southeast Desert Air Basin, Rule 411.1.

(iv) Sacramento County APCD.

(A) New or amended Rules 7, 24, 25, 28, 30, and 53.

(B) New or amended Rules 120, 121, and 122.
(68) Revised regulations for the South Coast AQMD, submitted on April 3, 1980, by the Governor’s designee. 

(i) New or amended Rules 1301, 1303, 1304, 1305, 1306, 1307, 1310, 1311, and 1313.

(ii) Previously approved on January 21, 1981 and now deleted without replacement Rule 1311.

(69) Revised regulations for the South Coast AQMD submitted on April 23, 1980, by the Governor’s designee.

(i) New or amended Rules 1301, 1303, 1304, 1305, 1306, 1307, 1310, 1311, and 1313.

(ii) Previously approved on January 21, 1981 and now deleted without replacement Rule 1311.

(69) Revised regulations for the South Coast AQMD submitted on April 23, 1980, by the Governor’s designee.

(i) New or amended Rules 1301, 1303, 1304, 1305, 1306, 1307, 1310, 1311, and 1313.

(ii) Previously approved on January 21, 1981 and now deleted without replacement Rule 1311.

(70) Revised regulations for the following APCD’s submitted on August 15, 1980, by the Governor’s designee.

(A) New or amended Rules 1302 and 1308.

(B) New or amended Rule 1101.

(1) Previously approved on September 2, 1981 in paragraph (c)(70)(i)(B) of this section and now deleted without replacement, for the Antelope Valley area only, Antelope Valley Rule 1101, previously South Coast Rule 1101. South Coast Rule 1101 remains in effect for the South Coast area.

(C) New or amended Rules 702(b), 707, 708, 708.3 (a)(2) and (c), 708.4 (a) and (b), 709(e), 710 (b)(1)(D), (b)(2)(D), (b)(3)(B), and (c)(3)(B), 711 (a)(1)(E), (a)(2)(D), (a)(3)(B), (a)(4)(F), (b)(3)(B), and (b)(4)(f), and 1102.

(D) Amended Rule 401 (except subparagraph 401(b)).

(ii) San Diego County APCD.

(A) New or amended Rules 2 (z) and (aa), 40, and 10 (f) and (i).

(iii) Shasta County APCD.

(A) Amended Rule 3.3.

(iv) El Dorado County APCD (Mountain Counties and Lake Tahoe Air Basin).

(A) New or amended Rules 601–613.

(B) Previously approved on May 27, 1982 in paragraph (c)(70)(iv)(A) of this section and now deleted without replacement, Rules 601 to 613.

(71) The San Joaquin Valley Air Basin Control Strategy (Chapter 16 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards) submitted on October 11, 1979, by the Governor’s designee. Those portions of the San Joaquin Valley Air Basin Control Strategy identified by Tables 16–1a, 1b and 1c (Summary of Plan Compliance with Clean Air Act Requirements) except for those portions which pertain to Fresno County and the six transportation control measures for Stanislaus County, comprise the submitted plan. The remaining portions are for informational purposes only. The following rules were also submitted on October 11, 1979 as part of the enforceable plan:

(i) Kings County APCD.

(A) New or amended Rules 411 and 414.3.

(B) Previously approved on May 7, 1982 in paragraph (c)(71)(i)(A) of this section and now deleted without replacement: Rule 414.3.

(ii) Madera County APCD.

(A) New or amended Rule 210.1 (except paragraphs (3)(D) and (5)(B)(8)).

(iii) Merced County APCD.

(A) New or amended Rules 409.3 and 410.

(iv) Tulare County APCD.

(A) New or amended Rule 410.3.

(72) The San Francisco Bay Area Basin Control Strategy (Chapter 15 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards) including appendices, submitted on July 25, 1979, by the Governor’s designee.

(73) Revised regulations for the following APCD’s submitted on January 14, 1980, by the Governor’s designee.

(i) Bay Area AQMD.

(B) New or amended Regulation 2, Rule 1: 2–1–100 to 2–1–102, 2–1–111, 2–1–112, and 2–1–408.

(74) Revised regulations for the following APCD’s submitted on December 24, 1979, by the Governor’s designee.

(i) Imperial County APCD.

(A) New or amended Rules 111, 413, 414, 416, (deletion), and 517.

(B) Previously approved on January 27, 1981 and now deleted without replacement Rule 517.

(ii) Santa Barbara County.

(A) Rule 316.

(iii) Ventura County APCD.

(A) New Rule 70 (except paragraph E).

(75) Revised regulations for the Kern County APCD, submitted on January 6, 1980, by the Governor’s designee.


(ii) New or amended Rule 424(F).

(iii) Previously approved on August 21, 1981 and now deleted without replacement for implementation in the Southeast Desert Air Basin, Rule 414.3.

(iv) Previously approved on August 21, 1981 in paragraph (c)(75)(i) of this section and now deleted without replacement within the San Joaquin Valley Unified Air Pollution Control District area, Rule 414.3.

(76) Revised regulations for the following APCD’s, submitted on April 15, 1980, by the Governor’s designee.

(i) Kern County APCD.

(A) Amended Rule 210.1

(77) The following amendments to the plan were submitted on October 18, 1979, by the Governor.

(i) San Luis Obispo County APCD.

(A) New or amended Rules 415, 416, 420, and 422.

(ii) The South Central Coast Air Basin Control Strategy (Chapter 17 of the Comprehensive Revision to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards). Those portions of the South Central Coast Air Basin Control Strategy identified by Tables 17–1 and 17–2 “Location of Plan Elements Which Meet Clean Air Act Requirements” together with the rules identified below comprise the submitted nonattainment area plan. The remaining portions are for informational purposes only.

(A) Santa Barbara County APCD Rules 320, 321, 323, 327, 329 to 332, 201.C and 205.C. (except subparagraph 5.b.8.).

(B) Ventura County APCD Rules 26 (except 26.2, 26.3 and 26.4), 74.4, 74.7, and 74.8.

(78) Revised regulations for the following APCD submitted on November 19, 1979, by the Governor’s designee.

(i) South Coast AQMD.

(A) Deletion of Rules 67 and 72.

(ii) California Lead SIP.

(79) Revised regulations for the following APCD’s submitted on June 2, 1980, by the Governor’s designee.

(i) Monterey Bay Unified APCD.

(A) Rule 427.

(ii) Bay Area AQMD.


(B) New or amended Regulation 1: 1–206, 1–520, 1–542, and 1–600 to 1–604; Regulation 6: 6–305, 6–311, 6–600, and 6–601; and Regulation 11: 11–1–500, 11–1–501, and 11–1–600 to 11–1–603.

(iii) Ventura County APCD.

(A) New or amended Rule 2.

(B) New or amended Rule 59.

(iv) South Coast AQMD.

(A) Deletion of Rule 471.

(B) New Rule 466.1.

(v) San Diego County APCD.

(A) New or amended Rules 1, 2 (a), (b), (u), (v), (u), (x), and (y), 14, 17, 67.0, and 67.1.

(B) Previously approved on September 28, 1981 in paragraph
(c)(79)(v)(A) of this section and now deleted without replacement Rule 14.

(vi) Shasta County APCD.
(A) New Rule 3.17.

(80) The following amendments to the plan were submitted on August 21, 1979 by the Governor's designee.

(i) Revised regulations for Placer County APCD—Lake Tahoe Air Basin Portion.
(B) New Rule 507.
(C) New or amended Rules 502–506 and 511–513.
(D) Previously approved and now deleted, Rule 104.
(E) New or amended Rules 212, 213, 508 (except Paragraph (1)(C)(3)(b), and 514.
(F) Previously approved on June 23, 1982 in paragraph (c)(80)(i)(C) of this section and now deleted without replacement Rules 504, 506, and 511 to 513.
(G) Previously approved on June 23, 1982 in paragraph (c)(80)(i)(E) of this section and now deleted without replacement: Rule 508.

(ii) Chapter 8, Lake Tahoe Basin Control Strategy, including Support Documents and Appendices. The Transportation Improvement Program and Regional Transportation Plan are for informational purposes only.

(81) Revised regulations for the following APCD, submitted on February 11, 1980 by the Governor's designee.

(i) El Dorado County APCD—Lake Tahoe Air Basin Portion.
(A) New or amended Rules 507, 511–515, and 519–528.
(B) New or amended Rules 501 to 506, 508 to 510, and 516 to 518.
(C) Previously approved on May 18, 1981 in paragraph (c)(81)(i)(A) of this section and now deleted without replacement Rules 512, 514, 519, and 520 to 524.

(82) [Reserved]

(i) Ventura County APCD.
(A) New or amended Rule 74.6.
(B) New Rules 22, 23, and 27.
(C) New or amended Regulation 8: Rule 21.

(ii) Kings County APCD.
(A) New or amended Rule 414.
(B) New or amended Rules 411.1 and 416.1.

(84) Revised regulations for the following APCDs submitted on October 10, 1980, by the Governor's designee.

(i) Madera County APCD.
(A) New or amended Rule 410.4.

(ii) Merced County APCD.
(A) New or amended Rule 409.4.

(iii) Kings County APCD.
(A) New or amended Rule 409.4.
(iv) San Joaquin County APCD.
(A) New or amended Rule 409.4.
(v) Stanislaus County APCD.
(A) New or amended Rule 409.4.

(vi) Tulare County APCD.
(A) New or amended Rule 410.4.

(vii) Modoc County APCD.
(A) Amended Rule 312.

(85) Revised regulations for the following APCDs submitted on December 15, 1980, by the Governor's designee.

(i) Tulare County APCD.
(A) New or amended Rule 412.
(B) New or amended Rule 412.1.
(C) New or amended Rules 201 and 417.1.

(ii) Madera County APCD.
(A) New or amended Rule 412.1
(B) New or amended Rules 201, 202, 301, and 417.1.

(iii) Sacramento County APCD.
(A) New or amended Rule 13.
(iv) San Diego County APCD.
(A) New or amended Rules 61, 61.0 (n) and (o), 61.1, 61.1(a)(i) (i) and (h), 61.2, 61.2(a), 61.3 and 61.4.

(v) San Bernardino County APCD, Southeast Desert Air Basin portion.
(A) New or amended Rules 461 and 462.

(vi) Tehama County APCD.
(A) New or amended Rules 1.2, 1.3, 2.7, 2.8, 2.9, 3.1, 3.2, 3.3–3.14, 4.1, 4.2, 4.6, and 4.7.
(B) Previously approved and now deleted Rule 2.8 (Further Information).

(C) Previously approved on April 12, 1982 in paragraph (c)(85)(vi)(A) of this section and now deleted without replacement, Rules 1.3 and 2.9.
(D) Previously approved on April 12, 1982 in paragraph (c)(85)(vi)(A) of this section and now deleted without replacement Rules 2.7 and 2.8.

(vii) Santa Barbara County APCD.
(A) New or amended Rule 210.
(B) Previously approved on June 18, 1982 in paragraph (c)(85)(vii)(A) of this section and now deleted without replacement Rule 11.
section and now deleted without replacement, Rule 210.

(vii) South Coast AQMD.
   (A) New Rule 1130.
   (ix) Kings County APCD.
   (A) New or amended Rule 417.1.
   (x) Kern County APCD.
   (A) New or amended Rules 110 and 417.1.
   (B) Previously approved on July 6, 1982 in paragraph (c)(85)(x)(A) of this section and now deleted without replacement, Rule 110.
   (C) Previously approved on July 6, 1982 in paragraph (c)(85)(x)(A) of this section and now deleted without replacement for implementation in Kern County, Southeast Desert Air Basin Rule 110.

(86) Revised regulations for the following APCD’s submitted on July 10, 1980 by the Governor’s designee.

(i) Bay Area AQMD.
   (A) Regulation 8: Rule 2 (Paragraph 301).
   (B) New Rules 17 (paragraphs 112, 302, 400, and 401) and 26.
   (D) New or amended Rule 1–541 and Regulation 9, Rules 9–1–600 to 9–1–605.
   (ii) Butte County APCD.
   (A) Amended Rule 4.9.
   (B) Previously approved on May 27, 1982 in paragraph (ii)(A) of this section and now deleted Rule 4.9.

(87) Revised regulations for the following APCD’s submitted on September 5, 1980 by the Governor’s designee.

(i) Bay Area AQMD.
   (A) Regulation 8: Rule 5, Rule 6, and Rule 12.
   (B) New Rules 25 and 26 (except section 401).
   (ii) San Diego County APCD.
   (A) New or amended Rule 19.
   (iii) San Joaquin County APCD.
   (A) New or amended Rule 411.2.
   (B) New or amended Rules 202 and 416.1.
   (iv) San Bernardino County APCD, Southeast Desert Air Basin portion.
   (A) New or amended Rules 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1310, 1311, and 1313.
   (v) Los Angeles County APCD, Southeast Desert Air Basin portion.
   (A) New or amended Rules 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1310, 1311, and 1313.
   (vi) Sacramento County APCD.
   (A) New or amended Rules 74, 90, 92, 93, 94, 95, 96, 98, and Regulation VII.
   (B) Previously approved on June 18, 1982 and now deleted without replacement Rule 74.
   (vii) Ventura County APCD.
   (A) New or amended Rules 2 and 55.
   (viii) Shasta County APCD.
   (A) New Rule 2.6.

(88) Revised regulations for the following APCDs submitted on July 25, 1980, by the Governor’s designee.

(i) Stanislaus County APCD.
   (A) New or amended Rule 209.1 (except paragraphs (3)(E) and (5)(B)(8)).
   (B) New or amended Rules 103 and 305.
   (C) New or amended Rules 202 and 416.1.
   (D) Previously approved on December 9, 1981 and now deleted without replacement Rule 305.
   (ii) Bay Area AQMD.
   (A) New or amended Regulation 3, Rules 3–100 to 3–103, 3–200 to 3–206, 3–208 to 3–211, 3–300 to 3–311, and 3–400 to 3–408.

(iii) South Coast AQMD.
   (A) New or amended Rule 1119.
   (B) Amended Rule 462.

(C) In Resolution 11–04 dated January 18, 2011, Antelope Valley Air Quality Management District certified that no sources which would be subject to Rule 1119, “Petroleum Coke Calcining Operations,” exist in the AVAQMD. Therefore, Rule 1119 has been rescinded and is removed from the SIP.

(iv) [Reserved]

(v) Merced County APCD.
   (A) New or amended Rule 411.1.
   (B) New or amended Rules 202 and 416.1.

(89) Revised regulations for the following APCDs submitted on March 30, 1981, by the Governor’s designee.

(i) Kings County APCD.
   (A) New or amended Rule 411.
   (ii) Yolo-Solano County APCD.
   (A) New or amended Rule 2.13(h)(6).
   (iii) Yuba County APCD.
   (A) Amended Rules 3.8, 3.12, and 3.15.
(B) New or amended rules 1.3, 3.0–3.7, 3.9, 3.10, 3.13, 4.0–4.5, 4.7 to 4.10, 4.12, 5.4, 6.0, 8.0, 8.2, 9.0–9.5, 9.7, and 9.8.

(C) Previously approved on April 12, 1982 in paragraph (c)(89)(iii)(B) of this section and now deleted without replacement, Rules 8.0, 8.2 and 9.0 to 9.4.

(D) Previously approved on April 12, 1982 in paragraph (c)(89)(iii)(B) of this section and now deleted without replacement Rules 4.7, 4.8, 4.9, 4.10, 5.4, and 6.0.

(E) Previously approved on May 3, 1982, in paragraph (c)(89)(iii)(A) of this section and now deleted with replacement in paragraph (c)(457)(i)(A)(5) by Feather River Air Quality Management District Rule 3.15, "Architectural Coatings."

(iv) Imperial County APCD.
(A) New Rule 418.1.
(v) Monterey Bay Unified APCD.
(A) New Rule 425.
(vi) Lake County APCD.
(A) New or amended Sections 101, 227.4, 301, 1602, and Table VI.
(B) Previously approved on April 13, 1982 and now deleted without replacement Rule 301 and Table VI.
(vii) South Coast AQMD.
(A) Amended Rule 1102.1.
(50) The following amendments to the plan were submitted on December 31, 1979, by the Governor’s designee.
(i) Chapter 22—Air Quality Monitoring by State and Local Air Monitoring Stations (SLAMS).
(91) The following amendments to the plan were submitted on November 13, 1979, by the Governor’s designee.
(i) The Sacramento Valley Air Basin Control Strategy (Chapter 13 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards); those portions pertaining to the Sacramento Metropolitan Area including the following rules:
(A) Placer County APCD (Mountain Counties Air Basin portion) Rules 212, 217, and 218.
(B) Sacramento County APCD Rules 6, 11, 12, 16, 19, and 56 (except paragraph (5)(a)(8)).
(C) Yolo-Solano County APCD Rules 2.14 and 3.4 (except paragraph (5)(a)(8)).
(ii) The Sacramento Valley Air Basin Control Strategy [Chapter 13 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards]; those portions pertaining to Butte, Yuba, and Sutter Counties, including the following rules:
(A) Butte County APCD Rules 2.12f and 4–5.
(92) Revised regulations for the following APCDs submitted on May 28, 1981, by the Governor’s designee.
(i) Stanislaus County APCD.
(A) New or amended Rule 409.5.
(ii) Placer County (Mountain Counties Air Basin portion).
(A) New or amended Rules 213, 216, and 223.
(B) New or amended Rules 102, 203, 211, 301, 305, 324, 325, 601, and 702.
(C) Rule 214.
(D) Previously approved and now deleted without replacement Rules 601 and 702.
(iii) Lake County APCD.
(A) New Rule 216.1.
(iv) Great Basin Unified APCD.
(A) New or amended Rules 101, 300, 404–A, 423, and 424.
(B) Previously approved on April 13, 1982 in paragraph (c)(92)(iv)(A) of this section and now deleted without replacement, Rule 300.
(v) San Diego County APCD.
(A) New or amended Rules 127, 130, 131, 132, and 134.
(B) New or amended Rule 21.
(vi) South Coast AQMD.
(A) New or amended Rule 1113.
(93) Revised regulations for the following APCDs submitted on June 22, 1981, by the Governor’s designee.
(i) Stanislaus County APCD.
(A) New or amended Rule 409.3.
(B) New or amended Rule 409.8.
(93)[(1)(A)] [Reserved]
(B) New Rule 28, Section 401.
(C) New or amended Regulation 5, Rule 5–401.3.
(iii) Plumas County APCD.
(A) New or amended Rules 203, 301–319, 512–516, 703, and 710.
(B) New or amended Rules 501–511 and 517–521.
(C) Previously approved on June 18, 1982 in paragraph (c)(93)(iii)(B) of this section and now deleted without replacement, Rule 509.
(D) Previously approved on June 18, 1982 in paragraph (c)(93)(iii)(B) of this
section and now deleted without replacement Rules 503, 504, 506, and 518 to 521.
(E) Previously approved on June 18, 1982 in paragraph (c)(93)(iii)(B) of this section and now deleted without replacement Rules 507 and 508.
(iv) Sierra County APCD.
(A) New or amended Rules 203, 301–319, 512–516, 522, 523, 703, and 710.
(B) New or amended Rules 501–511 and 517–521.
(C) Previously approved on April 23, 1982 and now deleted without replacement Rule 522.
(D) Previously approved on June 18, 1982 in paragraph (c)(93)(iv)(B) of this section and now deleted without replacement, Rule 509.
(E) Previously approved on June 18, 1982 in paragraph (c)(93)(iv)(B) of this section and now deleted without replacement Rules 503, 504, 506, and 518 to 521.
(F) Previously approved on June 18, 1982 in paragraph (c)(93)(iv)(B) of this section and now deleted without replacement Rules 507 and 508.
(v) Kern County APCD.
(A) New or amended Rule 410.6.
(vi) El Dorado County APCD (Mountain Counties Air Basin Portion).
(A) Rules 318, 319, and 320.
(94) Revised regulations for the following APCD’s submitted on October 7, 1980, by the Governor’s designee.
(i) Stanislaus County APCD.
(A) New or amended Rule 411.1.
(ii) [Reserved]
(iii) San Bernardino County APCD.
(95) Revised regulations for the following APCD’s submitted on March 23, 1981, by the Governor’s designee.
(i) Kern County APCD.
(A) New or amended Rule 412.1(a).
(B) Amended Rule 412.1.
(C) New or amended Rules 202, 202.1, and 426.
(ii) Ventura County APCD.
(A) Amended Rule 26.2.
(B) New or amended Rules 21, 29, 30, and 64.
(C) Previously approved on June 18, 1982 and now deleted without replacement Rule 21.
(iii) Northern Sonoma County APCD.
(A) Amended Regulation 2, Rules 100, 120, 140, 200, 220, 240, 300, and 320.
(iv) South Coast AQMD.
(A) Amended Rule 461.
(v) Stanislaus County APCD.
(A) New Rule 409.7.
(B) New or amended Rule 301.
(C) Previously approved on June 18, 1982 and now deleted without replacement Rule 301.
(vi) Humboldt County APCD.
(B) Previously approved on June 18, 1982 in paragraph (c)(95)(vi)(A) of this section now deleted without replacement for implementation in the North Coast Unified Air Quality Management District, Rule 250.
(96) Revised regulations for the following APCDs submitted on November 3, 1980, by the Governor’s designee.
(i) South Coast AQMD.
(A) New or amended Rule 1113.
(ii) Butte County APCD.
(iii) Glenn County APCD.
(B) Previously approved on January 26, 1982 and now deleted without replacement Rules 110 and 112.
(C) Previously approved on January 26, 1982 in paragraph (c)(96)(iii)(A) of this section and now deleted without replacement, Rule 3.
(D) Previously approved on January 26, 1982 in paragraph (c)(96)(iii)(A) of this section and now deleted without replacement Rule 96.
(iv) Yolo-Solano APCD.
(A) New or amended Rules 1.2 (a and g), 6.1 and 6.3.
(v) Bay Area AQMD.
(A) New Rule 20.
(97) Revised regulations for the following APCDs submitted on June 24, 1980, by the Governor’s designee.
(i) Sacramento County APCD.
(A) New or amended Rules 1.2 (a and g), 6.1 and 6.3.
(98) Revised regulations for the following APCDs, submitted on January 28, 1981, by the Governor’s designee.

272
Environmental Protection Agency § 52.220

(i) Sutter County APCD.
   (A) Amended Rules 3.8, 3.14, and 3.15.
   (B) New or amended Rules 1.0–1.3, 2.1–2.12, 2.15, 2.16, 3.0–3.7, 3.9, 3.10, 3.12, 3.13, 4.0–4.5, 4.7–4.10, 4.12–4.15, 5.0–5.19, 6.0–6.7, 7.0, 7.1, 7.2, 8.0, 8.1, 8.2, 9.0–9.7, and 9.8.
   (C) Previously approved and now deleted Rules 2.1 (Control of Emissions), 2.7 (Wet Plumes), 2.15 (Fuel Burning Equipment), 2.20 (Payment of Order Charging Costs), 3.7 (Information), 4.5 (Standards for Granting Applications), 4.6 (Permits, Daily Limits, and Permit Forms).
   (D) Previously approved on April 12, 1982 and now deleted without replacement Rules 5.0 to 5.17, 5.19, 6.0 to 6.7, and 7.0 to 7.2.
   (E) Previously approved on April 12, 1982 in paragraph (c)(98)(i)(B) of this section and now deleted without replacement, Rules 8.0 to 8.2 and 9.0 and 9.4.
   (F) Previously approved on April 12, 1982 in paragraph (c)(98)(i)(B) of this section and now deleted without replacement Rules 4.7, 4.9, 4.10, 5.18, 9.7, and 9.8.
   (G) Previously approved on May 3, 1982, in paragraph (c)(98)(i)(A) of this section and now deleted with replacement in paragraph (c)(457)(i)(A)(5) by Feather River Air Quality Management District Rule 3.15, “Architectural Coatings.”

(ii) Siskiyou County APCD.
   (A) New or amended agricultural burning regulations consisting of “General Provisions” and Articles I–VII.

(iii) Mendocino County APCD.
   (A) Amended Regulation 2, Rules 100, 120, 140, 200, 220, 240, 300, 320, Appendices A, B, and C.
   (iv) Del Norte County APCD.
   (A) Amended Regulation 2, Rules 100, 120, 140, 200, 220, 240, 300, 320, Appendices A, B, and C.

(iv) Humboldt County APCD.
   (A) Amended Regulation 2, Rules 100, 120, 140, 200, 220, 240, 300, 320, Appendices A, B, and C.

(v) Trinity County APCD.
   (A) Amended Regulation 2, Rules 100, 120, 140, 200, 220, 240, 300, 320, Appendices A, B, and C.

(vi) El Dorado County APCD.
   (A) New Rule 313.
   (B) Rules 313, 314, 315, 316, and 317.

(viii) Ventura County APCD.
   (A) New Rule 71.2.

(ix) Bay Area AQMD.

(x) South Coast AQMD.
   (A) New or amended Rule 1115.

(xi) San Diego County APCD.

(99) Commitments by the Bay Area AQMD, Fresno County APCD, Kern County APCD, Monterey Bay Unified APCD, Sacramento County APCD, San Diego County APCD, Santa Barbara County APCD, South Coast AQMD, and Ventura County APCD to carry out public notification programs as required by section 127 of the Clean Air Act and in accordance with EPA guidance. These commitments were submitted by the Air Resources Board on January 22, 1981.

(100) Revised regulations for the following APCDs submitted on October 25, 1979, by the Governor’s designee.
   (i) San Diego County APCD.
   (A) New or amended Rules 67.3 and 67.5.

(101) Revised regulations for the following APCD’s submitted on July 30, 1981 by the Governor’s designee.
   (i) Bay Area AQMD.
   (A) Regulation 8, Rule 1 (Paragraph 202) and Rule 16 (paragraph 110).
   (B) New or amended Regulation 2, Rule 2–2–114; Regulation 5, Rule 5–401.13; and Manual of Procedures—Volume I to Volume VI.
   (C) New or amended Regulation 8, Rule 24.

(ii) Kern County APCD.
   (A) New or amended Rules 603, 609, 610, 611, and 613.

(B) New or amended Rules 106, 201, 301, 302, and 305.
   (C) New or amended Rules 414 and 410.3.

(D) New or amended Rules 410.7, 412, and 414.4.

(E) Previously approved on July 6, 1982 and now deleted without replacement Rule 305 (including Southeast Desert).

(F) Previously approved on October 11, 1983 and now deleted without replacement for implementation in the Southeast Desert Air Basin, Rule 414.4.

(G) Previously approved on July 6, 1982 in paragraph (c)(101)(ii)(B) of this section.
section and now deleted without replacement, Rules 301 and 302 (including Southeast Desert).

(102) Revised rules for the following APCDs submitted on July 14, 1981 by the Governor’s designee.

(i) San Joaquin County.
(A) New Rules 409.5 and 409.6.
(ii) Stanislaus County.
(A) New Rule 409.6.
(B) New or amended Rules 409.7 and 409.8.

(iii) Merced County APCD.
(A) New or amended Rules 409.6.
(iv) South Coast AQMD.
(A) New or amended Rule 301.
(103) Revised rules for the following APCDs, submitted on October 23, 1981 by the Governor’s designee.

(i) Kings County.
(A) Amended Rule 412.2.
(ii) San Diego County APCD.
(A) New or amended Rule 67.4 and 67.6.
(B) New or amended Rules 42, 64, 101–103, and 109.
(C) New Rule 67.8.

(D) Previously approved on July 6, 1982 and now deleted without replacement Rule 42.
(E) Previously approved on July 6, 1982 in paragraph (c)(103)(ii)(B) of this section and now deleted Rule 109 (now replaced by Rule 101).

(iii) Santa Barbara County APCD.
(A) Rule 325.
(B) New or amended Rules 601–608 and 609.
(C) Previously approved and now deleted Rules 609 (Scientific Committee) and 610 (Emergency Action Committee).

(iv) Ventura County APCD.
(A) Amended Rule 70(E).
(B) New or amended Rules 2, 12, 16, 23, 41, 42, and 74.2.
(C) New Rule 74.5.
(D) Amended Rule 74.9.
(E) Previously approved on June 18, 1982 and now deleted without replacement Rule 42.

(v) Sacramento County APCD.
(A) Amended Rule 20.
(B) New or amended Rules 50, 70, and 14.
(C) New Rules 4A, 4B, 10 and 51.

(vi) Del Norte County APCD.
(A) Amended Rules 300 and 310.

(B) Previously approved on April 13, 1982 and now deleted without replacement Rules 300 and 310.
(vii) Humboldt County APCD.
(A) Amended Rules 300 and 310.
(B) Previously approved on April 13, 1982 and now deleted without replacement Rules 300 and 310.

(viii) Mendocino County APCD.
(A) Amended Rules 300 and 310.
(B) Previously approved on April 13, 1982 and now deleted without replacement Rules 300 and 310.

(ix) Northern Sonoma County APCD.
(A) Amended Rules 300 and 310.
(B) Previously approved on April 13, 1982 and now deleted without replacement Rules 300 and 310.

(x) Trinity County APCD.
(A) Amended Rules 300 and 310.
(B) Previously approved on April 13, 1982 and now deleted without replacement Rules 300 and 310.

(xi) Great Basin Unified APCD.
(A) Amended Rule 301.
(B) Previously approved on April 13, 1982 in paragraph (c)(103)(xi)(A) of this section and now deleted without replacement, Rule 301.

(xii) San Luis Obispo County APCD.
(A) New or amended Rules 301, 302, and 411.
(B) Previously approved on June 18, 1982 and now deleted without replacement Rule 301.

(C) Previously approved on June 18, 1982 and now deleted without replacement Rule 301.

(xiii) El Dorado County APCD (Mountain Counties Air Basin).
(A) New or amended Rules 301–319, 501, 703, and 710.
(B) Previously approved on May 27, 1982 and now deleted without replacement rule 501.

(C) Previously approved on May 27, 1982 in paragraph (c)(103)(xiii)(A) of this section and now deleted without replacement, Rules 318 and 319.
(D) Previously approved on May 27, 1982 in paragraph (c)(103)(xiii)(A) of this section and now deleted without replacement Rule 710.

(xiv) Imperial County.
(B) Previously approved on May 27, 1982 and now deleted without replacement Rule 305.
(C) Previously approved on May 27, 1982 in paragraph (c)(103)(xiv)(A) of this section and now deleted without replacement, Rules 301, 302, 306, and 307.

(xv) Shasta County APCD.

(A) Amended Rule 2:11.

(xvi) Monterey Bay Unified APCD.

(A) Amended Rules 301, 601, and 602.

(xvii) Tuolumne County APCD.

(A) New or amended Rules 203, 301–319, 501–521, 703, and 710.

(B) Previously approved on May 27, 1982 and now deleted without replacement Rule 516.

(C) Previously approved on May 27, 1982 in paragraph (c)(103)(xvii)(A) of this section and now deleted without replacement, Rule 509.

(D) Previously approved on May 27, 1982 in paragraph (c)(103)(xvii)(A) of this section and now deleted without replacement Rules 503, 504, 506, and 518 to 521.

(xviii) South Coast AQMD.


(B) Previously approved on July 6, 1982 and now deleted without replacement Rule 504.1.

(104) Revised regulations for the following APCD’s submitted on November 5, 1981 by the Governor’s designee.

(i) Bay Area AQMD.


(ii) South Coast AQMD.

(A) New or amended Rule 444.

(iii) Fresno County APCD.

(A) New or amended Rule 409.6.

(105) Schedule to study Nontraditional Total Suspended Particulate Sources and commitment to implement control measures necessary to provide for attainment, submitted on November 18, 1981 by the Governor’s designee.

(106) The Southeast Desert Air Basin Control Strategy for ozone (Chapter 19 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of the Ambient Air Quality Standards) was submitted by the Governor’s designee on February 15, 1980. The portions of the Southeast Desert Air Basin Control Strategy identified in Table 19–1 (Summary of Plan Compliance with Clean Air Act Requirements), except those which pertain to Imperial County, comprise the plan. The remaining portions are for informational purposes only.

(107) On August 11, 1980, the Governor’s designee submitted a revision to the State Implementation Plan which adds the Southeast Desert Air Basin portion of Riverside County into the South Coast Air Quality Management District.

(108) On November 28, 1980, the Governor’s designee submitted a revision to the State Implementation Plan which deletes Rule 67, for the San Bernardino County APCD as applied to new sources.

(109) Three items submitted for Fresno County and the Sacramento Metropolitan Area by the Governor’s designee on October 9, 1980:

(i) Air Quality Planning Addendum—Council of Fresno County Governments 1979–84 Overall Work Program.

(ii) Emission Inventory, 1976 for the Sacramento Metropolitan Area.

(iii) Air Quality Plan Technical Appendix, January 1979 for the Sacramento Metropolitan Area.

(110) Five items submitted for Ventura County by the Governor’s designee on April 1, 1980:

(i) Appendix B–II, Empirical Kinetic Modeling Approach: Ozone Formation, Transport, and Concentration Relationships in Ventura County; Update of Emission Reduction Required for Attainment of Ozone NAAQS.


(iii) Letter and enclosures: Janet Lyders to Mike Scheible, February 6, 1981.


(111) Four items submitted for Ventura County by the Governor’s designee on July 16, 1981:

(i) Attachment V—Transportation Control Measures.

(ii) Ventura Air Quality Management Plan, Appendix O, Plan for Attainment
§ 52.220


(iii) Attachment IV—Population Forecasts.

(iv) Attachment VI—Implementation of Emission Reductions Required for Attainment of TSP Standards.

(112) Plan for Attainment of the Federal Secondary Total Suspended Particulate Standard in Santa Clara County, an addendum to the San Francisco Bay Area Air Basin Control Strategy (Chapter 15) submitted on March 16, 1981, by the Governor’s designee.

(113) Supplemental material for the San Diego Nonattainment Area Plan submitted on July 13, 1981, by the Governor’s designee.

(114) Supplemental material for the San Diego Nonattainment Area Plan submitted on August 31, 1981, by the Governor’s designee.

(115) Supplemental material for the San Diego Nonattainment Area Plan submitted on December 8, 1981, by the Governor’s designee.

(116) Supplemental material for the South Coast Nonattainment Area Plan submitted on July 24, 1981, by the Governor’s designee.

(117) Supplemental material for the South Coast Nonattainment Area Plan submitted on December 24, 1981, by the Governor’s designee.

(118) Supplemental material for the South Coast Nonattainment Area Plan submitted on February 18, 1982, by the Governor’s designee.

(119) Revised regulations for the following APCDs submitted on April 17, 1980, by the Governor’s designee.

(i) El Dorado County APCD (Mountain Counties Air Basin portion).


(B) Previously approved on July 7, 1982 and now deleted without replacement Rule 425.

(ii) Mendocino County APCD.


(D) Previously approved on May 27, 1982 in paragraph (c)(119)(i)(A) of this section and now deleted without replacement, Rule 509.

(E) Previously approved on May 27, 1982 in paragraph (c)(119)(i)(A) of this section and now deleted without replacement Rule 520.

(ii) San Diego County APCD.


(B) Previously approved on June 18, 1982 in paragraph (c)(119)(i)(A) of this section and now deleted without replacement Rule 250.

(120) The Mountain Counties Air Basin Control Strategy for ozone (Chapter 9 of the “Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of the Ambient Air Quality Standards” was submitted by the Governor’s designee on April 3, 1981. The submittal also included revised regulations for the following APCD’s.

(i) El Dorado County APCD (Mountain Counties Air Basin portion).


(B) Previously approved on July 7, 1982 and now deleted without replacement Rules 401 to 407, 410 to 411, 415 to 416, and 418 to 424.

(C) Previously approved on July 7, 1982 in paragraph (c)(120)(i)(A) of this section and now deleted without replacement Rule 425.

(121) Revised regulations for the following APCDs submitted on March 1, 1982 by the Governor’s designee.

(i) San Diego County AQMD.

(A) New or amended Rule 474.

(B) Amended Rules 107, 1107, 1108.1, 1125 and 1126.

(C) Amended Rule 1110.

(F) Previously approved on May 3, 1984 in paragraph (c)(121)(i)(C) of this section and now deleted without replacement for implementation in the South Coast Air Quality Management District, Rule 1110.

(F) Previously approved on May 3, 1984 in paragraph (c)(121)(i)(C) of this section and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 1110.

(ii) San Diego County APCD.

(A) New or amended Rules 62 and 53.

(B) Amended Rule 67.6(e).

(C) Amended Rule 17, adopted on November 25, 1981.

(iii) Lake County APCD.

(A) New or amended Rule 655.
Environmental Protection Agency § 52.220

(iv) Bay Area AQMD.
(A) Amended Regulation 8, Rules 2–112 and 5–313.4.
(v) Ventura County APCD.
(A) Amended Rule 74.6.
(122) [Reserved]
(123) Supplemental material for the Kern County Nonattainment Area Plan submitted on March 4, 1982, by the Governor’s designee.
(124) Revised regulations for the following APCDs submitted on August 6, 1982, by the Governor’s designee.
(i) Bay Area AQMD.
(B) [Reserved]
(C) Amended Regulation 8, Rules 2, 4, 5, 8 and 10.
(E) Amended Regulation 8, Rule 23.
(ii) Lake County APCD.
(A) New or amended Rules 630, 631, 660.1, 660.2, and 660.3.
(B) Previously approved on November 10, 1982 in paragraph (c)(124)(ii)(A) of this section and now deleted without replacement, Rules 660.1, 660.2, and 660.3.
(C) Previously approved on November 10, 1982 in paragraph (c)(124)(ii)(A) of this section and now deleted without replacement Rules 631 and 660.1 to 660.3.
(iii) San Joaquin County APCD.
(A) New or amended Rules 203, 415, 503, and 521.
(B) Previously approved on November 10, 1982 and now deleted without replacement Rules 503 and 521.
(iv) South Coast AQMD.
(A) New or amended Rule 407.
(B) Amended Rule 1107.
(C) [Reserved]
(v) Stanislaus County APCD.
(A) New or amended Rules 203 and 503.
(B) New or amended Rules 409.4 and 409.8.
(C) Previously approved on November 10, 1982 and now deleted without replacement Rule 503.
(vi) Del Norte County APCD.
(A) New or amended Rules 616, 618, and 620.
(B) New or amended Rule 230, adopted December 14, 1981.
(C) Previously approved on November 10, 1982 and now deleted without replacement Rules 616 and 618.
(vii) Humboldt County APCD.
(A) New or amended Rules 616, 618, and 620.
(B) New or amended Rule 230, adopted December 8, 1981.
(C) Previously approved on November 10, 1982 and now deleted without replacement Rules 616 and 618.
(D) Previously approved on November 10, 1982 in paragraph (c)(124)(vii)(A) of this section and now deleted without replacement Rule 620.
(viii) Mendocino County APCD.
(A) New or amended Rules 610, 616, 618, and 620.
(B) New or amended Rules 130 (introductory text, b1, m1, p5, and s2), and 230, adopted January 5, 1982.
(C) Previously approved on November 10, 1982 and now deleted without replacement Rules 616 and 618.
(ix) Northern Sonoma County APCD.
(A) New or amended Rules 616, 618, and 620.
(B) New or amended Rules 130 (introductory text, b1, m1, p5, and s2), 220(c), 230, and 260, adopted February 23, 1982 and rule 200, adopted June 15, 1982.
(C) Previously approved on November 10, 1982 and now deleted without replacement Rules 616 and 618.
(x) Trinity County APCD.
(A) New or amended Rules 616, 618, and 620.
(B) New or amended Rule 230, adopted December 7, 1981.
(C) Previously approved on November 10, 1982 and now deleted without replacement Rules 616 and 618.
(xi) Kern County APCD.
(A) New or amended Rule 411.
(xii) Butte County APCD.
(A) New or amended Rules 4–6 and 4–6A.
(B) Previously approved on June 1, 1983 in paragraph (xii)(A) of this section and now deleted Rules 4–6 and 4–6A.
(125) Revised Regulations for the following APCDs submitted on May 20, 1982 by the Governor’s designee.
(i) San Diego County APCD.
§ 52.220  

(A) New or amended Rule 40.
(ii) South Coast AQMD.
(A) New or amended Rule 431.1.
(B) New or amended Rules 303 and 304.
(C) [Reserved]
(D) Amended Rules 442, 467 and 1128.
(iii) Monterey Bay Unified APCD.
(A) New or amended Rule 422.
(B) New Rule 428.
(iv) Shasta County APCD.
(B) Previously approved on November 10, 1982 and now deleted without replacement Rule 4.4.
(C) Previously approved on November 10, 1982 in paragraph (c)(125)(iv)(A) of this section and now deleted without replacement, Rule 2:11.
(v) Tulare County APCD.
(A) New or amended Rules 104 and 405.
(B) Amended Rule 410.1.
(C) Previously approved on November 10, 1982 in paragraph (c)(125)(v)(A) of this section and now deleted without replacement, Rule 104.
(vi) Yolo-Solano APCD.
(A) New or amended Rule 9.6.
(vii) Yuba County APCD.
(A) Manual of Procedures: Volumes I, V and VI.
(B) Amended Regulation 8, Rules 7, 14, 18 and 19.
(ix) San Joaquin County APCD.
(A) Amended Rule 412.
(126) Revised regulations for the following APCDs submitted on November 8, 1982 by the Governor’s designee.
(i) Sacramento County APCD.
(A) New or amended Rules 59 and 70.
(B) Amended Rules 16 and 19.
(C) Previously approved on June 1, 1983 and now deleted without replacement Rule 70.
(ii) Santa Barbara County APCD.
(A) New or amended Rule 210D.
(B) Previously approved on June 1, 1983 in paragraph (c)(126)(ii)(A) of this section and now deleted without replacement, Rule 210D.
(iii) Stanislaus County APCD.
(A) New or amended Rules 110, 202, and 302.
(B) Amended Rules 409.8, 411 and 411.1(G).
(C) Previously approved on June 18, 1982 and now deleted without replacement Rule 302.
(iv) South Coast AQMD.
(A) New or amended Rules 708.3 and 1105.
(v) Tulare County APCD.
(A) New or amended Rule 519.
(B) Amended Rules 410.3 and 410.4.
(C) Previously approved on June 1, 1983 and now deleted without replacement Rule 519.
(vi) Yolo-Solano County APCD.
(A) New or amended Rule 6.1.
(B) Amended Rule 2.22.
(127) New and amended regulations for the following APCD’s submitted on February 3, 1983 by the Governor’s designee.
(i) Bay Area Air Quality Management District.
(A) [Reserved]
(B) Amended Regulation 3: Rules 3–102, 3–302, 3–302.1, 3–303, and Schedule A.
(C) Amended Rules 33 and 29.
(ii) Fresno County APCD.
(A) Amended Rules 406 and 408.
(B) Amended Rule 409.1.
(iii) North Coast Unified AQMD.
(A) New Rule 350.
(B) Previously approved on November 18, 1983 and now deleted without replacement Rule 350.
(iv) Imperial County APCD.
(A) Amended Regulation 3.
(B) Amended Regulation 424.
(v) Monterey Bay Unified APCD.
(A) New or amended Rule 601.
(B) Amended Rule 301, submitted on February 3, 1983.
(C) Previously approved on August 9, 1985 in paragraph (c)(127)(v)(B) of this section and now deleted without replacement, Rule 301.
(vi) San Luis Obispo County APCD.
(A) Amended Rule 302.
(B) Previously approved on November 18, 1983 and now deleted without replacement Rule 302.
(vii) South Coast AQMD.
(A) New or amended Rules 301.1, 302, 303, and Resolutions 82–23 and 82.35.
(B) New or amended Rules 461, 1102, and 1102.1.
(C) New or amended Rules 301, 304, 401(b) and 1148.
(D) Previously approved on November 18, 1983 and now deleted without replacement Rule 303.
(E) Previously approved on October 19, 1984 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1148.
(F) Previously approved on November 18, 1983 in paragraph (c)(127)(vii)(A) of this section and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District and the South Coast Air Quality Management District, Rule 302.
(G) Previously approved on October 19, 1984 in paragraph (c)(127)(vii)(C) of this section and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District and the South Coast Air Quality Management District, Rule 304.
(H) Previously approved on October 19, 1984 in paragraph (c)(127)(vii)(C) of this section and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District and the Mojave Desert Air Quality Management District, Rules 302 and 303.
(iii) Ventura County APCD.
(A) New or amended Rule 41.
(B) Amended Rule 74.2.
(133) The 1982 Ozone Air Quality Plan for the Monterey Bay Region was submitted on December 31, 1982 and January 14, 1983 by the Governor's designee.
(134) The 1982 Ozone Air Quality Plan for Stanislaus County and the 1982 Ozone and CO Plan for San Joaquin County were submitted on December 1, 1982 by the Governor's designee.
(135) The 1982 Ozone Air Quality Plan for Santa Barbara County was submitted on December 31, 1982 by the Governor's designee.
(136) Revised regulations for the following APCDs submitted on July 19, 1983 by the Governor's designee.
(i) Kern County APCD.
(A) Amended Rule 425.
(B) Previously approved on May 3, 1984 and now deleted without replacement, Rule 425.
(C) Previously approved on October 19, 1984 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District and Ventura County APCD to have the State implement the I/M program, submitted on July 26, 1983 by the Governor's designee.
(137) Revised regulations for the following APCDs was submitted on June 28, 1982, by the Governor's designee.
(i) Kern County APCD.
(A) Amended Rule 425.
(B) Previously approved on May 3, 1984 and now deleted without replacement, Rule 425.
(C) Previously approved on October 19, 1984 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District and the South Coast Air Quality Management District, Rule 425.
(138) The enabling legislation, Chapter 892, Statutes of 1982, (Senate Bill No. 33) for a California motor vehicle inspection and maintenance program and the California Air Resources Board's Executive Order G–125–15 submitted on September 17, 1982 by the Governor's designee.
(139) A schedule to implement the California motor vehicle inspection and maintenance (I/M) program, the California Air Resources Board's Executive Order G–125–33, and local resolutions and requests from the Bay Area Air Quality Management District, Sacramento County APCD, Placer County APCD, Yolo-Solano APCD, San Diego County APCD, South Coast Air Quality Management District and Ventura County APCD to have the State implement the I/M program, submitted on February 28 and August 12, 1983 by the Governor's designee.
(140) Revised regulations for the following APCDs was submitted on February 28, 1983 by the Governor's designee.
(i) Kern County APCD.
(A) New or amended Rules 301.1 and 302.
(B) Amended Rule 410.1
(C) Previously approved on February 1, 1984 in paragraph (c)(137)(v)(A) of this section and now deleted without replacement, Rules 301.1 and 302 (including Southeast Desert).
(ii) Merced County APCD.
(B) Amended Rule 409.1.
(C) New or amended Rules 409.4, 409.5, 411 and 411.1.
§ 52.220

(D) Previously approved on February 1, 1984 and now deleted without replacement Rules 305 and 319.
(E) Previously approved on February 1, 1984 in paragraph (c)(137)(ii)(A) of this section and now deleted without replacement, Rules 104, 113, and 301 (paragraphs a, and b).
(iii) Sacramento County APCD.
(A) New or amended Rule 7.
(B) Amended Rule 17.
(iv) San Diego County APCD.
(A) New or amended Rules 10 and 40.
(B) Amended Rules 67.3, 67.4 and 67.6.
(C) Previously approved on February 1, 1984 and now deleted without replacement Rule 40.
(v) San Luis Obispo County APCD.
(A) New or amended Rule 212.
(vi) Shasta County APCD.
(A) New or amended Rules 2.18, 3.4, and 3.15.
(B) Amended Rules 3.3(b), 3.4(d) and 3.15(c).
(C) Previously approved on February 1, 1984 in paragraph (c)(137)(vi)(A) of this section and now deleted without replacement Rule 2.18.
(vii) South Coast AQMD.
(A) New or amended Rules 502, 1207 and deletion of 301.1.
(B) New or amended Rules 301, 301.1, 301.2 and 431.1.
(C) Previously approved on February 1, 1984 and now deleted without replacement Rule 502.
(D) Previously approved on February 1, 1984 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1207.
(E) Previously approved on October 19, 1984 in paragraph (c)(137)(vii)(B) of this section and now deleted without replacement Rules 301, 301.1, and 301.2.
(F) Previously approved on October 19, 1984 in paragraph (c)(137)(vii)(B) of this section and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District, Rules 301 to 301.2.
(G) Previously approved on February 1, 1984 in paragraph (c)(137)(vii)(A) of this section and now deleted without replacement for implementation in the Mojave Desert Air Quality Management District (Riverside County) Rule 1207.
(H) Previously approved on February 1, 1984 in paragraph (c)(137)(vii)(A) of this section and now deleted without replacement for implementation in the South Coast Air Quality Management District Rule 1207.
(viii) Ventura County APCD.
(A) Amended Rule 41.
(B) Previously approved on February 1, 1984 and now deleted without replacement Rule 41.
(ix) Monterey Bay Unified APCD.
(A) Amended Rule 426.
(x) Placer County APCD (Mountain Counties Air Basin portion).
(A) Amended Rule 218.
(xi) Fresno County APCD.
(A) Amended Rule 409.4.
(138) Revised regulations for the following APCDs was submitted on April 11, 1983 by the Governor's designee.
(i) Butte County APCD.
(A) Amended Rules 1–36, 4–2, 4–3, 4–11, and 5–3.
(B) Previously approved on November 18, 1983 in paragraph (i)(A) of this section and now deleted without replacement Rules 4–3 and Rule 4–11.
(C) Previously approved on November 18, 1983 in paragraph (c)(138)(i)(A) of this section and now deleted without replacement, Rules 4–2, 4–11, and 5–3.
(ii) El Dorado County APCD.
(B) Amended Rules 214–220.
(C) New Rule 213.
(D) Previously approved on November 18, 1983 and now deleted without replacement Rule 521.
(E) Previously approved on November 18, 1983 in paragraph (c)(138)(ii)(A) of this section and now deleted without replacement Rules 700, 702, and 703 (Mountain Counties Air Basin).
(F) Previously approved on November 18, 1983 in paragraph (c)(138)(ii)(A) of this section and now deleted without replacement, Rules 700 to 708 (Mountain Counties Air Basin).
(iii) Fresno County APCD.
(A) New or amended Rule 301.
(B) Previously approved on November 18, 1983 in paragraph (c)(138)(iii)(A) of this section and now deleted without replacement, Rule 301.
(iv) Lake County APCD.
(A) New or amended Rules 900 and 902.

(B) Previously approved on November 18, 1983 in paragraph (c)(138)(iv)(A) of this section and now deleted without replacement, Rules 900 and 902.

(v) Madera County APCD.
(B) Amended Rules 409, 410, and 417–419.
(C) New or amended Rules 406, 407, 408, 411 and 420.

(D) Previously approved on November 18, 1983 and now deleted without replacement Rules 305 and 502 to 503.
(E) Previously approved on November 18, 1983 in paragraph (c)(138)(v)(A) of this section and now deleted without replacement, Rules 105, 108, 111, and 301 to 304.

(vi) Monterey Bay Unified APCD.
(A) New or amended Rules 200, 201(p), 501, 503, 506, 507 and 508.

(B) Amended Rule 423.

(vii) Ventura County APCD.
(A) New or amended Rule 59c.

(viii) Kern County APCD.
(A) Amended Rule 414.1.
(ix) Kings County APCD.
(A) Amended Rule 410.1.

(139) Amendments to “Chapter 27—California Lead Control Strategy” was submitted on April 8, 1983 by the Governor’s designee.

(140) Revised regulations for the following APCDs were submitted on August 30, 1983 by the Governor’s designee.

(i) Bay Area AQMD.

(B) New Regulation 8, Rule 30.

(C) Previously approved on May 3, 1984 and now deleted without replacement Rule 3–301.


(ii) Kern County APCD.
(A) New or amended Rules 405, 408, 409, and 424.

(B) Previously approved on May 3, 1984 and now deleted without replacement for implementation in the Southeast Desert Air Basin, Rule 408.

(C) Previously approved on May 3, 1984 and now deleted without replacement for implementation in the Southeast Desert Air Basin Rule 424.

(iii) Stanislaus County APCD.
(A) New or amended Rules 109 and 213.

(B) Amended Rule 409.1.

(C) Previously approved on May 3, 1984 in paragraph (c)(140)(iii)(A) of this section and now deleted without replacement, Rule 109.

(iv) Yolo-Solano APCD.
(A) Amended Rule 2.13(1).

(141) The 1982 CO Air Quality Plan for the Lake Tahoe Air Basin was submitted on December 20, 1982 by the Governor’s designee.

(142) The 1982 ozone and CO Air Quality Plan for the Sacramento nonattainment area submitted on January 10, 1984 by the Governor’s designee, except for the attainment and RFP demonstration portions of the ozone plan.


(144) The 1982 Ozone and CO Air Quality Management Plan for the South Coast Air Basin submitted on December 31, 1982 and subsequently amended on December 31, 1982 and December 1, 1983 by the Governor’s designee.

(i) The attainment and RFP demonstration portions of the plan.

(ii) The emission reduction credit for the New Source Review control measure.

(145) The 1982 Ozone Air Quality Management Plan for Ventura County submitted on December 31, 1982 by the Governor’s designee except for the attainment and RFP demonstration portions of the plan.

(146) The 1982 Ozone and CO Clean Air Plan for the Fresno nonattainment area submitted on December 1, 1982 by the Governor’s designee except for the attainment and RFP demonstration portions of the plan.

(147) [Reserved]

(148) Revised regulations for the following APCDs were submitted on October 27, 1983 by the Governor’s designee.
(i) Bay Area AQMD.
   (B) Amended Regulation 8, Rules 3, 9, 10, 20, 22, 25 and 28.
(ii) El Dorado County APCD.
   (A) New or amended Rules 102, 226, 227, and 228.
   (B) New Rules 224 and 225.
   (C) Previously approved on May 3, 1984 in paragraph (c)(148)(ii)(A) of this section and now deleted without replacement, Rule 226.
(iii) Monterey Bay Unified APCD.
   (A) New or amended Rules 407, 410, and 411.
   (B) Previously approved on May 3, 1984 in (c)(148)(iii)(A) of this section and now deleted without replacement Rule 407.
(iv) San Diego County APCD.
   (A) New or amended Rule 68.
   (B) New Rule 67.9.
(v) Shasta County APCD.
   (A) New or amended Rule 2.6.
   (vi) South Coast AQMD.
   (A) New or amended Rules 1105 and 1111.
   (B) New or amended Rules 1113, 1122, 1136, 1141 and 1145.
   (vii) Ventura County APCD.
   (A) New or amended Rule 30.
   (viii) Madera County APCD.
   (A) Amended Rule 416.
(149) Revised regulations for the following APCD’s submitted on January 20, 1983 by the Governor’s designee.
   (i) California State.
   (A) New or amended California state-wide regulations: Test Procedures for Determining the Efficiency of Gasoline Vapor Recovery Systems at Service Stations; Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks; Test Procedure for Gasoline Vapor Leak Detection Using Combustible Gas Detector.
(150) Revised regulations for the following APCD’s submitted August 2, 1983, by the Governor’s designee.
   (i) Kings County APCD.
   (A) New Rule 414.4.
   (ii) Yuba County APCD.
   (A) Amended Rule 3.9.
(151) [Reserved]
(152) Amendments to “Chapter 27—California Lead Control Strategy” were submitted on February 22, 1984 by the Governor’s designee.
(153) Revised regulations for the following APCD’s were submitted on March 14, 1984 by the Governor’s designee.
   (i) Lake County APCD.
   (A) New or amended Rule 602.
   (ii) North Coast Unified AQMD.
   (A) New or amended Rules 100, 120, 130 [Paragraphs (d1) and (s5)], 160 (except (a) and non-criteria pollutants), 240, 500, 520, 600, 610 and Appendix B (except (D)(I)(e)).
   (B) New or amended Rules 130, 130 (b1, m2, n1, p5, s2), 200 (a), (b), (c)(1–2), and (d), 220(c), and 260.
   (C) Previously approved on December 5, 1984 and now deleted without replacement Rules 600 and 610.
   (D) Previously approved on December 5, 1984 in paragraph (c)(153)(ii)(A) of this section and now deleted without replacement, Rules 500 and 520.
   (iii) San Diego APCD.
   (A) New or amended Rules 2, 52 and 53.
   (B) Amended Rules 67.0 and 67.1 (deletion).
   (iv) San Joaquin APCD.
   (A) New or amended Rules 110, 202 and 407.
   (B) Amended Rules 409.1 and 409.4.
   (v) Bay Area AQMD.
   (A) New Regulation 8, Rules 31 and 32.
   (vi) Kern County APCD.
   (A) Amended Rule 410.1.
   (vii) South Coast AQMD.
   (A) New or amended Rules 1108.1 and 1141.1.
   (B) New Rule 1158, adopted 12–2–83.
(154) Revised regulations for the following APCD’s were submitted on April 19, 1984 by the Governor’s designee.
   (i) Mendocino County APCD.
   (A) New or amended Regulation 1: Rules 100, 120, 130 [Paragraphs (d1) and
(s5)], 160 (except (a) and non-criteria pollutants), 240, 500, 520, 600, 610 and Appendix B (except (D)(1)(e)) and Regulation 2: Rules 101, 102, 200, 301, 302, 303, 304, 305, 401, 501, and 502.

(B) New or amended Rules, 130, 200, 220(a)(1&3), (b)(1, 2, 5, and 7), (c), and 260.

(C) Previously approved on December 5, 1984 and now deleted without replacement Rules 600 and 610.

(D) Previously approved on December 5, 1984 in paragraph (c)(154)(1)(A) of this section and now deleted without replacement, Rules 500, 520, and Regulation 2: Rule 502.1.

(ii) Monterey Bay Unified APCD.

(A) New or amended Rules 101, 200, 203 and 422.

(B) Amended Rule 426.

(iii) Sacramento County APCD.


(B) Amended Rules 441, 442, 444–446 and 448–455.

(C) Previously approved on December 5, 1984 and now deleted without replacement Rules 601 and 602.

(iv) San Luis Obispo County APCD.

(A) New or amended Rule 105.

(v) Shasta County APCD.

(A) New or amended Rules 1.2, 2.2 (repealed), 2.3 (repealed), 2.26 (repealed), 2.27 (repealed), and 3.2.


(vi) Bay Area AQMD.

(A) New or amended Regulation 8, Rules 6, 7, 29 and 33.

(B) Amended Regulation 9, Rule 4 adopted December 7, 1983.

(vii) South Coast AQMD.

(A) Amended Rule 1124.

(B) [Reserved]

(155) Revised regulations for the following APCD’s submitted July 10, 1984, by the Governor’s designee.

(i) Bay Area AQMD.

(A) New or amended Regulation 8, Rules 6, 7, 29 and 33.

(ii) Merced County APCD.

(A) New or amended Rules 112, 409.1, and 409.4.

(B) Previously approved on January 29, 1985 in paragraph (c)(156)(ii)(A) of this section and now deleted without replacement, Rule 112.

(iii) North Coast Unified AQMD.

(A) New or amended Rules 160 and 490.

(B) Amended Rules 130(c, 1) and 240(e).

(iv) San Diego County APCD.

(A) New or amended Rules 61.0, 61.2, 61.8, and 67.3.

(v) Yolo-Solano APCD.

(A) New or amended Rule 2.21.

(vi) Northern Sonoma County APCD.

(A) New or amended Rules 130 (b2, m1, p3, p3a, and s7), Chapter II, 220(B).

(vii) South Coast AQMD.

(A) New or amended Rule 463, adopted 6–1–84 and 1141.2, adopted 7–6–84.

(B) Previously approved on January 15, 1987 in paragraph (c)(156)(vii)(A) of this section and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District Rule 1141.2.

(157) [Reserved]
§ 52.220

40 CFR Ch. I (7–1–16 Edition)

(158) Revised regulations for the following Districts were submitted on December 3, 1984 by the Governor's designee.

(i) Mendocino County APCD.
(B) New or amended Rules 130 (b2, ml, p3, s7), Chapter II, 220 (a)(2) and (b)(3, 4, 6, 8 and 9).
(C) Previously approved on May 9, 1985 in paragraph (c)(158)(i)(A) of this section and now deleted without replacement, Rule 2–502.2.

(159) Revised regulations for the following APCD's were submitted on February 6, 1985 by the Governor's designee.

(i) Sacramento County APCD.
(A) Amended Rule 202 (except for a) sections 104 and 105 as they apply to volatile organic compounds and nitrogen oxides, b) sections 109 and 229, and c) the portion of section 405 which concerns stack heights (under NSR).
(B) Previously approved on February 6, 1985 and now deleted without replacement: Rule 202.

(ii) Fresno County APCD.
(A) New or amended Rules 409.7 and 413.1, adopted on October 2, 1984.

(iii) Monterey Bay Unified APCD.
(A) New or amended Rules 100 to 106, 200 to 206, 208 to 214, 400, 401, 405, 406, 408 to 415, 417 to 422, 425 to 428, 500 to 506, 600 to 617, 700 to 713, 800 to 816, and 900 to 904, adopted on December 13, 1984.
(B) Previously approved on July 12, 1990 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rules 1105 and 1117.
(C) Previously approved on July 13, 1987 in paragraph (c)(159)(iii)(A) of this section and now deleted without replacement Rules 1105 and 1117.
(D) Previously approved on July 13, 1987 in (c)(159)(iii)(A) and now deleted without replacement Rules 203, 210, and 211.

(H) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement Rules 900, 901, 902, 903, and 904.

(iv) Sacramento County APCD.
(A) New or amended Rules 201 (sections 100–400), 404 (sections 100–300), and 443 (sections 100–400), adopted on November 20, 1984.
(B) Amended Rule 447 adopted November 20, 1984.

(v) South Coast AQMD.
(A) New or amended Rules 1104 and 1125, adopted on December 7, 1984.
(B) Amended Rule 1141, adopted on November 2, 1984.
(C) Amended Rule 1105 adopted September 21, 1984.
(E) Previously approved on July 12, 1990 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rules 1105 and 1117.
(F) Previously approved on July 13, 1987 and now deleted without replacement Rules 600 to 617 and 800 to 816.

(D) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement Rules 405 and 406.

(D) Previously approved on July 13, 1987 in paragraph (c)(159)(iii)(A) of this section and now deleted without replacement, Rule 104.
(E) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement, Rule 209.
(F) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement Rules 409, 410, 411, and 422.
(G) Previously approved on July 13, 1987 in paragraph (c)(159)(iii)(A) of this section and now deleted without replacement Rules 203, 210, and 211.

(I) Incorporation by reference. (A) Bay Area AQMD.
(B) San Luis Obispo County APCD.
(C) Shasta County APCD.
(D) San Diego County APCD.
(E) South Coast AQMD.

(E) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement Rules 409, 410, 411, and 422.

(G) Previously approved on July 13, 1987 in paragraph (c)(159)(iii)(A) of this section and now deleted without replacement Rules 203, 210, and 211.

(H) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement Rules 900, 901, 902, 903, and 904.

(iv) Sacramento County APCD.
(A) New or amended Rules 201 (sections 100–400), 404 (sections 100–300), and 443 (sections 100–400), adopted on November 20, 1984.
(B) Amended Rule 447 adopted November 20, 1984.

(v) South Coast AQMD.
(A) New or amended Rules 1104 and 1125, adopted on December 7, 1984.
(B) Amended Rule 1141, adopted on November 2, 1984.
(C) Amended Rule 1105 adopted September 21, 1984.
(E) Previously approved on July 12, 1990 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rules 1105 and 1117.
(F) Previously approved on July 13, 1987 and now deleted without replacement Rules 600 to 617 and 800 to 816.

(C) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement Rules 405 and 406.

(D) Previously approved on July 13, 1987 in paragraph (c)(159)(iii)(A) of this section and now deleted without replacement, Rule 104.
(E) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement, Rule 209.
(F) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement Rules 409, 410, 411, and 422.
(G) Previously approved on July 13, 1987 in paragraph (c)(159)(iii)(A) of this section and now deleted without replacement Rules 203, 210, and 211.

(I) Incorporation by reference. (A) Bay Area AQMD.
(B) San Luis Obispo County APCD.
(C) Shasta County APCD.
(D) San Diego County APCD.
(E) South Coast AQMD.

(E) Previously approved on July 13, 1987 in (c)(159)(iii)(A) of this section and now deleted without replacement Rules 405 and 406.
submitted by the Governor on June 11, 1984.


(B) Letters from the County of Fresno to the Bureau of Automotive Repair dated March 14, 1984 and February 14, 1984 requesting implementation of an I/M program in Fresno County.

(C) County of Fresno Resolution File Number 18–13 adopted February 14, 1984.

(D) Schedule to implement I/M in Fresno County, adopted on February 14, 1984.

(ii) Additional information. The State submitted no additional information.

(162) Revised regulations for the following APCD were submitted on June 21, 1985 by the Governor’s designee.

(i) Northern Sonoma County APCD.

(A) Amended Rule 220 (a).

(163) Rule 130(e), Resource Conservation and Energy Projects, adopted on March 7, 1980, submitted on April 3, 1980 (See §52.220(c)(68)(i)), and conditionally approved on January 21, 1981 [See §52.232(a)(3)(i)(A)] is disapproved but only with respect to projects whose application for a permit is complete after January 1, 1986.

(164) Revised regulations for the following APCD’s were submitted on October 16, 1985 by the Governor’s designee.

(A) Amador County APCD.


(2) Previously approved on April 17, 1987 in paragraph (c)(164)(i)(A)(I) of this section and now deleted without replacement, Rules 318, 319, and 509.

(3) Previously approved on April 17, 1987 in paragraph (c)(164)(i)(A)(J) of this section and now deleted without replacement Rules 504, 506, 519, and 520.

(B) Northern Sonoma County APCD.

(1) Amended Rules 100, 120, 130 (41 and s5), 500, 520, 600, and 610, adopted 2/22/84, and amended Rule 200(a), adopted 7/19/83.

(2) Appendices A and B adopted on February 22, 1984.

(3) Previously approved on April 17, 1987 in paragraph (c)(164)(i)(B)(J) of this section and now deleted without replacement, Rules 500 and 520.

(C) Ventura County APCD.

(1) Amended Rules 15, 54, 61, 64, 67, 69, 70, 74.3, 74.4, 74.5, 74.6, 74.8, 80, and 103, revised 7/5/83.

(2) Previously approved and now removed (without replacement), Rule 84.

(3) Previously approved on April 17, 1987 and now deleted without replacement Rule 61.

(4) Rule 74.11 adopted on April 9, 1985.

(5) Previously approved on April 17, 1987 in paragraph (c)(164)(i)(C)(I) of this section and now deleted without replacement, Ventura County Rule 67.

(D) Yuba County APCD.

(1) Amended Rules 1.1, 2.0, 2.1, 2.3, 2.5, 2.6, 2.7, 2.9, 2.11, and 2.16, adopted 3/5/85.

(E) South Coast Air Quality Management District.


(165) Revised regulations for the following APCD’s were submitted by the Governor’s designee on November 12, 1985.

(A) Northern Sonoma County APCD.

(1) Amended Rule 130 s4, adopted 7/9/85.

(B) South Coast Air Quality Management District.

(1) Amended Rule 221, adopted 1/4/85.


(166) A revised regulation for the following district was submitted on December 2, 1983, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast AQMD.

(1) Amended Rule 466 adopted 10/7/83.

(167) A revised regulation for the following district was submitted on August 1, 1984, by the Governor’s designee.

(i) Incorporation by reference. (A) Ventura County APCD.

(1) Amended Rule 74.7 adopted 7–3–84.

(168) Revised regulations for the following APCD’s were submitted by the Governor’s designee on February 10, 1986.

(A) Butte County APCD.

§ 52.220
40 CFR Ch. I (7–1–16 Edition)


(3) Previously approved on February 3, 1987 and now deleted without replacement Rules 601 to 618, 620 to 621, and 801 to 802.


(5) Previously approved on February 3, 1987 in paragraph (c)(168)(i)(A)(1) of this section and now deleted without replacement, Rule 803.

(6) Previously approved on February 3, 1987 in paragraph (c)(168)(i)(A)(1) of this section and now deleted without replacement Rules 423 and 425.

(7) Previously approved on February 3, 1987 in paragraph (c)(168)(i)(A)(1) of this section and now deleted without replacement in paragraph (c)(457)(i)(C)(1): Rule 101 “Title” and Rule 102 “Definitions”, except for the following definitions from existing SIP BCAPCD Rule 102: “approved ignition devices,” “open out-door fire”, “permissive burn day,” “range improvement burning,” “submerged fill pipe,” and “vapor recovery system.”.

(B) Lake County APCD.


(C) Placer County APCD (Mountain Counties portion).

(1) Amended Rules 102, 312, 314, 315, 320, 505, 507, 803, 211A (repealed), and 219M (repealed), adopted May 20, 1985.


(3) Previously approved on February 3, 1987 in paragraph (c)(168)(i)(C)(1) of this section and now deleted without replacement, Rule 803.

(D) Sutter County APCD.


(E) Tehama County APCD.

(1) Amended Rules 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.15, 5.16, 5.17, 5.18, 5.20, 5.21, 5.22, and 5.23, adopted September 19, 1985.

(2) New or amended Rules 4.3, 4.8, 4.9 (a) and (b), 4.10, and 4.14 adopted September 10, 1985.

(3) Previously approved on February 3, 1987 and now deleted without replacement Rules 5.2 to 5.3, 5.6 to 5.9, 5.11 to 5.12, 5.13, 5.15 to 5.18, and 5.20 to 5.23.

(4) Previously approved on February 3, 1987 in paragraph (c)(168)(i)(E)(1) of this section and now deleted without replacement Rules 2.12 and 5.10.

(F) Monterey Bay Unified APCD.


(G) San Diego County APCD.

(1) New or amended Rules 66 (w) and 67.8 (d) adopted September 17, 1985.

(H) South Coast AQMD.


(2) Rule 1150.2, adopted on October 18, 1985.

(3) Previously approved on July 12, 1990 in paragraph (i)(H)(1) of this section and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1159.

(169) New and amended regulations submitted on June 4, 1986 by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.


(170) Revised regulations for the following APCD’s were submitted on August 12, 1986, by the Governor’s designee.

(i) Incorporation by reference. (A) Placer County Air Pollution Control District.

(1) Amended rules 101, 201, 305 (Mountain Counties portion), adopted May 27, 1986.

(171) Revised regulations for the following APCD’s were submitted on November 21, 1986 by the Governor’s designee.

(i) Incorporation by reference. (A) Mendocino County APCD.

(1) Amended Rule 200(d), adopted on July 8, 1986.

(B) Placer County APCD.
Environmental Protection Agency § 52.220


(C) San Joaquin County APCD.

(D) Shasta County APCD.

(2) Previously submitted to EPA on June 30, 1972 and approved in the FEDERAL REGISTER on September 22, 1972 and now removed without replacement, Rule 2:13.


(5) Previously approved on April 12, 1989 and now deleted without replacement Rule 4:1.

(6) Previously approved on April 12, 1989 in paragraph (c)(171)(i)(D)(j) of this section and now deleted without replacement Rules 2:10, 2:26, 2:27, and 4:7.

(172) Revised regulations for the following APCD’s were submitted on March 11, 1987, by the Governor’s designee.

(i) Incorporation by reference. (A) Siskiyou County APCD.
(1) New or amended Rules 1.1, 1.2 (A3, A4, A8, A9, B3, B4, C1, C5, C6, C8, C10, D1, D2, E1, F1, H2, I2, I3, M3, M4, O1, P1, P3, P4, P8, R3, R4, R6, S1, S2, S3, S5, S6, T2, V1), 1.3, 1.5, 2.3, 2.7, 2.8, 2.9, 2.10, 2.11, and 2.12 adopted on November 25, 1986.

(2) Previously submitted to EPA on February 21, 1972 and approved in the FEDERAL REGISTER on May 31, 1972 and now removed without replacement, Rule 1.2 (M).


(4) Previously approved on April 12, 1989 in paragraph (c)(172)(i)(A)(j) of this section and now deleted without replacement Rules 2.8 and 2.9.

(B) Ventura County APCD.
(1) Amended Rule 23, adopted on October 21, 1986.

(173) Revised regulations for the following APCD’s were submitted on June 9, 1987 by the Governor’s designee.

(1) Incorporation by reference. (A) Bay Area AQMD.

(B) Imperial County APCD.

(2) Previously approved on February 3, 1989 in paragraph (c)(173)(i)(B)(f) of this section and now deleted without replacement Rules 204 and 210.

(C) Monterey Bay Unified APCD.
(1) Amended Rule 201 (introductory paragraph and subparagraphs (1) through (8.6)), adopted December 17, 1986.

(2) Rule 200, amended on December 17, 1986.

(D) Tulare County APCD.
(1) Amended Rules 110 and 202 (introductory paragraph and subparagraphs (a) through (d.7)), adopted May 13, 1986.

(2) Previously approved on February 3, 1989 in paragraph (c)(173)(i)(B)(f) of this section and now deleted without replacement, Rule 110.

(E) San Diego County Air Pollution Control District.

(F) South Coast Air Quality Management District.
(1) Rule 443.1, adopted on December 5, 1986.

(174) Revised regulations for the following APCD’s were submitted on September 1, 1987 by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast AQMD.

(B) Ventura County APCD.
(175) Revised regulations for the following APCD’s were submitted on
November 25, 1987, by the Governor’s designee.

(i) Incorporation by reference. (A) Shasta County AQMD.
   (2) Previously approved on April 17, 1989 in paragraph (c)(175)(i)(A)(1) of this section and now deleted without replacement Rule 2:19.
   (B) Tehama County APCD.
   (3) Previously approved on April 17, 1989 in paragraph (c)(175)(i)(B)(1) of this section and now deleted without replacement Rule 3:15.
   (C) Yolo-Solano APCD.

(176) Revised regulations for the following APCD’s were submitted on
March 23, 1988 by the Governor’s designee.

(i) Incorporation by reference. (A) Siskiyou County Air Pollution Control District.
   (B) Lake County Air Pollution Control District.
   (2) Previously approved on October 23, 1989 in paragraph (c)(176)(i)(B)(1) of this section and now deleted Section 442 (now replaced by Section 436).
   (C) Lassen County Air Pollution Control District.
   (D) Monterey Bay Unified Air Pollution Control District.
   (E) South Coast Air Quality Management District.

(177) Revised regulations for the following APCD’s were submitted by the Governor’s designee on February 7, 1989.

(i) Incorporation by reference. (A) Ventura County Air Pollution Control District.
   (3) Previously approved on August 6, 1990 in paragraph (c)(177)(i)(A) of this section and now deleted without replacement, Rule 55.
   (B) Bay Area Air Quality Management District.
   (C) Mariposa County Air Pollution Control District.
   (D) Madera County Air Pollution Control District.
   (2) Previously approved on April 16, 1991 and now deleted without replacement Rules 106, 501, 504 to 506, and 519.
   (3) Previously approved on April 16, 1991 in paragraph (c)(177)(i)(D)(1) of this section and now deleted without replacement, Rule 112.
   (4) Previously approved on April 16, 1991 in paragraph (c)(175)(i)(D)(1) of this section and now deleted without replacement Rule 518.
   (E) Bay Area Air Quality Management District.
   (F) Lake County Air Quality Management District.
   (1) Rules 248.5 and 270, adopted on December 6, 1988.
   (2) Section (Rule) 1150, adopted on December 6, 1988.
   (178) [Reserved]

(179) Revised regulations for the following APCD’s were submitted on March 26, 1990, by the Governor’s designee.

(i) Incorporation by reference. (A) Kings County Air Pollution Control District.

(B) San Bernardino County Air Pollution District.


(2) Previously approved on November 27, 1990 in paragraph (c)(179)(i)(B)(1) of this section and now deleted without replacement, Rule 105.

(C) Bay Area Air Quality Management District.


(D) Ventura County Air Pollution Control District.


(E) Siskiyou County Air Pollution Control District.

(1) Rules 1.2 (except section V1), 1.4, 2.1, 2.2, 2.10, 4.1, 4.6, 6.1, and Appendix A, adopted on January 24, 1989.


(4) Previously approved on November 4, 1996 in paragraph (c)(179)(i)(E)(1) of this section and now deleted without replacement, Rule 1.4.

(5) Previously approved on November 4, 1996 in paragraph (c)(179)(i)(E)(1) of this section and now deleted without replacement Rule 2.10.

(F) Lake County Air Quality Management District.


(2) Section (Rule) 431.5, adopted on June 13, 1989.

(G) Tuolumne County Air Pollution Control District.


(2) Rules 302 to 310, adopted on November 22, 1988.

(180) [Reserved]

(181) New and amended regulations for the following APCD were submitted on October 16, 1990, by the Governor’s designee.

(1) Incorporation by reference. (A) Ventura County Air Pollution Control District.

(1) Rule 71.2, adopted on September 26, 1989.

(182) New and amended regulations for the following APCDs were submitted on December 31, 1990, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.


(B) Bay Area Air Quality Management District.

(1) Regulation 8, Rule 8, adopted on November 1, 1989.

(2) Amended Rule 8-28, adopted September 6, 1989.


(4) Amended Regulation 8, Rule 16, adopted on August 2, 1989.

(5) Amended Regulation 8, Rule 11, adopted on September 20, 1989.

(6) Regulation 2, Rule 1 adopted on November 1, 1989.

(C) San Luis Obispo County Air Pollution Control District.


(D) Santa Barbara County Air Pollution Control District.


(2) Previously approved on March 11, 1988 in paragraph (c)(182)(i)(E)(1) of this section and now deleted Rules 101, 102, 103, and 108 (now replaced by Rule 101).

(F) Modoc County Air Pollution Control District.

(1) Rules 4.1–2, 4.6, 4.6–1, and 4.9 adopted on January 3, 1989.


(3) Rule 1.2 and Rule 7.1, adopted May 1, 1989.


(G) Siskiyou County Air Pollution Control District.


(183) New and amended regulations for the following APCD’s were submitted on April 5, 1991, by the Governor’s designee.

(i) Incorporation by reference. (A) San Diego County Air Pollution Control District.
(1) Rule 67.8, adopted on December 18, 1990.
(2) Rule 61.9, adopted on March 14, 1989, is now removed without replacement as of April 19, 1994.
(6) Amended Rule 61.0, adopted on September 16, 1990.
(8) Previously approved on March 24, 1992 and now deleted without replacement Rule 67.8.

(B) Ventura County Air Pollution Control District.
(1) Rules 74.5.1 and 74.5.2, adopted on December 4, 1990.
(2) Rule 71, adopted on September 11, 1990.

(C) Placer County Air Pollution Control District.
(2) Amended Rule 213, adopted on September 23, 1990.

(D) Sacramento Metropolitan Air Quality Management District.
(E)(I) [Reserved]
(F) Bay Area Air Quality Management District.
(1) Amended Regulation 8, Rule 43, adopted on June 20, 1990.
(2) Regulation 8, Rule 17, adopted on September 5, 1990.
(G) [Reserved]

(H) El Dorado County Air Pollution Control District.
(1) Regulation IX, Rules 900 through 914, adopted September 18, 1990.
(2) Previously approved on October 1, 1999 in paragraph (c)(183)(i)(H)(1) of this section and now deleted Rules 900, 901, 902, 903, and 904 (now replaced by Rule 238).
(3) Previously approved on October 1, 1999 in paragraph (c)(183)(i)(H)(1) of this section and now deleted Rules 905, 906, 907, 908, 910, 911, and 912 (now replaced by Rule 244).
(4) Previously approved on October 1, 1999 in paragraph (c)(183)(i)(H)(1) of this section and now deleted Rule 909 (now replaced by a Negative Declaration adopted on April 3, 2001).
(5) Previously approved on October 1, 1999 in paragraph (c)(183)(i)(H)(1) of this section and now deleted without replacement Rule 913.
(6) Previously approved on October 1, 1999 in paragraph (c)(183)(i)(H)(1) of this section and now deleted without replacement Rule 914 (now replaced by Rule 501).

(184) New and amended regulations for the following APCDs were submitted on May 13, 1991, by the Governor’s designee.

(i) Incorporation by reference. (A) Sacramento Metropolitan Air Quality Management District.
(3) Previously approved on August 20, 1991 and now deleted without replacement Rule 445.

(B) South Coast Air Quality Management District.
(1) Rules 1102 and 1102.1, adopted on December 7, 1990.
Environmental Protection Agency § 52.220


(9) Previously approved on August 11, 1992 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1123.


(12) New and amended regulations for the following APCD’s were submitted on May 30, 1991, by the Governor’s designee.

(A) Kern County Air Pollution Control District.


(B) San Diego County Air Pollution Control District.


(3) [Reserved]


(C) San Joaquin Valley Unified Air Pollution Control District.


(7) Previously approved on April 24, 1992 and now deleted without replacement Rule 467.1.

(D) Placer County Air Pollution Control District.


(2) New and amended regulations for the following APCDs were submitted on October 25, 1991, by the Governor’s designee.

(A) Sacramento Metropolitan Air Quality Management District.


(B) San Joaquin Valley Unified Air Pollution Control District.


(C) South Coast Air Quality Management District.

(D) Ventura County Air Pollution Control District.


(E) Santa Barbara County Air Pollution Control District.


(F) Northern Sierra Air Pollution Control District.


(187) New and amended regulations for the following APCDs were submitted on January 28, 1992, by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.


(2) Rule 460.2 adopted on September 19, 1991.


(B) Ventura County Air Pollution Control District.


(2) Rule 74.1, adopted on November 12, 1991.

(3) New rules 150 to 159 amended on September 17, 1991.


(5) Previously approved on October 4, 1994 in paragraph (c)(187)(1)(B)(7) of this section and now deleted without replacement, Rule 74.17.

(C) South Coast Air Quality Management District.


(3) Previously approved on December 13, 1991 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1142.

(D) San Diego County Air Pollution Control District.


(E) Santa Barbara County Air Pollution Control District.

(1) Rule 296. “Conditional Approval of Authority to Construct or Permit to Operate,” Revised October 15, 1991.

(188) New and amended regulations for the following APCDs were submitted on June 19, 1992, by the Governor’s designee.

(i) Incorporation by reference. (A) Santa Barbara County Air Pollution Control District.


(2) Rule 331, adopted on December 10, 1991.


(B) San Bernardino County Air Pollution Control District.


(C) South Coast Air Quality Management District.


(2) Rule 465, amended on November 1, 1991.

(D) Ventura County Air Pollution Control District.


(2) Rule 74.6, adopted on December 10, 1991.


(E) [Reserved]

(F) Sacramento Metropolitan Air Quality Management District.

(1) Rules 448 and 449 adopted on December 17, 1991.

(189) New and amended regulations for the following APCDs were submitted on September 14, 1992, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.

(1) Rule 1115, adopted on March 6, 1992.

(2) Rule 1126, adopted on March 6, 1992.

Environmental Protection Agency § 52.220

(8) Previously approved on December 20, 1993 in paragraph (c)(189)(i)(A)(3) of this section and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 1128.
(9) Previously approved on December 20, 1993 in paragraph (c)(189)(i)(A)(3) of this section and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 1128.

(B) Ventura County Air Pollution Control District.

(B) Ventura County Air Pollution Control District.

(C) Bay Area Air Quality Management District.

(2) Regulation 9 Rule 1, amended on May 20, 1992.

(190) New and amended regulations for the following APCDs were submitted on November 12, 1992, by the Governor’s designee.

(i) Incorporation by reference. (A) Ventura County Air Pollution Control District.

(2) Rule 74.2 revised on August 11, 1992.
(3) Rule 24 adopted on September 15, 1992.

(B) Bay Area Air Quality Management District.


(C) El Dorado County Air Pollution Control District.

(1) Rule 1000 adopted on September 21, 1992.

(D) Feather River Air Pollution Control District.

(1) Rule 4.8 adopted on September 14, 1992.
(B) San Luis Obispo County Air Pollution Control District.
(C) Butte County Air Pollution Control District.
(D) Glenn County Air Pollution Control District.
(I) Section 51, adopted on March 16, 1993.
(E) Ventura County Air Pollution Control District.

(194) New and amended regulations for the following APCDs were submitted on November 18, 1993, by the Governor’s designee.

(1) Incorporation by reference.
(A) Ventura County Air Pollution Control District.
(1) Rule 70, adopted on May 4, 1993; Rule 71, adopted on June 8, 1993; and Rule 71.4, adopted on June 8, 1993.
(2) Rule 59, adopted on September 15, 1992.
(3) Rule 74.15.1, adopted on May 11, 1993.
(4) Rule 74.21, adopted on April 6, 1993.
(5) Rule 74.20, adopted on June 8, 1993.
(B) Kern County Air Pollution Control District.
(3) Previously submitted to EPA on June 28, 1982 and approved in the FEDERAL REGISTER on May 3, 1984 and now removed without replacement, Rule 428.
(J) Yolo-Solano Air Quality Management District.
(1) Sacramento Metropolitan Air Quality Management District.
(1) Rule 67.12, adopted on April 6, 1993.
(2) Amended Rule 19, adopted April 6, 1993.
(1) Monterey Bay Unified Air Pollution Control District.
(4) Previously submitted to EPA on February 6, 1975 and approved in the FEDERAL REGISTER on July 13, 1987 and now removed without replacement, Rule 428.
(G) Mendocino County Air Quality Management District.
(I) Rule 130 (p6), (t2), and (t3) adopted April 6, 1993.
(2) Rule 400(b) adopted on April 6, 1993.
(H) South Coast Air Quality Management District.
(I) Sacramento Metropolitan Air Quality Management District.
(1) Rule 105 adopted on April 20, 1993.
(J) Yolo-Solano Air Quality Management District.
(195) New and amended regulations for the following APCDs were submitted on February 11, 1994, by the Governor’s designee.

(1) Incorporation by reference.
(A) San Diego Air Pollution Control District.
(B) Ventura County Air Pollution Control District.
(I) Rule 74.22, adopted on November 9, 1993.
(2) Rule 59, adopted on October 12, 1993.
(196) New and amended regulations for the following APCDs were submitted on March 29, 1994 by the Governor’s designee.

(1) Incorporation by reference. (A) Sacramento Metropolitan Air Quality Management District.

(B) Ventura County Air Pollution Control District.

(1) Rule 74.9, adopted on December 21, 1993.

(2) Rule 15.1 adopted on October 12, 1993.

(C) Santa Barbara County Air Pollution Control District.

(1) Rule 316, adopted on December 14, 1993.

(2) Rules 325 & 326, adopted on January 25, 1994 and December 14, 1993, respectively.

(3) Rule 343, adopted on December 14, 1993.

(D) Yolo-Solano Air Quality Management District.


(E) Monterey Bay Unified Air Pollution Control District.


(F) [Reserved]


(197) New and amended regulations for the following APCDs were submitted on May 24, 1994, by the Governor's designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.


(B) Bay Area Air Quality Management District.


(C) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4622, adopted on February 17, 1994.

(2) Rule 4681, adopted on December 16, 1993.


(D) Ventura County Air Pollution Control District.


(E) El Dorado County Air Pollution Control District.


(198) New and amended regulations for the following APCDs were submitted on July 13, 1994, by the Governor's designee.

(i) Incorporation by reference. (A) Bay Area Air Quality Management District.


(B) Placer County Air Pollution Control District.


(4) Previously approved on June 8, 2001 in paragraph (c)(198)(i)(B)(2) of this section and now deleted without replacement Rule 229.

(4) Previously approved on June 8, 2001 in paragraph (c)(198)(i)(B)(2) of this section and now deleted without replacement Rule 229.

(C) San Joaquin Valley Unified Air Pollution Control District.


(D) Sacramento Metropolitan Air Quality Management District.


(E) Mojave Desert Air Quality Management District.


(F) Monterey Bay Unified Air Pollution Control District.


(G) [Reserved]

(H) South Coast Air Quality Management District.

§ 52.220

(I) San Diego County Air Pollution Control District.


(J) Ventura County Air Pollution Control District.


(2) Rule 74.30 adopted May 17, 1994.

(3) Rule 64, amended June 14, 1994.


(K) Santa Barbara County Air Pollution Control District.


(199) New and amended regulations for the following APCDs were submitted on September 28, 1994 by the Governor’s designee.

(i) Incorporation by reference.

(A) Bay Area Air Quality Management District.


(2) Regulation 8, Rules 14 and 43 adopted on June 1, 1994.


(4) Rule 8–22, adopted on June 1, 1994.


(7) [Reserved]


(B) San Luis Obispo County Air Pollution Control District.


(C) Monterey Bay Unified Air Pollution Control District.


(D) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4352, adopted on September 14, 1994.

(2) Rule 4354, adopted on September 14, 1994.

(3) Rules 6010, 6020, 6040, 6050, 6060, 6070, 6080, 6081, 6090, 6100, 6110, 6120, 6130, 6140, and 6150 were adopted on May 21, 1992; amended on December 17, 1992.


(9) Previously approved on June 3, 1999 in paragraph (c)(199)(i)(D)(6) of this section and now deleted without replacement Rule 2040.


(E) Yolo-Solano Air Quality Management District.


(3) Rules 2.34, adopted on July 13, 1994, in paragraph (c)(199)(i)(E)(i) of this section and now deleted with replacement paragraph (c)(463)(i)(B)(3) of this section.


(200) Program elements were submitted on November 13, 1992 by the Governor’s designee.

(i) Incorporation by reference.


(B) A plan for the following agency was submitted on November 7, 1994 by the Governor’s designee.

(1) Incorporation by reference. (A) California Air Resources Board.


(202) New and amended regulations for the following APCDs were submitted on October 19, 1994, by the Governor’s designee.

(i) Incorporation by reference. (A) Bay Area Air Quality Management District.


(2) Rule 425.1 adopted on October 13, 1994.
(C) San Diego County Air Pollution Control District. (1) Rule 67.4, adopted on September 27, 1994.
(3) Rule 69.2, adopted on September 27, 1994.
(5) Rule 69.4, adopted on September 27, 1994.
(D) Mojave Desert Air Quality Management District.
(E) Placer County Air Pollution Control District.
(1) Rule 250, adopted on October 17, 1994.
(2) Rule 233, adopted on October 6, 1994.
(F) Yolo-Solano Air Quality Management District.
(2) Previously approved on July 7, 1997 in paragraph (c)(202)(i)(F)(1) of this section and now deleted without replacement Rule 3.1, paragraphs 403 and 406.
(203) New and amended regulations for the following APCDs were submitted on October 20, 1994, by the Governor’s designee.
(i) Incorporation by reference. (A) El Dorado County Air Pollution Control District.
(1) Rule 233 adopted on October 18, 1994.
(2) Rule 229 adopted on September 27, 1994.
(204) New and amended plans and regulations for the following agencies were submitted on November 15, 1994, by the Governor’s designee.
(i) Incorporation by reference. (A) California Air Resources Board.
(4) Long Term Measures, Improved Control Technology for Light-Duty Vehicles (Measure M2), Off-Road Industrial Equipment (Diesel), Consumer Products Long-Term Program (Measure CP4), and Additional Measures (Possible Market-Incentive Measures and Possible Operational Measures Applicable to Heavy-Duty Vehicles), as contained in “The California State Implementation Plan for Ozone, Volume II: The Air Resources Board’s Mobile Source and Consumer Products Elements,” adopted on November 15, 1994.
(5) Mid-Term Measures, Accelerated Ultra-Low Emission Vehicle (ULEV) requirement for Medium-Duty Vehicles (Measure M3), Heavy-Duty Vehicles NOx regulations (Measure M5), Heavy-Duty Gasoline Vehicles lower emission standards (Measure M8), Industrial Equipment, Gas & LPG—3-way catalyst technology (Measure M11), Mid-Term Consumer Products (Measure CP–2), as contained in The California State Implementation Plan for Ozone, Volume II: The Air Resources Board’s Mobile Source and Consumer Products Elements, adopted on Nov. 15, 1994.
(6) State control measures: Accelerated Retirement of LDV’s (Measure M1), Early Introduction of 2g/bhp-hr Heavy Duty Diesel Vehicles (Measure M4), Accelerated Retirement of Heavy-Duty Vehicles (Measure M7), Aerosol Paints (Measure CP3), and California Department of Pesticide Regulation’s Pesticide Plan, as contained in “The California State Implementation Plan for Ozone, Volume II: The Air Resources Board’s Mobile Source and Consumer Products Elements,” adopted on November 15, 1994, and tables of
§ 52.220

40 CFR Ch. I (7–1–16 Edition)


(7) Previously approved on August 21, 1995, in paragraph (C)(204)(i)(A)(3) of this section, and now deleted without replacement: Title 13, California Code of Regulations, Reformulated Gasoline Regulations, sections 2262.1, 2262.2, and 2262.7.

(B) South Coast Air Quality Management District.


(C) San Diego Air Pollution Control District.


(D) San Joaquin Valley Unified Air Pollution Control District.

(1) Control measures, emissions inventory, modeling, and ozone attainment demonstration, as contained in “San Joaquin Valley Attainment and Rate-of-Progress Plans for San Diego County,” adopted on November 14, 1994.

(E) Ventura County Air Pollution Control District.

(1) Control measures, emissions inventory, 15% Rate-of-Progress plan, Post-1996 Rate-of-Progress plan, modeling, and ozone attainment demonstration, as contained in “1994 Air Quality Management Plan for Ventura County,” adopted on November 8, 1994.

(F) Mojave Desert Air Quality Management District.

(1) Control measures, emissions inventory, modeling, and ozone attainment demonstration, as contained in “Rate-of-Progress and Attainment Demonstration Plans for the Mojave Desert,” adopted on October 26, 1994.

(205) New and amended plans for the following APCDs were submitted on December 28, 1994, by the Governor’s designee.

(i) Incorporation by reference. (A) Kern County Air Pollution Control District.

(1) Emissions inventory, modeling, and ozone attainment demonstration, as contained in “Rate-of-Progress and Attainment Demonstration Plans for the Kern County Air Pollution Control District,” adopted on December 28, 1994.

(B) Bay Area Air Quality Management District.

(1) Amendments to the San Francisco Bay Area Redesignation Request and Maintenance Plan for the National Ozone Standard and 1990 Emissions Inventory adopted on September 7, 1994 by the Bay Area Air Quality Management District, October 5, 1994 by the Metropolitan Transportation Commission, and August 24, 1994 by the Association of Bay Area Governments.


(206) Amended rule for the following APCD was submitted on November 23, 1994, by the Governor’s designee.

(i) Incorporation by reference. (A) San Diego County Air Pollution Control District.


(207) New and amended regulations for the following APCDs were submitted on November 30, 1994, by the Governor’s designee.

(i) Incorporation by reference. (A) Placer County Air Pollution Control District.

(1) Rule 223, adopted on October 6, 1994.

(2) Rules 101, 102, 103, 201, 202, 203, 204, 208, 209, 210, 211, 213, 214, 217, 219, 220, 221, 222, 225, 226, 228, 406, 407, and 408, adopted on October 19, 1993; deletion of 104 for Lake Tahoe Air Basin and
Environmental Protection Agency § 52.220

Mountain Counties Air Basin submitted on 08/21/79 and 10/15/79, respectively.

(B) El Dorado County Air Pollution Control District.

(1) Rule 224, adopted on September 27, 1994.
(2) Rule 231, adopted September 27, 1994.

(C) Yolo-Solano Air Quality Management District.

(3) Rules 2.25 and 2.33, adopted April 27, 1994 and September 14, 1994, respectively.

(D) Mojave Desert Air Quality Management District.

(1) Rule 1102, adopted October 26, 1994.
(3) Rule 1157 and Rule 1160, adopted on October 26, 1994.

(E) Monterey Bay Unified Air Pollution Control District.

(2) Appendix G General Conformity, adopted on October 19, 1994.

(F) Great Basin Unified Air Pollution Control District.


(G) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 9110, adopted on October 20, 1994.

(H) Santa Barbara County Air Pollution Control District.

(1) Rule 702, adopted on October 20, 1994.

(I) South Coast Air Quality Management District.


(208) New and amended regulations for the following APCDs were submitted on December 19, 1994, by the Governor’s designee.

(i) Incorporation by reference. (A) Placer County Air Pollution Control District.


(209) Redesignation Request and Ozone Maintenance Plan for the redesignation of the Monterey Bay Unified Air Pollution Control District submitted on July 14, 1994 and November 14, 1994, respectively, by the Governor’s designee.

(i) Incorporation by reference. (A) Maintenance Plan for the redesignation of the Monterey Bay Area adopted on October 19, 1994 by the Monterey Bay Unified Air Pollution Control District, October 12, 1994 by the Association of Monterey Bay Area Governments, and October 6, 1994 by the Council of San Benito County Governments.

(210) New and amended regulations for the following APCDs were submitted on December 22, 1994 by the Governor’s designee.

(i) Incorporation by reference. (A) Bay Area Air Quality Management District.

(1) Rule 8–45, adopted on November 2, 1994.

(B) San Diego County Air Pollution Control District.

(1) Rule 67.18, adopted on December 13, 1994.

(C) Mojave Desert Air Quality Management District.

(2) Rule 471, adopted on December 21, 1994.

(D) Monterey Bay Unified Air Pollution Control District.


(E) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4651, adopted on December 17, 1992.

(F) Feather River Air Quality Management District.

§ 52.220

(G) Placer County Air Pollution Control District.

(H) Sacramento Metropolitan Air Quality Management District.

(211) Revised Clean Air Plans for ozone for the following APCDs submitted on November 14, 1994, by the Governor’s designee.
   (i) Incorporation by reference. (A) Santa Barbara Air Pollution Control District.
      (2) Emissions inventory, 15% Rate-of-Progress plan, and control measures, as contained in “1994 Clean Air Plan for Santa Barbara County,” adopted on November 2, 1994.

(212) Ozone redesignation request for the Bay Area Air Quality Management District submitted on November 5, 1993, by the Governor’s designee.
   (i) Incorporation by reference. (A) Re-designation request for the San Francisco Bay Area and the Ozone Maintenance Plan for the National Ozone Standard adopted on September 1, 1993 by the Bay Area Air Quality Management District, September 22, 1993 by the Metropolitan Transportation Commission, and September 16, 1993 by the Association of Bay Area Governments.
   (B) California Statewide emission inventory submitted on March 30, 1993, by the Governor’s designee.

(213) California Statewide emission inventory submitted on March 30, 1993, by the Governor’s designee.
   (i) Incorporation by reference. (A) California Air Resources Board.
      (1) 1990 Base-Year Emission Inventory for Ozone Nonattainment Areas in California.
      (ii) Sacramento, San Diego, San Joaquin Valley, South Coast, Southeast desert, Ventura.
      (iii) Santa Barbara.
      (iv) Monterey Bay Area.

(214) New and amended regulations for the following APCDs were submitted on January 24, 1995, by the Governor’s designee.
   (i) Incorporation by reference. (A) South Coast Air Quality Management District.
      (1) Rule 1151, adopted on December 9, 1994.

(B) San Diego County Air Pollution Control District.

(C) Santa Barbara County Air Pollution Control District.
   (1) Rule 337, adopted on October 20, 1994.


(D) Ventura County Air Pollution Control District.
   (1) Rule 74.15, adopted on November 8, 1994.
   (2) Rule 74.26 and Rule 74.27, adopted on November 8, 1994.

(E) Placer County Air Pollution Control District.

(215) New and amended regulations for the following APCDs were submitted on February 24, 1995, by the Governor’s designee.
   (i) Incorporation by reference. (A) South Coast Air Quality Management District.
      (6) Previously approved on July 14, 1995 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1106.
      (7) Previously approved on June 13, 1995 in paragraph (c)(215)(i)(A)(i) of this section and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District Rules 1125 and 1126.

(B) Ventura County Air Pollution Control District.
   (2) Rule 71 and Rule 71.5, adopted on December 13, 1994.
   (3) Rule 74.18 adopted December 13, 1994.
Environmental Protection Agency § 52.220

(C) San Joaquin Valley Unified Air Pollution Control District.
   (I) Rule 4403, adopted on February 16, 1995.
   (D) Yolo-Solano Air Pollution Control District.
   (2) Rule 2.37 adopted on November 9, 1994.
   (E) Imperial County Air Pollution Control District.
   (F) Monterey Bay Unified Air Pollution Control District.
   (G) Shasta County Air Quality Management District.
   (216) New and amended regulations for the following APCDs were submitted on March 31, 1995, by the Governor’s designee.
   (i) Incorporation by reference. (A) Mojave Desert Air Quality Management District.
      (2) Rule 221, adopted December 21, 1994.
   (B) Bay Area Air Quality Management District.
      (I) Amended Regulation 2, Rule 1, Section 129 adopted on February 1, 1995; Amended Regulation 2, Rule 6, Sections 232, 234, 310, 311, 403, 404, 420, 421, 422, 423 adopted on February 1, 1995.
      (217) New and amended regulations for the following APCDs were submitted on February 28, 1994, by the Governor’s designee.
      (i) Incorporation by reference. (A) Bay Area Air Quality Management District.
         (B) Lake County Air Pollution Control District.
            (1) New Regulation 12, section 12.200 (a4), (c2), (d1), (d2), (d3), (e1), (f2), (m1), (o1), (p1), (p2), (s3), and sections 12.800–12.850, adopted October 19, 1993.
         (C) South Coast Air Quality Management District.
            (I) Rules 204, 206, and 210 amended on October 8, 1993.
   (218) New and amended regulations for the following APCDs were submitted on April 29, 1994 by the Governor’s designee.
   (i) Incorporation by reference. (A) Santa Barbara County Air Pollution Control District.
   (220) New and amended regulations for the following APCDs were submitted on May 24, 1995, by the Governor’s designee.
   (i) Incorporation by reference. (A) Santa Barbara County Air Pollution Control District.
   (B) Placer County Air Pollution Control District.
      (I) Rule 218, adopted on February 9, 1995.
      (2) Rule 236 adopted on February 9, 1995.
      (3) Rule 244, adopted on February 9, 1995.
   (C) South Coast Air Quality Management District.
   (D) San Diego County Air Pollution Control District.
   (E) Ventura County Air Pollution Control District.
   (221) New and amended regulations for the following APCDs were submitted on May 23, 1995 by the Governor’s designee.
(i) Incorporation by reference. (A) Kern County Air Pollution Control District.
  (1) Rule 411 and Rule 413, adopted on April 6, 1995.
  (2) Rule 410.4, adopted on April 6, 1995.
(B) Butte County Air Quality Management District.
  (2) New and amended regulations for the following APCDs were submitted on June 16, 1995, by the Governor’s designee.
  (i) Incorporation by reference. (A) South Coast Air Quality Management District.
    (1) Rules 1107, 1115, and 1171 adopted on May 12, 1995.
    (2) Previously approved on July 14, 1995 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1115.
  (B) El Dorado County Air Pollution Control District.
  (C) Sacramento Metropolitan Air Quality Management District.
    (2) Rule 413, adopted on April 6, 1995.
    (3) Rule 412, adopted on June 1, 1995.
  (D) San Diego County Air Pollution Control District.
    (3) Rule 462, revised on June 9, 1995.
    (4) Rule 1130 and 1136 adopted September 8, 1995.
  (E) Butte County Air Quality Management District.
    (1) Rule 403, adopted on November 9, 1993.
    (2) Rule 238, adopted June 8, 1995.
    (3) Rule 239, revised June 8, 1995.
  (F) Imperial County Air Pollution Control District.
    (2) Revised ozone transportation control measure (TCM) for the San Joaquin Valley submitted on March 2, 1995, by the Governor’s designee.
    (i) Incorporation by reference. (A) Railroad Grade Separations TCM, adopted on September 14, 1994.
    (223) New and amended regulations for the following APCDs were submitted on August 10, 1995, by the Governor’s designee.
  (224) New and amended regulations for the following APCDs were submitted on June 16, 1995, by the Governor’s designee.
(1) Rule 74.15.1 revised on June 13, 1995.
(H) Mohave Desert Air Quality Management District.

(226) Air Quality Management Plan for the following APCD was submitted on September 11, 1991, by the Governor’s designee.

(i) Incorporation by reference. (A) Great Basin Unified Air Pollution Control District.

(228) Air Quality Management Plans for the following APCDs were submitted on January 9, 1992, by the Governor’s designee.

(i) Incorporation by reference. (A) Great Basin Unified Air Pollution Control District.

(1) Rule 22, adopted on September 18, 1990.
(2) Previously approved on May 2, 2001 in paragraph (c)(230)(l)(E)(l) of this section and now deleted without replacement Rule 422.
(231) New and amended regulations for the following APCDs were submitted on May 10, 1996, by the Governor’s designee.

(i) Incorporation by reference. (A) Monterey Bay Unified APCD.

(B) Kern County Air Pollution Control District.

(1) Rule 461, adopted on September 8, 1995.
(2) Rule 701, adopted on September 9, 1995.
(230) New and amended regulations for the following APCDs were submitted on March 26, 1996, by the Governors designee.

(i) Incorporation by reference. (A) Ventura County Air Pollution Control District.
(C) Mojave Desert Air Quality Management District.


(D) Butte County Air Quality Management District.

(i) Rule 1105, adopted on February 15, 1996.

(E) Great Basin Unified Air Pollution Control District.


(232) New regulations for the following APCD were submitted on March 21, 1994, by the Governor’s designee:

(i) Incorporation by reference. (A) South Coast Air Quality Management District.

(1) Regulation XX, adopted October 15, 1993.

(ii) Previously approved on November 8, 1996 now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District, Regulation XX.

(233) New and amended plans for the following agencies were submitted on December 29, 1994, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.

(1) 15% Rate-of-Progress plan and Post-1996 Rate-of-Progress plan for the Los Angeles-South Coast Air Basin Area, as contained in the “Rate-of-Progress Plan Revision: South Coast Air Basin & Antelope Valley & Coachella/San Jacinto Planning Area,” adopted on December 9, 1994.

(B) Sacramento Metropolitan Air Quality Management District.

(1) Emissions inventory, Post-1996 Rate-of-Progress plan, modeling, and ozone attainment demonstration, as contained in “Sacramento Area Attainment and Rate-of-Progress Plans,” adopted by Sacramento Metropolitan Air Quality Management District on December 1, 1994; by Feather River Air Quality Management District on December 12, 1994; by El Dorado County Air Pollution Control District on December 13, 1994; by Yolo-Solano Air Pollution Control District on December 14, 1994; and by Placer County Air Pollution Control District on December 20, 1994.

(234) The California Vehicle Inspection and Maintenance Program was submitted on January 22, 1996, by the Governor’s designee.

(i) Incorporation by reference. (A) California Air Resources Board.


(ii) Health and Safety Code: Division 26, Part 5 § 39032.5; Chapter 5, Motor Vehicle Inspection Program, Article 1, Article 2, Article 3, Article 4, Article 5, Article 6, Article 7, Article 8, Article 9.

(ii) Business and Professions Code, Chapter 20.3, Automotive Repair, Article 4, § 9886, § 9886.1, § 9886.2, § 9886.4.

(iii) Vehicle Code §§ 4000.1, § 4000.2, § 4000.3, § 4000.6.

(iv) Title 16, California Code or Regulations, Division 33, Bureau of Automotive Repair, Article 5.5, Motor Vehicle Inspection Program, § 3340.1, § 3340.5, § 3340.6, § 3340.10, § 3340.15, § 3340.16, § 3340.16.5, § 3340.16.6, § 3340.17, § 3340.18, § 3340.22, § 3340.22.1, § 3340.22.2, § 3340.22.3, § 3340.23, § 3340.24, § 3340.28, § 3340.29, § 3340.30, § 3340.31, § 3340.32, § 3340.32.1, § 3340.33, § 3340.33.1, § 3340.35, § 3340.35, § 3340.36, § 3340.41, § 3340.41.3, § 3340.41.5, § 3340.42, § 3340.42.1, § 3340.50, § 3340.50.1, § 3340.50.3, § 3340.50.4, § 3340.50.5.

(2) Previously approved on January 8, 1997, in paragraph (234)(1)(A)(1)(i) of this section, and now deleted without replacement: Health and Safety Code: Division 26, Part 5, Chapter 5 (Motor Vehicle Inspection Program), Article 1, sections 44001.6, 44001.7, 44003.1, 44006; Article 2, sections 44015.3, 44022, 44023; Article 3, section 44031; Article 8, sections 44081.5, 44082, 44083.

(3) Previously approved on January 8, 1997, in paragraph (234)(1)(A)(1)(iv) of this section, and now deleted without replacement: Title 16, California Code of Regulations, Division 33, Bureau of Automotive Repair, Article 5.5, Motor Vehicle Inspection Program, sections 3340.16.6, 3340.42.1.

(235) New and amended regulations for the following APCD were submitted on December 10, 1993, by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.

Environmental Protection Agency § 52.220

(236) New and amended plans for the following agencies were submitted on June 13, 1996, by the Governor’s designee.

(i) Incorporation by reference. (A) California Air Resources Board.

(1) Letter dated June 13, 1996, from James D. Boyd to David Howekamp, including “Corrections to State and Local Measures” (Attachment A) and “Summary Emission Reduction Spreadsheets” (Attachment C).

(237) New and amended plans for the following agencies were submitted on July 10, 1996, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.

(1) Revised rule adoption schedule, adopted on April 12, 1996.

(238) New and amended plans for the following agencies were submitted on July 12, 1996, by the Governor’s designee.

(i) Incorporation by reference. (A) Ventura County Air Pollution Control District.

(1) “Revised Rule Adoption and Implementation Schedule” (Table 4–2) and “Architectural Coatings” (Appendix E–95, Tables E–43 and E–45) contained in “Ventura County 1995 Air Quality Management Plan Revision,” adopted on December 19, 1995.

(2) San Joaquin Valley Unified Air Pollution Control District.


(240) New and amended regulations for the following APCD were submitted on August 28, 1996 by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.


(241) New and amended regulations for the following APCD were submitted on October 18, 1996 by the Governor’s designee.

(i) Incorporation by reference. (A) San Diego County Air Pollution Control District.


(2) Rule 67.4, revised on May 15, 1996.


(4) Rule 19.3 adopted on May 15, 1996.


(B) Yolo-Solano Air Quality Management District.

(1) Rule 2.27, revised on August 14, 1996.

(C) Ventura County Air Pollution Control District.

(1) Rule 74.19.1, adopted on June 11, 1996.

(2) Rules 74.6.1, 74.6.2, and 74.6.3, adopted on July 9, 1996.

(3) Rule 23 adopted on July 9, 1996.

(D) Kern County Air Pollution Control District.


(242) New and amended regulations for the following APCDs were submitted on November 26, 1996, by the Governor’s designee.

(i) Incorporation by reference. (A) Mojave Desert AQMD.

(1) Rule 1116, adopted on October 28, 1996.

(B) South Coast Air Quality Management District.

(1) Rule 1113, adopted on September 2, 1977 and amended on November 8, 1996.

(2) Rule 1176, adopted on November 3, 1989 and amended on September 13, 1996.

(243) Transportation Air Quality Conformity Procedures and Transportation Conformity Consultation Procedures for the following AQMD were submitted on December 16, 1996, by the Governor’s designee.

(i) Incorporation by reference. (A) Bay Area Air Quality Management District.

(1) “The San Francisco Bay Area Transportation Air Quality Conformity Procedures,” which includes sections 93.100-93.104 and sections 93.106-93.136, adopted on November 6, 1996.

(2) “The San Francisco Bay Area Transportation Air Quality Conformity Interagency Consultation Procedures,” adopted on November 6, 1996.

(244) New and amended regulations for the following APCDs were submitted on March 3, 1997, by the Governor’s designee.

(i) Incorporation by reference. (A) Monterey Bay Unified Air Pollution Control District.

(1) Rule 101 revised on November 13, 1996.

(2) Rule 404, adopted on October 16, 1996.

(3) Rule 207, amended on December 18, 1996.

(B) Yolo-Solano Air Quality Management District.

(4) Rule 434, adopted on December 18, 1996.

(5) Rule 426 revised December 18, 1996.

(B) San Diego County Air Pollution Control District.


(C) Mojave Desert Air Quality Management District.


(2) Rule 403.1, “Fugitive Dust Control for the Searles Valley Planning Area”, adopted on June 22, 1994 and amended
on November 25, 1996. (D) South Coast Air Quality Management District.


(E) San Joaquin Valley Unified Air Pollution Control District.

(i) Rule 6030 adopted on May 21, 1992; amended on November 13, 1996.

(ii) Rule 4305 adopted on December 19, 1996.

(F) Santa Barbara County Air Pollution Control District.

(i) Rule 323 revised July 18, 1996.

(G) Ventura County Air Pollution Control District.

(i) Rules 74.12, 74.13, 74.18, 74.19, 74.24, and 74.30, amended on September 10, 1996.

(ii) Rule 74.20, revised on January 14, 1997.

(245) New and amended regulations for the following APCDs were submitted on March 26, 1997, by the Governor’s designee.

(i) Incorporation by reference.

(A) Yolo-Solano Air Quality Management District.

(i) Rule 3.4, adopted on December 11, 1996.

(B) San Diego County Air Pollution Control District.


(C) Monterey Bay Unified Air Pollution Control District.


(2) Previously approved on February 9, 1999 in (245)(i)(C)(i) and now deleted without replacement Rule 430.

(246) New and amended regulations for the following APCDs were submitted on October 28, 1996, by the Governor’s designee.

(i) Incorporation by reference.

(A) Northern Sierra Air Quality Management District.


(2) Rule 211, adopted on September 11, 1991.

(3) Previously approved on September 16, 1997 in paragraph (c)(246)(i)(A)(1) of this section and now deleted without replacement, Rule 223.


(247) New and amended plans for the following agency were submitted on February 5, 1997, by the Governor’s designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(i) Carbon monoxide emissions inventory, VMT forecasts and commitments to monitor actual VMT levels and revise and replace the VMT projections as needed in the future, as contained in the South Coast 1997 Air Quality Management Plan.

(ii) Nitrogen dioxide attainment plan and maintenance plan, as contained in the South Coast 1997 Air Quality Management Plan, adopted on November 15, 1996.

(iii) Baseline and projected emissions inventories and ozone attainment demonstration, as contained in the South Coast 1997 Air Quality Management Plan for ozone.

(iv) Baseline and projected emissions inventories, SCAQMD commitment to adopt and implement control measures, reasonable further progress, contingency measures, attainment demonstration, PM-10 attainment date extension request to December 31, 2006, as contained in the South Coast 1997 Air Quality Management Plan, with respect to PM-10.

(v) SCAQMD commitment to adopt and implement control measures, as contained in the Coachella Request for Redesignation and Maintenance Plan for PM-10.

(vi) Appendix V, page V–5–4, Table 5–2—“Carbon Monoxide Emissions (tons/day) Projected from 1993 through 2000 for the South Coast Air Basin.”

(248) New and amended regulations for the following APCDs were submitted on August 1, 1997, by the Governor’s designee.
(i) Incorporation by reference. (A) San Diego County Air Pollution Control District. 
  (2) Rule 67.9, adopted on April 30, 1997. 
  (B) South Coast AQMD. 
  (1) Rule 1124, adopted on December 13, 1996. 
  (C) Placer County Air Pollution Control District. 
  (D) Mojave Desert Air Quality Management District. 
  (1) Rule 1157, amended May 19, 1997. 
  (E) Ventura County Air Pollution Control District. 
  (1) Rule 70 revised on May 13, 1997. 
  (F) Bay Area Air Quality Management District. 
  (1) Regulation 8, Rule 45, adopted on November 6, 1996. 
  (249) New and amended regulations for the following APCD's were submitted on September 8, 1997, by the Governor's designee. 
  (i) Incorporation by reference. (A) South Coast Air Quality Management District. 
  (B) Kern County Air Pollution Control District. 
  (2) Rule 4605, adopted on December 19, 1991 and amended on December 19, 1996. 
  (250) New regulations for the following APCD were submitted on October 31, 1997, by the Governor's designee. 
  (i) Incorporation by reference. (A) Santa Barbara County Air Pollution Control District. 
  (1) Rule 1301 adopted on September 18, 1997. 
  (251) New and amended plans for the following agency were submitted on November 5, 1997, by the Governor's designee. 
  (B) Northern Sonoma County Air Pollution Control District. 
(C) Santa Barbara County Air Pollution Control District.

(1) Rule 102 amended on April 17, 1996.
(3) Rule 321, adopted on February 24, 1971 and revised on September 18, 1997.
(5) Rule 316 revised on April 17, 1997.

(D) South Coast Air Quality Management District.

(4) Rule 1134 adopted on August 8, 1997.

(E) Antelope Valley Air Pollution Control District.

(1) Resolution No. 97–01 dated July 1, 1997.

(F) Bay Area Air Quality Management District.

(1) Regulation 5, adopted on November 2, 1994.

(G) Monterey Bay Unified Air Pollution Control District.

(1) Rule 431, adopted on December 17, 1997.

(H) Mojave Desert Air Quality Management District.


(I) Sacramento Metropolitan Air Quality Management District.

(1) Rule 414, adopted August 1, 1996.
(2) Rules 640, as amended on July 15, 1997; and Rule 1350, adopted on October 15, 1996.

(J) Lake County Air Quality Management District.

(1) Rule 640, as amended on July 15, 1997; and Rule 1350, adopted on October 15, 1996.

(K) Ventura County Air Pollution Control District.


(L) Great Basin Unified Air Pollution Control District.

(1) Rule 422, adopted on May 8, 1996.

(255) New and amended regulations for the following APCDs were submitted on May 18, 1998, by the Governor’s designee.

(1) Incorporation by reference. (A) Sacramento Metropolitan Air Quality Management District.

(4) Rule 413, amended May 1, 1997.

(B) North Coast Unified Air Quality Management District.

(1) Rule 130 amended September 26, 1997.

(C) San Joaquin Valley Unified Air Pollution Control District.


(D) Lake County Air Quality Management District.

(1) Rule 1002, as amended on March 19, 1996.
(2) Section (Rule) 439.5, adopted on July 15, 1997.

(E) Placer County Air Pollution Control District.

(2) Sections (Rules) 433, adopted on July 15, 1997.

(F) South Coast Air Quality Management District.


(G) Ventura County Air Pollution Control District.


(256) New and amended regulations for the following APCDs were submitted on June 23, 1998, by the Governor’s designee.
§ 52.220  

(1) Incorporation by reference. (A) Bay Area Air Quality Management District. 

(1) Regulation 1, revised on November 3, 1993. 


(B) San Diego County Air Pollution Control District. 


(C) Kern County Air Pollution Control District. 


(2) Rule 409, adopted on April 18, 1972, as amended on May 7, 1998. 

(D) Antelope Valley Air Pollution Control District. 

(1) Rule 701 was amended on January 20, 1998. 

(E) El Dorado County Pollution Control District. 


(F) Ventura County Air Pollution Control District. 


(G) Sacramento Metropolitan Air Quality Management District. 


(257) Plan revisions for the Coachella Valley Planning Area were submitted on February 16, 1995, by the Governor’s designee. 

(1) Incorporation by reference. (A) Fugitive dust control ordinances for: City of Cathedral City Ordinance No. 377, adopted on February 18, 1993; City of Coachella Ordinance No. 715, adopted on October 6, 1993; City of Desert Hot Springs Ordinance No. 93–2, adopted on May 18, 1993; City of Indian Wells Ordinance No. 313, adopted on February 4, 1993; City of Indio Ordinance No. 1138, adopted on March 17, 1993; City of La Quinta Ordinance No. 219, adopted on December 15, 1992; City of Palm Desert Ordinance No. 701, adopted on January 14, 1993; City of Palm Springs Ordinance No. 1439, adopted on April 21, 1993; City of Rancho Mirage Ordinance No. 575, adopted on August 5, 1993; and County of Riverside Ordinance No. 742, adopted on January 4, 1994. 

(256) New and amended regulations for the following APCD’s were submitted on June 3, 1997, by the Governor’s designee. 

(1) Incorporation by reference. (A) Monterey Bay Unified Air Pollution Control District. 


(259) New and amended regulations for the following APCDs were submitted on December 3, 1998, by the Governor’s designee. 

(1) Incorporation by reference. (A) Yolo-Solano Air Quality Management District. 

(1) Rule 10.3, adopted on February 8, 1995. 

(260) New and amended regulations for the following APCDs were submitted on October 27, 1998, by the Governor’s designee. 

(1) Incorporation by reference. (A) Sacramento Metropolitan Air Quality Management District. 


(B) San Joaquin Valley Unified Air Pollution Control District. 


(C) Kern County Air Pollution Control District. 

(1) Rule 208, originally adopted on April 18, 1972, amended on September 17, 1998. 

(261) New and amended regulations for the following APCDs were submitted on January 12, 1999, by the Governor’s designee. 

(1) Incorporation by reference. (A) Monterey Bay Unified Air Pollution Control District. 


(262) New and amended regulations for the following APCDs were submitted on February 16, 1999, by the Governor’s designee. 

(1) Incorporation by reference. (A) Bay Area Air Quality Management District. 

(1) Regulation 1, adopted on October 7, 1998. 

(2) Previously approved on June 28, 1999 in paragraph (c)(262)(1)(A)(1) of this section and now deleted without replacement Regulation 1, Rules 402 and 402.1.
(B) Ventura County Air Pollution Control District.
(3) Rule 74.6, revised on November 10, 1998.
(C) South Coast Air Quality Management District.
(1) Rule 1107, adopted on June 1, 1979 and amended on August 14, 1998.
(2) Rule 1151, adopted on December 11, 1998.
(3) Rule 74.6, revised on November 10, 1998.
(D) San Joaquin Valley Unified Air Pollution Control District.
(E) Antelope Valley Air Pollution Control District.
(2) [Reserved]
(263) New and amended regulations for the following APCDs were submitted on May 13, 1999, by the Governor's designee.
(i) Incorporation by reference. (A) South Coast Air Quality Management District.
(B) Santa Barbara County Air Pollution Control District.
(C) Sacramento Metropolitan Air Quality Management District.
(D) Tehama County Air Pollution Control District.
(264) New and amended regulations for the following APCDs were submitted on June 3, 1999, by the Governor's designee.
(i) Incorporation by reference. (A) South Coast Air Quality Management District.
(B) Yolo-Solano Air Quality Management District.
(C) Ventura County Air Pollution Control District.
(1) Rule 64, adopted on April 13, 1999.
(2) Rule 103 adopted on February 9, 1999.
(D) Monterey Bay Unified Air Pollution Control District.
(1) Rule 1002, adopted on April 21, 1999.
(265) New and amended plans for the following agencies were submitted on May 20, 1999, by the Governor's designee.
(i) Incorporation by reference. (A) California Air Resources Board.
(1) Executive Order G–99–037, dated May 20, 1999, State commitment to continue working with U.S. EPA and the affected parties to achieve the emission reductions identified in the SIP for federal measures, and to adopt by December 31, 2000, and submit as a SIP revision, a revised attainment demonstration for the federal one-hour ozone standard in the South Coast Air Basin, and adopt by December 31, 2001, control measures needed to achieve any additional emission reductions which are determined to be appropriate for ARB; Attachment A, update to the 1994 ozone SIP for the South Coast.
(266) New and amended regulations for the following APCDs were submitted on September 29, 1998 by the Governor's designee.
(i) Incorporation by reference. (A) South Coast Air Quality Management District.
(B) San Joaquin Valley Unified Air Pollution Control District.

311


(267) New plan for Owens Valley PM–10 Planning Area for the following agency was submitted on December 10, 1998 by the Governor’s designee.

(i) Incorporation by reference. (A) Great Basin Unified APCD.

(1) Owens Valley PM–10 Planning Area Demonstration of Attainment State Implementation Plan, Section 7–4, Commitment to adopt 2003 SIP Revision and Section 8–2, the Board Order adopted on November 16, 1998 with Exhibit 1.

(268) New and amended regulations for the following agencies were submitted on July 23, 1999, by the Governor’s designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.


(B) Mojave Desert Air Quality Management District.

(1) Rule 1116 revised on April 26, 1999.

(C) Lake County Air Quality Management District.

(1) Section (Rule) 226.5, adopted on September 13, 1988.

(269) New and amended regulations for the following APCDs were submitted on September 7, 1999, by the Governor’s designee.

(i) Incorporation by reference. (A) Kern County Air Pollution Control District.

(1) Rule 102, adopted on April 18, 1972 and amended on July 1, 1999.

(B) San Diego County Air Pollution Control District.


(C) San Joaquin Valley Unified Air Pollution Control District.


(2) Rule 4452 adopted on December 17, 1992.

(D) South Coast Air Quality Management District.


(270) New and amended regulations for the following APCDs were submitted on October 29, 1999, by the Governor’s designee.

(i) Incorporation by reference. (A) Ventura County Air Pollution Control District.


(2) Previously approved on December 13, 1999 in paragraph (c)(270)(i)(A)(1) of this section and now deleted without replacement, Ventura County Rule 37.

(B) Monterey Bay Unified Air Pollution Control District.

(1) Rule 207, amended on September 15, 1999.

(C) South Coast Air Quality Management District.


(D) Santa Barbara County Air Pollution Control District.


(E) Antelope Valley Air Pollution Control District.


(271) New and amended regulations for the following agencies were submitted on August 22, 1997, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.


(272) New and amended plan for the following agency was submitted on February 4, 2000, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.

(1) SCAQMD commitment to adopt and implement short- and intermediate-term control measures; SCAQMD commitment to adopt and implement long-term control measures; SCAQMD commitment to achieve overall emissions reductions for the years 1999–2008; SCAQMD commitment to implement those measures that had been adopted in regulatory form between November 1994 and September
Environmental Protection Agency § 52.220


(2) SCAQMD commitment to adopt and implement control measures, as contained in the 1999 Amendment to the South Coast 1997 Air Quality Management Plan, with respect to PM–10.

(273) New and amended regulations for the following APCD’s were submitted on August 21, 1998, by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.


(2) Rule 4622, adopted on June 18, 1998.

(274) New and amended regulations for the following agency was submitted on June 29, 1995, by the Governor’s designee.

(i) Incorporation by reference. (A) Mojave Desert Air Quality Management District.


(275) New and amended plan for the following agency was submitted on March 19, 1999, by the Governor’s designee.

(i) Incorporation by reference. (A) Santa Barbara County Air Pollution Control District.

(1) Control measures 333, 352, 353, T13, T18, T21, and T22; 1999 rate-of-progress plan; and motor vehicle emissions budgets (cited on page 5–4), as contained in the Santa Barbara 1998 Clean Air Plan.

(ii) Additional materials. (A) Santa Barbara County Air Pollution Control District.

(1) Baseline and projected emissions inventories, and ozone attainment demonstration, as contained in the Santa Barbara 1998 Clean Air Plan.

(276) New and amended regulations for the following APCDs were submitted on February 23, 2000, by the Governor’s designee.

(i) Incorporation by reference. (A) Monterey Bay Unified Air Pollution Control District.


(B) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4661, adopted on December 9, 1999.

(277) New and amended regulations for the following APCDs were submitted on March 28, 2000, by the Governor’s designee.

(i) Incorporation by reference. (A) Santa Barbara County Air Pollution Control District.


(B) Sacramento Metropolitan Air Quality Management District.

(1) Rule 701, adopted on May 27, 1999.

(C) Bay Area Air Quality Management District.


(D) South Coast Air Quality Management District.

(1) Rule 1121 adopted on December 10, 1999.

(278) New and amended regulations for the following APCDs were submitted on January 21, 2000, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.

(1) Rule 1130 amended on October 8, 1999.

(2) Rule 1136, adopted on September 10, 1999.

(3) Previously approved on January 21, 2000 in paragraph (c)(278)(i)(A)(2) of this section and now deleted without
replacement for implementation in the Antelope Valley Air Quality Management District Rule 1186.

(B) Santa Barbara County Air Pollution Control District.

(1) Rule 352 adopted on September 16, 1999.

(C) Ventura County Air Pollution Control District.

(1) Rule 74.11.1 adopted on September 16, 1999.

(2) Rules 57 and 68, adopted on June 14, 1977.

(279) New and amended regulations for the following APCDs were submitted on May 26, 2000, by the Governor's designee.

(i) Incorporation by reference. (A) Imperial County Air Pollution Control District.

(1) Rule 426 amended September 14, 1999


(3) Rule 416, adopted on September 14, 1999.

(4) Rules 109 and 110 adopted on September 14, 1999.


(6) Rules 100 and 113, adopted on September 14, 1999.

(7) Rule 405, adopted on September 14, 1999.

(8) Rule 417 adopted on September 14, 1999.

(9) Rule 415, adopted on September 14, 1999.


(11) Rule 400, revised on September 14, 1999.

(12) Rule 201, adopted prior to October 15, 1979 and revised on September 14, 1999.


(14) Rules 203, 205, and 206, adopted on November 19, 1985 and revised on September 14, 1999.

(B) Monterey Bay Unified Air Pollution Control District.


(280) New and amended regulations for the following APCDs were submitted on July 26, 2000, by the Governor's designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.


(2) Rule 461, adopted on April 21, 2000.


(B) El Dorado County Air Pollution Control District.


(C) Yolo-Solano Air Quality Management District.

(1) Rule 1.1, revised on August 13, 1997.


(281) New and amended regulations for the following APCDs were submitted on May 23, 2001, by the Governor's designee.

(i) Incorporation by reference. (A) El Dorado County Air Pollution Control District.

(1) Rules 238, 244, and 245, adopted on March 27, 2001.


(B) Monterey Bay Unified Air Pollution Control District.


(282) New and amended regulations for the following APCDs were submitted on May 31, 2001, by the Governor's designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.


(B) Bay Area Air Quality Management District.

(1) Rule 8–51, revised on May 2, 2001.

(C) Monterey Bay Unified Air Pollution Control District


(283) San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard, June 1999, was submitted on August 13, 1999 by the Governor’s designee.

(i) Incorporation by reference. (A) Bay Area Air Quality Management District.

(1) Tables 10 and 12 of the San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard, June 1999, which detail the commitment to adopt and implement any combination of new control measures to achieve 11 ton per day reduction in VOC emissions by June 2000.

(2) Contingency measures, Table 18, “Post-Attainment Year (2000–2003) Inventory Reductions Reflected in the SIP”.

(284) New and amended regulations for the following APCDs were submitted on May 8, 2001, by the Governor’s designee.

(i) Incorporation by reference. (A) Monterey Bay Unified Air Pollution Control District.


(2) Rules 418 and 419, adopted on December 13, 2000.


(B) South Coast Air Quality Management District.


(2) Rule 1146, adopted on November 17, 2000.


(C) Santa Barbara County Air Pollution Control District.


(D) Ventura County Air Pollution Control District.


(2) Rule 70, adopted on November 14, 2000.

(285) New and amended regulations for the following APCDs were submitted on December 11, 2000 by Governor’s designee.

(i) Incorporation by reference. (A) Ventura County Air Pollution Control District.


(286) New and amended regulations for the following APCDs were submitted on December 11, 2000 by Governor’s designee.

(i) Incorporation by reference. (A) Monterey Bay Unified Air Pollution Control District.


(287) New and amended regulations for the following APCD were submitted on November 8, 2001 by the Governor’s designee.

(i) Incorporation by reference. (A) Mojave Desert Air Quality Management District.
§ 52.220


(288) New and amended regulations for the following APCDs were submitted on October 30, 2001, by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.


(B) Lake County Air Quality Management District.


(C) Ventura County Air Pollution Control District.


(D) Imperial County Air Pollution Control District.


(2) Rule 403, adopted on November 19, 1985 and revised on July 24, 2001.

(E) South Coast Air Quality Management District.


(290) New and amended regulation for the following AQMD were submitted on November 28, 2001, by the Governor’s designee.

(i) Incorporation by reference. (A) Yolo-Solano Air Quality Management District.


(290) New and amended regulations for the following APCDs were submitted on December 14, 2001, by the Governor’s designee.

(i) Incorporation by reference. (A) Kern County Air Pollution Control District.


(291) [Reserved]

(292) New and amended regulations for the following APCDs were submitted on November 7, 2001, by the Governor’s designee.

(i) Incorporation by reference. (A) Monterey Bay Air Pollution Control District.


(B) Santa Barbara County Air Pollution Control District.


(293) New and amended regulations for the following APCDs were submitted on January 22, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.


(B) Yolo-Solano Air Quality Management District.


(294) New and amended regulations for the following APCD were submitted on February 20, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.


(295) New and amended regulations for the following APCD were submitted on February 8, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) Tehama County Air Pollution Control District.

(296) New and amended regulations for the following APCD were submitted on November 9, 2001, by the Governor’s designee.

(i) Incorporation by reference. (A) El Dorado County Air Pollution Control District.

(297) New and amended regulations for the following APCDs were submitted on March 15, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) Ventura County Air Pollution Control District.
   (1) Rule 74.6, adopted on January 8, 2002.
   (2) Rule 74.29 adopted on October 10, 1995, and amended on January 8, 2002.
   (4) Rule 74.23, adopted on January 8, 2002.
   (B) Imperial County Air Pollution Control District.
   (C) South Coast Air Quality Management District.
   (1) Rule 1107 adopted on June 1, 1979, and amended on November 9, 2001.
   (D) Monterey Bay Unified Air Pollution Control District.
   (E) San Joaquin Valley Unified Air Pollution Control District.
   (F) Santa Barbara County Air Pollution Control District.

(298) New and amended contingency measures for the following APCDs were submitted on May 29, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) Santa Barbara County Air Pollution Control District.

(299) Amended regulation for the following APCD was submitted on July 2, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) El Dorado County Air Pollution Control District.

(300) Amended regulations for the following APCDs were submitted on June 18, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) Mojave Desert Air Quality Management District.
   (B) Bay Area Air Quality Management District.
   (C) Monterey Bay Unified Air Pollution Control District.
   (1) Rule 426, adopted on April 17, 2002.
   (D) San Joaquin Valley Unified Air Pollution Control District.
   (1) Rule 4703 adopted on April 25, 2002.

(301) Amended regulation for the following APCD was submitted on March 5, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.
§ 52.220

(302) New and amended regulations for the following APCDs were submitted on October 16, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) Imperial County Air Pollution Control District.

(1) Rule 701, revised on August 13, 2002.


(B) Monterey Bay Unified Air Pollution District.

(1) Rule 408, adopted on September 1, 1974 and revised on August 21, 2002.

(2) Rule 415, adopted on August 21, 2002.


(4) Rules 412 and 413, adopted on September 1, 1974 and revised on August 21, 2002.

(303) New and amended regulations for the following APCDs were submitted on August 6, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) Santa Barbara County Air Pollution Control District.

(1) Rule 401, adopted on October 18, 1971 and revised on May 16, 2002.

(B) Yolo Solano Air Quality Management District.

(1) Rule 2.22, revised on June 12, 2002.


(C) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4311 adopted on June 20, 2002.

(2) Rule 4661, adopted on May 16, 2002.

(3) Rule 4693, adopted on May 16, 2002.

(4) Rule 3170, “Federally Mandated Ozone Nonattainment Fee,” adopted on May 16, 2002. (304) New and amended regulations for the following APCD were submitted on December 6, 2001, by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.


(305) Amended regulations for the following APCD were submitted on May 20, 2002 by the Governor’s designee.

(i) Incorporation by reference. (A) Ventura County Air Pollution Control District.


(306) The following plan was submitted on December 5, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) Kern County Air Pollution Control District.

(1) PM-10 (Respirable Dust) Attainment Demonstration, Maintenance Plan, and Redesignation Request (excluding pages 4–1, 4–2, 6–1, 6–2, Appendix A, and pages D–12 through D–37 of Appendix D) adopted on September 5, 2002.

(B) California Air Resources Board, California.


(307) New and amended regulations for the following APCDs were submitted on November 19, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) Sacramento Metropolitan Air Quality Management District.

(1) Rule 449, adopted on February 5, 1975 and amended on September 26, 2002.

(B) San Joaquin Valley Unified Air Pollution Control District.


(C) San Diego County Air Pollution Control District.


(2) Rule 67.11.1, adopted on September 25, 2002.


(D) South Coast Air Quality Management District.

(1) Rule 1137 adopted on February 1, 2002.

(308) New and amended regulations for the following APCDs were submitted on December 12, 2002, by the Governor’s designee.
(i) Incorporation by reference. (A) Bay Area Air Quality Management District.

(I) Rule 8-7, amended on November 6, 2002.

(B) Lake County Air Quality Management District.

(I) Sections 226.5, 232.1, 238.5, 249.3, 250.5, 433.5, 436, and 438.5, adopted on October 1, 2002 and Sections 431.5, 431.7, 432.5, and 433, amended on October 1, 2002.

(C) Sacramento Metropolitan Air Quality Management District.


(D) South Coast Air Quality Management District.


(E) Monterey Bay Unified Air Pollution Control District.


(3) New and amended plan for the following agency was submitted on November 18, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District (SCAQMD).

(I) SCAQMD commitment to adopt and implement control measures, and reasonable further progress, as contained in the Implementation Status of the PM-10 Portion of the 1997 AQMP and PM-10 Emissions Budgets for Transportation Conformity use (2002 status report) adopted by SCAQMD on June 7, 2002.

(2) Baseline and projected emissions inventories, SCAQMD commitment to adopt and implement control measures, reasonable further progress, contingency measures, attainment demonstration, PM-10 attainment date extension, and motor vehicle emissions budgets, as contained in Chapters 3, 4, 5, 6 and 8 of the 2002 Coachella Valley PM-10 SIP adopted by SCAQMD on June 21, 2002, and the 2002 Coachella Valley PM-10 SIP Addendum (Appendix E) adopted by SCAQMD on September 13, 2002.

(3) New and amended rules for the following districts were submitted on May 21, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.


(B) South Coast Air Quality Management District.


(3) New and amended rules for the following districts were submitted on December 23, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.


(2) Previously approved on June 3, 2003 in paragraph (c)(311)(i)(A)(1) of this section and now deleted without replacement, Subsection (c)(1) (July 1, 2005 VOC limits) of Rule 1171.


(B) San Joaquin Valley Unified Air Pollution Control District.


(3) New and amended rules for the following districts were submitted on January 21, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) Bay Area Air Quality Management District.

(I) Rules 8.5 and 8.18, amended on November 27, 2002, and adopted on January 1, 1978 and October 1, 1980, respectively.

(B) Santa Barbara County Air Pollution Control District.

(I) Rule 360, adopted on October 17, 2002.

(3) New and amended plan for the following agency was submitted on December 20, 2002, by the Governor’s designee.

(i) Incorporation by reference. (A) San Diego County Air Pollution Control District.

(I) Ozone Redesignation Request and Maintenance Plan for San Diego County, including motor vehicle emissions
§ 52.220

40 CFR Ch. I (7–1–16 Edition)


(314) New and amended plan for the following agency was submitted on February 21, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) Santa Barbara County Air Pollution Control District.

(1) Emission Inventories, 1-hour ozone maintenance demonstration, commitments to continue ambient monitoring and to track progress, and contingency measures, as contained in the Final 2001 Clean Air Plan adopted on December 19, 2002.

(315) New and amended regulations for the following APCDs were submitted on April 1, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) Bay Area Air Quality Management District.


(B) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4408, adopted on December 19, 2002.

(2) Rule 4610, adopted on December 19, 2002.

(C) Mojave Desert Air Quality Management District.

(1) Rule 4408, adopted on December 19, 2002.

(316) New and amended regulations for the following APCDs were submitted on June 5, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) Kern County Air Pollution Control District.


(B) San Joaquin Valley Unified Air Pollution Control District.


(C) San Diego County Air Pollution Control District.

(1) Rule 67.3 adopted on May 9, 1979 and amended on April 9, 2003.

(D) South Coast Air Quality Management District.


(E) Yolo-Solano Air Quality Management District.

(1) Rule 2.33, revised on March 12, 2003.

(F) Antelope Valley Air Quality Management District.


(317) The plan and amended regulations for the following APCD were submitted on August 19, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.


(3) [Reserved]

(318) Amended regulation for the following APCD was submitted on September 19, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) Ventura County Air Pollution Control District.


(319) Amended regulation for the following APCD was submitted on November 14, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.


(320) New and amended regulations for the following APCDs were submitted on August 11, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) Monterey Bay Unified Air Pollution Control District.
(3) Rule 418, adopted on September 1, 1974 and revised on April 16, 2003.

(B) South Coast Air Quality Management District.

(C) Santa Barbara County Air Pollution Control District.

(321) New and amended regulations for the following APCDs were submitted on November 4, 2003, by the Governor’s designee.

(i) Incorporation by reference. (B) San Joaquin Valley Unified Air Pollution Control District.
(C) Great Basin Air Pollution Control District.
(3) Rule 497, adopted on September 5, 1974 and revised on September 24, 2003.
(D) San Diego County Air Pollution Control District.
(322) New and amended plan for the following agency was submitted on December 9, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) Kern County Air Pollution Control District.
(1) East Kern County Ozone Attainment Demonstration, Maintenance, and Redesignation Request, adopted on May 1, 2003: Chapter 5— “Regional Forecast,” including emissions inventory summary (Table 5-1) and motor vehicle emissions budgets (Table 5-2); Chapter 6— “Emission Control Measures,” including contingency measures (Table 6-1); and Appendix B— “Emission Inventories.”

(323) The following plan was submitted on November 30, 2001 by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.

(324) Amended regulation for the following AQMD was submitted on April 1, 2004, by the Governor’s designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District.
(325) Amended regulations for the following APCD were submitted on September 29, 2003, by the Governor’s designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.

(326) Amended regulations for the following APCD were submitted on October 9, 2003, by the Governor’s Designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.

(327) The following plan was submitted on December 30, 2003 by the Governor’s Designee.

(i) Incorporation by reference. (A) Ventura County Air Pollution Control District.
(1) Rule 70, adopted on June 25, 1974 and revised on November 11, 2005.
§ 52.220

(B) South Coast Air Quality Management District.
   (2) Previously approved on July 27, 2004 in paragraph (c)(328)(i)(B)(1) of this section and now deleted without replacement, Subsection (c)(1) (July 1, 2005 VOC limits) of Rule 1171.
   (C) Monterey Bay Unified Air Pollution Control District.
   (329) Amended regulations for the following APCDs were submitted on February 20, 2004, by the Governor’s Designee.
   (i) Incorporation by reference. (A) South Coast Air Quality Management District.
   (330) The following plan was submitted on April 10, 2003 by the Governor’s designee.
   (i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.
      (i) Appendix E, “Regional Transportation Planning Agency Commitments for Implementation.”
   (331) New and amended regulations for the following APCDs were submitted on June 3, 2004, by the Governor’s designee.
   (i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.
      (1) Rule 4610 amended on April 17, 2003.
   (B) South Coast Air Quality Management District.
   (332) Amended regulations for the following APCDs were submitted on July 19, 2004, by the Governor’s designee.
      (i) Incorporation by reference. (A) Imperial County Air Pollution Control District.
   (B) Ventura County Air Pollution Control District.
   (333) New and amended regulations for the following AQMD were submitted on July 29, 2004, by the Governor’s designee.
   (i) Incorporation by reference. (A) Imperial County Air Pollution Control District.
   (2) Amended Rules 403 (except for subdivision h), 403.1 (except for subdivision j), and 1186, as adopted on April 2, 2004.
   (334) New and amended regulations for the following APCDs were submitted on September 23, 2004, by the Governor’s designee.
      (i) Incorporation by reference. (A) Kern County Air Pollution Control District.
   (B) San Joaquin Valley Unified Air Pollution Control District.
New and amended regulations for the following APCDs were submitted on January 13, 2005, by the Governor's designee.

(i) Incorporation by reference. (A) Monterey Bay Unified Air Pollution Control District.
   (1) Rule 408, adopted on September 1, 1974 and revised on September 15, 2004.

(B) San Joaquin Valley Unified Air Pollution Control District.

(C) Ventura County Air Pollution Control District.
   (1) Rule 74.6, adopted on November 24, 1987, and revised on April 12, 2005.
   (3) Rule 74.20, Adhesives and Sealants, adopted on June 8, 1993, and revised on January 11, 2005.

(D) Kern County Air Pollution Control District.

New and amended regulations for the following APCDs were submitted on April 26, 2005, by the Governor's designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.

(B) Ventura County Air Pollution Control District.
   (1) Rule 74.14, adopted on November 24, 1987, and revised on April 12, 2005.
   (3) Rule 74.20, Adhesives and Sealants, adopted on June 8, 1993, and revised on January 11, 2005.

(C) Imperial County Air Pollution Control District.
   (2) Rule 424, adopted on November 9, 1962, and revised on January 11, 2005.
   (3) Rule 74.20, Adhesives and Sealants, adopted on June 8, 1993, and revised on January 11, 2005.

(D) South Coast Air Quality Management District.

E) Kern County Air Pollution Control District.

New and amended regulations for the following APCDs were submitted on July 15, 2005, by the Governor's designee.

(i) Incorporation by reference. (A) San Joaquin Valley Unified Air Pollution Control District.
   (3) Rule 4204, adopted on February 17, 2005.

(B) Ventura County Air Pollution Control District.
   (1) Rule 74.14, adopted on November 24, 1987, and revised on April 12, 2005.
   (3) Rule 74.20, Adhesives and Sealants, adopted on June 8, 1993, and revised on January 11, 2005.

(C) Imperial County Air Pollution Control District.

New and amended regulations for the following agencies were submitted on March 13, 2002, by the Governor's designee.

(i) Incorporation by reference. (A) California Air Resources Board.
   (1) California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5, Consumer Products, Article 3, Aerosol Coating Products, Sections 94520 to 94528, and Subchapter 8.6, Maximum Incremental Reactivity, Article 1, Tables of Maximum Incremental Reactivity (MIR) Values, Sections 94700 to 94701, both adopted on May 1, 2001.

New and amended plans were submitted on January 9, 2004, by the Governor's designee.

(i) Incorporation by reference. (A) South Coast Air Quality Management District (SCAQMD).
§ 52.220

(1) South Coast 2003 Air Quality Management Plan (AQMP), as adopted by SCAQMD on August 1, 2003, and by California Air Resources Board on October 23, 2003.

(i) Baseline and projected emissions inventories in AQMP Chapter III Tables 3–1A and 3–3A, in Appendix III Tables A–1, A–2, A–3, A–5, and A–7, and in Appendix V Attachment 4; SCAQMD commitment to adopt and implement control measures CMB–07, CMB–09, WST–01, WST–02, PRC–03, BCM–07, BCM–08, MSC–04, MSC–06, TCB–01 in AQMP Chapter 4 Table 4–8A, and in Appendix IV–A); PM–10 reasonable further progress in AQMP Chapter 6, Table 6–1 and in Appendix V Chapter 2; and SCAQMD commitments to adopt and implement control measures CTS–07, CTS–10, FUG–05, MSC–01, MSC–03, PRC–07, WST–01, WST–02, FSS–04, FLX–01, CMB–10, MSC–05, MSC–07, MSC–08, FSS–06, and FSS–07 in AQMP Chapter 4, Table 4–1, as qualified and explained in AQMP, Chapter 4, pages 4–59 through 4–61 and in Appendix IV–A Section 1, and SCAQMD commitments to achieve near-term and long-term emissions reductions through rule adoption and implementation in AQMP Chapter 6 Table 6–7.

(2) 2003 Coachella Valley PM–10 State Implementation Plan, as adopted by SCAQMD on August 1, 2003, and by California Air Resources Board on October 23, 2003.

(i) Baseline and projected emissions inventories in Tables 2–2, 2–3, 2–4, and 2–5; reasonable further progress in Tables 2–9 and 2–7; attainment demonstration in Chapter 3; and motor vehicle emissions budgets in “2003 Coachella Valley PM–10 SIP On-Road Motor Vehicle Emissions Budgets.”

(ii) Additional material.

(A) The following portions of the Final 2003 State and Federal Strategy (2003 State Strategy) for the California State Implementation Plan, adopted by the California Air Resources Board (ARB) on October 23, 2003:


(B) The following portions of the South Coast 2003 Air Quality Management Plan (AQMP), adopted by the South Coast Air Quality Management District (SCAQMD) on August 1, 2003 and adopted by the California Air Resources Board on October 23, 2003:

(1) Base year and future year baseline planning inventories (summer and winter) in AQMP Chapter III and Appendix III; SCAQMD commitment to adopt and implement control measures CTS–07, CTS–10, FUG–05, MSC–01, MSC–03, PRC–07, WST–01, WST–02, FSS–04, FLX–01, CMB–10, MSC–05, MSC–07, MSC–08, FSS–06, and FSS–07 in AQMP Chapter 4, Table 4–1, as qualified and explained in AQMP, Chapter 4, pages 4–59 through 4–61 and in Appendix IV–A Section 1, and SCAQMD commitments to achieve near-term and long-term emissions reductions through rule adoption and implementation in AQMP Chapter 6 Table 6–7.

(2) [Reserved]

(340) New and amended rules for the following agencies were submitted on November 16, 2004, by the Governor’s designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District (SCAQMD).

(1) Amended Handbooks for Rules 403 (Chapters 5, 7, and 8) and 403.1 (Chapters 2, 3, 4, and 7), as adopted on April 2, 2004.

(B) Plan revisions for the Coachella Valley Planning Area.

(1) Fugitive dust control ordinances for: City of Cathedral City Ordinance No. 589 (1/14/04), City of Coachella Ordinance No. 896 (10/8/03), City of Desert Hot Springs Ordinance No. 2003–16 (10/7/03), City of Indian Wells Ordinance No.
Environmental Protection Agency

§ 52.220

545 (11/6/03), City of Indio Ordinance No. 1357 (12/3/03), City of La Quinta Ordinance No. 391 (12/2/03), City of Palm Desert Ordinance No. 1056 (11/13/03), City of Palm Springs Ordinance No. 1639 (11/5/03), City of Rancho Mirage Ordinances No. 855 (12/18/03) and No. 863 (4/29/04), and County of Riverside Ordinance No. 742.1 (1/13/04).


(i) Incorporation by reference.

(A) California Air Resources Board.


(342) New and amended regulations for the following APCDs were submitted on October 20, 2005, by the Governor’s designee.

(i) Incorporation by reference.

(A) Yolo-Solano Air Quality Management District.


(B) San Joaquin Valley Unified Air Pollution Control District.


(C) South Coast Air Quality Management District.


(D) Great Basin Unified Air Pollution Control District.

(1) Rule 405, adopted on September 5, 1974 and revised on July 7, 2005.


(343) An amended regulation for the following AQMD was submitted on December 21, 2005, by the Governor’s designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.


(344) New and amended regulations for the following APCDs were submitted on March 10, 2006, by the Governor’s designee.

(i) Incorporation by reference.

(A) Antelope Valley Air Quality Management District.


(B) Lake County Air Quality Management District.

(1) Chapter VIII, Section 1002 and Table 8, adopted on March 19, 1996 and amended on August 9, 2005.

(C) San Joaquin Valley Unified Air Quality Management District.

(1) Rule 4306, adopted on October 20, 2005; Rule 4309, adopted on December 15, 2005; and Rule 4905, adopted on October 20, 2005.
§ 52.220


(D) Ventura County Air Pollution Control District.

(I) Rule 74.9, Stationary Internal Combustion Engines, adopted on November 8, 2005.

(34b) New and amended regulations for the following APCDs were submitted on June 16, 2006, by the Governor’s designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.


(2) Rule 1178 adopted on December 21, 2001, and amended on April 7, 2006.

(B) Sacramento Metropolitan Air Quality Management District.

(1) Rule 411, adopted on October 27, 2005.

(C) Ventura County Air Pollution Control District.


(D) Great Basin Unified Air Pollution Control District


(E) Imperial County Air Pollution Control District.

(I) Rule 800, “General Requirements for Control of Fine Particulate Matter (PM-10),” adopted on October 10, 1994, revised on November 25, 1996 and revised on November 8, 2005.


(34c) New and amended plans for the following AQMD were submitted on February 24, 2006, by the Governor’s designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District (SCAQMD).

(I) 2005 Carbon Monoxide Redesignation Request and Maintenance Plan for the South Coast Air Basin, as adopted by SCAQMD on March 4, 2005, and by California Air Resources Board on February 24, 2006.

(34d) New and amended regulations for the following APCDs were submitted on October 5, 2006, by the Governor’s designee.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District.


(B) South Coast Air Quality Management District.


(C) Mojave Desert Air Quality Management District.

(I) Rule 442, Adopted: 5/7/76; CARB Ex. Ord. G–73: 02/01/77; Readopted: 07/25/77; Amended: 02/02/79; Amended: 02/27/06.

(D) Ventura County Air Pollution Control District.


(34e) New and amended rules for the following APCDs were submitted on December 29, 2006 by the Governor’s designee.

(i) Incorporation by reference.

(A) San Joaquin Valley Air Pollution Control District.


(B) South Coast Air Quality Management District.

(1) Rule 1106, adopted on November 4, 2005.

(346) San Francisco Bay Area Transportation Air Quality Conformity Protocol—Conformity Procedures and Interagency Consultation Procedures was submitted on December 20, 2006, by the Governor’s designee.

(i) Incorporation by reference.

(A) Association of Bay Area Governments (ABAG), Bay Area Air Quality Management District (BAAQMD), and Metropolitan Transportation Commission (MTC).


(350) New and amended regulations were submitted on May 8, 2007, by the Governor’s designee.

(i) Incorporation by reference.

(A) Great Basin Unified Air Pollution Control District.

(1) Rule 431, adopted on December 7, 1990 and revised on December 4, 2006.


(B) Mojave Desert Air Quality Management District.


(C) San Joaquin Valley Unified Air Pollution Control District.


(D) South Coast Air Quality Management District.

(1) Rule 1107, Coating of Metal Parts and Products, adopted on June 1, 1979, and amended on January 6, 2006.

(E) Ventura County Air Pollution Control District.


(351) New and amended regulation for the following APCDs were submitted on August 24, 2007, by the Governor’s designee.

(i) Incorporation by reference.

(A) Imperial County Air Pollution Control District.


(3) Rule 201, “Permits Required” amended on October 10, 2006.


(B) Monterey Bay Unified Air Pollution Control District.

(1) Rule 101, Adopted 9–1–74; Revised 12–21–83; 12–13–84; 11–13–96; 11–12–98; and 12–15–1999; and 4–16–03; and 2–21–07.

(2) Rules 415 and 418, adopted on September 1, 1974 and revised on February 21, 2007 and March 21, 2007, respectively.


(C) San Joaquin Valley Unified Air Pollution Control District.


(D) Kern County Air Pollution Control District.
(i) Resolution No. 2007–001–01, Reference No. Item 5, Adoption of Amendments to Rules and Regulations of the Kern County Air Pollution Control District; to Wit: Rule 404.1.
(i) Resolution No. 2007–003–03, Reference No. Item 3, Amendments to Rules and Regulations of the Kern County Air Pollution Control District; To Wit: Rule 431 (Propellant Combustion and Rocket Testing).
(352) New and amended regulations were submitted on September 5, 2007, by the governor’s designee.
(i) Incorporation by reference.
(A) Sacramento Metropolitan Air Quality Management District.
(353) New and amended regulations were submitted on August 12, 2002, by the Governor’s designee.
(i) Incorporation by reference.
(A) Bay Area Air Quality Management District.
(354) New and amended regulations for the following APCDs were submitted on March 7, 2008, by the Governor’s designee.
(i) Incorporation by reference.
(A) South Coast Air Quality Management District.
(B) Mojave Desert Air Quality Management District.
(C) Sacramento Metropolitan Air Quality Management District
(D) Monterey Bay Unified Air Pollution Control District.
(E) San Joaquin Valley Unified Air Pollution Control District
Environmental Protection Agency § 52.220


(F) San Diego Air Pollution Control District.


(G) Northern Sierra Air Quality Management District.

(1) 2007 PM10 Maintenance Plan and Request for Redesignation, adopted by the San Joaquin Valley Air Pollution Control District on September 20, 2007, except for Appendices A through F.


(B) State of California Air Resources Board.


(2) CARB Resolution No. 07–28 with Attachments A and B, September 27, 2007. Commitment to achieve the total emissions reductions necessary to attain the Federal standards in the SJV air basin, which represent 2.3 tons per day (tpd) of direct PM$_{2.5}$ and 17.1 tpd of nitrogen oxides by 2014 for purposes of the 1997 PM$_{2.5}$ NAAQS, as described in Resolution No. 07–28 at Attachment B, pp. 3–6, and modified by CARB Resolution No. 09–34 (April 24, 2009) adopting “Status Report on the State Strategy for California’s 2007 State Implementation Plan (SIP) and Proposed Revisions to the SIP Reflecting Implementation of the 2007 State Strategy” and by CARB Resolution No. 11–24 (April 28, 2011) adopting the “Progress Report on Implementation of PM$_{2.5}$ State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions.”

(3) Executive Order S–07–002, Relating to Approval of the State Strategy for California’s State Implementation Plan (SIP) for the Federal 8-Hour Ozone and PM$_{2.5}$ Standards, November 16, 2007.

(4) CARB Resolution No. 07–28 with Attachments A and B, September 27, 2007. Commitments to achieve the total emissions reductions necessary to attain the Federal standards in the SJV air basin, which represent aggregate emissions reductions of 24 tpd of volatile organic compounds (VOC) and 46 tpd of nitrogen oxides (NOX) by 2023 from existing technologies and to achieve 23 tpd...
of VOC by 2014; 88–93 tpd of NO\textsubscript{X} by 2017;
24 tpd of VOC and 56 tpd of NO\textsubscript{X} by 2020
as provided in CARB Resolution 07–28, 
Attachment B, pp. 3–6 as modified by 
the 2009 State Strategy Status Report, 
pp. 20–21 as adopted by CARB Resolution No. 09–34 (April 24, 2009).

(357) The following commitments 
were submitted on February 29, 2008, by 
the Governor’s Designee:

(i) Incorporation by reference.

(A) Commitments for the installation 
and operation of a FRM or FEM PM–10 
monitor and SIP development and submittal.

(1) Resolution No. 2008–001–02, adopt- 
ed by the Air Pollution Control Board, 
Kern County Air Pollution Control Dis- 
trict on February 27, 2008.

(2) Executive Order S–08–004, adopted 
by the California Air Resources Board 

(358) The 8–Hour Ozone Reasonable 
Available Control Technology State 
Implementation Plans (RACT)(SIP) for 
the following Air Quality Management 
Districts (AQMDs)/Air Pollution Con- 
trol Districts (APCDs) were submitted 
on January 31, 2007, by the Governor’s 
designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Manage- 
ment District.

(1) Resolution 06–24 (A Resolution of 
the South Coast Air Quality Manage- 
ment District (SCAQMD) Board certi- 
fying that the SCAQMD’s current air 
pollution rules and regulations fulfill 
the 8-hour Reasonably Available Con- 
trol Technology (RACT) requirements, 
and adopting the RACT SIP revision, 
dated July 14, 2006.

(2) South Coast Air Quality Manage- 
ment District (SCAQMD) Staff Report, 
SCAQMD 8–Hour Ozone Reasonably 
Available Control Technology (RACT) 
State Implementation Plan (SIP) Dem- 
onstration, including appendices, dated 
June 2006.

(3) Notice of Exemption from the 
California Environmental Quality Act, 
SCAQMD 8–Hour Ozone Reasonably 
Available Control Technology (RACT) 
State Implementation Plan (SIP), dated 
June 2, 2006.

(4) EPA comment letter to South 
Coast Air Quality Management Dis- 
trict dated June 26, 2006, on 8-hour 
Ozone Reasonably Available Control 
Technology—State Implementation 
Plan (RACT SIP) Analysis, draft staff 
report dated May 2006, from Andrew 
Steckel, Chief, Rulemaking Office, U.S. 
EPA to Mr. Joe Cassmassi, Planning 
and Rules Manager, South Coast Air 
Quality Management District.

(B) Ventura County Air Pollution 
Control District.

(1) Ventura County Air Pollution 
Control Board Resolution approving 
and adopting the 2006 Reasonably 
Available Control Technology State 
Implementation Plan Revision, dated 
June 27, 2006.

(2) Final Ventura County Air Pollu- 
tion Control District 2006 Reasonably 
Available Control Technology (RACT) 
State Implementation Plan (SIP) Revi- 
sion, including Tables A–1, A–2, B, C, 
and D, dated June 27, 2006.

(359) New and amended regulations 
were submitted on July 18, 2008, by the 
Governor’s designee.

(i) Incorporation by reference.

(A) North Coast Unified Air Quality 
Management District.

(1) Rule 104.2, “Visible Emissions,” 
Rule 104.3, “Particulate Matter,” Rule 
104.4, “Fugitive Dust Emissions,” and 
Rule 104.10, “Petroleum Loading and 
Storage,” originally adopted on No- 
vember 3, 1982 and revised on May 19, 
2005.

(2) Rule 200, “Effective Date and Defi- 
nitions,” Rule 202, “Burn Hours and 
Notice of Ignition,” Rule 203, “General 
Burn Practices, Requirements, and 
Conditions,” Rule 204, “Ignition De- 
vices and Methods,” Rule 207, “Wildland Vegetation Management,” 
and Rule 208, “Burn Registration Pro- 
gram,” originally adopted on July 18, 
2003 and revised on May 15, 2005; Rule 
201, “General Prohibitions and Exemp- 
tions for Selected Open Burning” origi- 
nally adopted on July 18, 2003 and re- 
vised on May 17, 2007; Rule 205, “Cer- 
tificates from Department of Fish and 
Game,” adopted on July 18, 2003; and 
Rule 206, “Burning at Disposal Sites,” 
originally adopted on July 18, 2003 and 
revised on December 16, 2004.

(3) Rule 100, “General Provisions,” 
originally adopted on November 3, 1982 
and amended on May 19, 2005.

(4) Rule 101, “Definitions,” originally 
adopted on November 3, 1982 and


(B) South Coast Air Quality Management District


(C) Placer County Air Pollution Control District.


(D) Antelope Valley Air Quality Management District.


(E) Santa Barbara County Air Pollution Control District.


(F) San Diego County Air Pollution Control District.


(360) New and amended regulations

(i) Incorporation by Reference.

(A) South Coast Air Quality Management District


(361) New and amended regulations were submitted on May 20, 2008 by the Governor’s designee.

(i) Incorporation by Reference.

(A) South Coast Air Quality Management District


(B) Antelope Valley Air Quality Management District


(362) New and amended regulations were submitted on April 29, 2009 by the Governor’s designee.

(i) Incorporation by Reference.

(A) San Diego Air Pollution Control District.


(B) South Coast Air Quality Management District.


(C) Sacramento Metropolitan Air Quality Management District.


(D) San Joaquin Valley Air Pollution Control District.


(363) New and amended regulations were submitted on March 17, 2009 by the Governor’s designee.

(i) Incorporation by Reference.

(A) San Joaquin Valley Unified Air Pollution Control District.


(4) Rule 4307, “Boilers, Steam Generators and Process Heaters—2.0
332

§ 52.220  40 CFR Ch. I (7–1–16 Edition)

MMbtu/hr to 5.0 MMbtu/hr,” adopted on October 16, 2008.


(B) Santa Barbara County Air Pollution Control District.


(C) Yolo Solano Air Quality Management District.


(D) Placer County Air Pollution Control District.


(E) Ventura County Air Pollution Control District.


(F) South Coast Air Quality Management District.


(364) New and amended regulations were submitted on March 27, 2008, by the Governor’s designee.

(i) Incorporation by Reference.

(A) California Air Resources Board.


(366) New and amended regulations for the following agencies were submitted on April 6, 2009, by the Governor’s designee.

(i) Incorporation by Reference.

(A) San Joaquin Valley Unified Air Pollution Control District.


(B) South Coast Air Quality Management District.


(C) Yolo-Solano Air Quality Management District.


(365) New and amended regulations were submitted on March 27, 2008, by the Governor’s designee.

(i) Incorporation by Reference.

(A) California Air Resources Board.


(C) Antelope Valley Air Quality Management District.
(D) Placer County Air Pollution Control District.
(367) The following plan was submitted on December 19, 2007, by the Governor’s Designee.
(i) [Reserved]
(ii) Additional material.
(A) Monterey Bay Unified Air Pollution Control District (MBUAPCD).
(1) 2007 Federal Maintenance Plan for Maintaining the National Ozone Standard in the Monterey Bay Region (Monterey Maintenance Plan), excluding Appendix A.
(2) MBUAPCD Board of Directors Certified Minutes and Resolution dated March 21, 2007, adopting the Monterey Maintenance Plan.
(3) Letter dated May 10, 2007, from Association of Monterey Bay Area Governments (AMBAG) to MBUAPCD, concurring with AMBAG’s approval of the Monterey Maintenance Plan on May 9, 2007.

(368) New and amended regulations were submitted on June 26, 2009 by the Governor’s Designee.
(i) Incorporation by reference.
(A) San Joaquin Valley Unified Air Pollution Control District.
(360)–(370) [Reserved]
(371) [Reserved]
(372) The following revisions to the California Motor Vehicle Inspection and Maintenance Program were submitted on June 5, 2009 (2009 I/M Revision), by the Governor’s Designee.
(i) Incorporation by reference.
(A) California Air Resources Board. (I) California Code of Regulations, Title 16 (Professional and Vocational Regulations), Division 33 (Bureau of Automotive Repair), Chapter 1 (Automotive Repair Dealers and Official Stations and Adjusters), Article 1 (General Provisions), sections 3303.1, “Public Access to License, Administrative Action, and Complaint Information” (operative July 20, 2007); 3303.2, “Review of Applications for License, Registration and Certification; Processing Time” (operative July 9, 2003); Article 5.5 (Motor Vehicle Inspection Program), sections 3340.1, “Definitions” (operative June 29, 2006); 3340.7, “Fee for Inspection at State-Contracted Test-Only Facility” (operative August 17, 1995); 3340.9, “Repair Assistance Program” (operative October 30, 2000); 3340.10, “Licensing of Smog Check Stations” (operative July 26, 1996); 3340.15, “General Requirements for Smog Check Stations” (operative July 9, 2003); 3340.16, “Test-Only Station Requirements” (operative August 1, 2007); 3340.16.5, “Test-and-Repair Station Requirements” (operative June 29, 2006); 3340.17, “Test Equipment, Electronic Transmission, Maintenance and Calibration Requirements” (operative June 29, 2006); 3340.18, “Certification of Emissions Inspection System Calibration Gases and Blenders of Gases” (operative July 9, 2003); 3340.22.1, “Smog Check Station Service Signs” (operative February 1, 2001); 3340.22.2, “Smog Check Station Repair Cost Limit Sign” (operative February 1, 2001); 3340.23, “Licensed Smog Check Station That Ceases Operating As a Licensed Station” (operative June 23, 1995); 3340.24, “Suspension, Revocation, and Reinstatement of Licenses” (operative June 23, 1995); 3340.28, “Licenses and Qualifications for Technicians” (operative January 17, 2009); 3340.29, “Licensing of Technicians” (operative January 17, 2009); 3340.30, “General Requirements for Licensed Technicians” (operative June 23, 1995); 3340.31, “Retraining of Licensed Technicians” (operative June 23, 1995); 3340.32, “Standards for the Certification of Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians” (operative July 9, 2003);
3340.32, "Standards for the Decertification and Recertification of Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians" (operative June 23, 1995); 3340.33, "Standards for the Certification of Basic and Advanced Instructors Providing Retraining to Intern, Basic Area, and Advanced Emission Specialist Licensed Technicians or Prerequisite Training to Those Seeking to Become Intern, Basic Area, or Advanced Emission Specialist Licensed Technicians" (operative February 1, 2001); 3340.33.1, "Standards for the Decertification and Recertification of Instructors Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians" (operative June 23, 1995); 3340.35, "A Certificate of Compliance, Noncompliance, Repair Cost Waiver or an Economic Hardship Extension Fee Calculation" (operative December 2, 1998); 3340.36, "Clearing Enforcement Forms" (operative July 26, 1996); 3340.37, "Installation of Oxides of Nitrogen (NOx) Devices" (operative July 26, 1996); 3340.41, "Inspection, Test, and Repair Requirements" (operative June 29, 2006); 3340.50.3, "Fleet Records and Reporting Requirements" (operative June 23, 1995); 3340.50.4, "Fleet Certificates" (operative June 25, 1998); 3340.50.5, "Suspension or Rescission of Fleet Facility License" (operative June 23, 1995); Article 10 (Gold Shield Program), sections 3392.1, "Gold Shield Program Hearing and Determination" (operative May 28, 2003); 3392.6, "Gold Shield Program Hearing and Determination" (operative May 28, 2003); Article 11 (Consumer Assistance Program), sections 3394.1, "Purpose and Components of the Consumer Assistance Program" (operative October 30, 2000); 3394.2, "Consumer Assistance Program Administration" (operative October 30, 2000); 3394.3, "State Assistance Limits" (operative October 30, 2000); 3394.4, "Eligibility Requirements" (operative August 12, 2008); 3394.5, "Ineligible Vehicle Waivers" (operative October 30, 2000); 3394.6, "Application and Documentation Requirements" (operative July 31, 2006).

(ii) Additional material. (A) California Air Resources Board. (1) Executive Order S-09-008, dated June 9, 2009, adopting the 2009 I/M Revision.

(2) Non-regulatory portion of the Revised State Implementation Plan for California’s Motor Vehicle Inspection & Maintenance Program (April 7, 2009), excluding chapter 51.351 (except as it applies to the San Francisco Bay Area), chapter 51.352, and attachments 4 and 5.


(5) Vehicle Code (2009): Division 3, Chapter 1 (Original and Renewal of Registration; Issuance of Certificates of Title), Article 1, sections 4000.1, 4000.2, 4000.3, 4000.6.

(373) The following revisions to the California Motor Vehicle Inspection and Maintenance Program were submitted on October 28, 2009, by the Governor’s Designee.

(i) [Reserved]

(ii) Additional material. (A) California Air Resources Board. (1) California I/M Program SIP Revision—Additional Enhanced I/M Performance Modeling, Tables of Results, excluding New Mobile 6 Input and Output Files and New Registration Distribution Files.

(374) The following revisions to the California Reformulated Gasoline Regulations were submitted on June 15,
2004 (2004 RFG Revision), by the Governor’s Designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(1) Title 13, California Code of Regulations, Division 3 (Air Resources Board), Chapter 5 (Standards for Motor Vehicle Fuels), Article 1 (Standards for Gasoline), Subarticle 1 (Gasoline Standards That Became Applicable Before 1996), sections 2233.4, “Lead in Gasoline” (operative August 12, 1991); 2254, “Manganese Additive Content” (operative August 12, 1991); 2257, “Required Additives in Gasoline” (operative July 16, 1999); 2259, “Exemptions for Motor Vehicle Fuels Used in Test Programs” (operative February 15, 1995); Subarticle 2 (Standards for Gasoline Sold Beginning March 1, 1996), sections 2260, “Definitions” (operative May 1, 2003); 2261, “Applicability of Standards; Additional Standards” (operative May 1, 2003); 2262, “The California Reformulated Gasoline Phase 2 and Phase 3 Standards” (operative December 24, 2002); 2262.3, “Compliance With the CaRFG Phase 2 and CaRFG Phase 3 Standards for Sulfur, Benzene, Aromatic Hydrocarbons, Olefins, T50 and T90” (operative August 20, 2001); 2262.4, “Compliance With the CaRFG Phase 2 and CaRFG Phase 3 Standards for Reid Vapor Pressure” (operative December 24, 2002); 2262.5, “Compliance With the Standards for Oxygen Content” (operative December 24, 2002); 2262.6, “Prohibition of MTBE and Oxygenates Other Than Ethanol in California Gasoline Starting December 31, 2003” (operative May 1, 2003); 2262.9, “Requirements Regarding Denatured Ethanol Intended For Use as a Blend Component in California Gasoline” (operative December 24, 2002); 2263, “Sampling Procedures and Test Methods” (operative May 1, 2003); 2263.7, “Multiple Notification Requirements” (operative September 2, 2000); 2264, “Designated Alternative Limits” (operative August 20, 2001); 2264.2, “Election of Applicable Limit for Gasoline Supplied From a Production or Import Facility” (operative September 2, 2000); 2265, “Gasoline Subject to PM Alternative Specifications Based on the California Predictive Model” (operative December 24, 2002); 2266, “Certified Gasoline Formulations Resulting in Equivalent Emission Reductions Based on Motor Vehicle Emissions Testing” (operative August 20, 2001); 2266.5, “Requirements Pertaining to California Reformulated Gasoline Blendstock for Oxygen Blending (CARBOB) and Downstream Blending” (operative May 1, 2003); 2267, “Exemptions for Gasoline Used in Test Programs” (operative September 2, 2000); 2268, “Liability of Persons Who Commit Violations Involving Gasoline That Has Not Yet Been Sold or Supplied to a Motor Vehicle” (operative September 2, 2000); 2269, “Submittal of Compliance Plans” (operative December 24, 2002); 2270, “Testing and Recordkeeping” (operative December 24, 2002); 2271, “Variances” (operative December 24, 2002); 2272, “CaRFG Phase 3 Standards for Qualifying Small Refiners” (operative May 1, 2003); 2273, “Labeling of Equipment Dispensing Gasoline Containing MTBE” (operative May 1, 2003); 2273.5, “Documentation Provided with Delivery of Gasoline to Retail Outlets” (operative May 1, 2003).


(ii) Additional material.

(A) California Air Resources Board.


(2) The following additional material is available for inspection at EPA Region 9. To inspect this material, please contact EPA Region 9, 75 Hawthorne Street, San Francisco, California, 94105, Chief of Air Planning, (415) 947-8021.


(375) The following revisions to the California Reformulated Gasoline Regulations were submitted on February 3, 2009 (2009 RFG Revision), by the Governor’s Designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(i) Title 13, California Code of Regulations, Chapter 5 (Standards for Motor Vehicle Fuels), Article 1 (Standards for Gasoline), Subarticle 2 (Standards for Gasoline Sold Beginning March 1, 1996), sections 2260, “Definitions” (operative August 29, 2008); 2261, “Applicability of Standards; Additional Standards” (operative August 29, 2008); 2262, “The California Reformulated Gasoline Phase 2 and Phase 3 Standards” (operative August 29, 2008); 2262.3, “Compliance With the CaRFG Phase 2 and CaRFG Phase 3 Standards for Sulfur, Benzene, Aromatic Hydrocarbons, Olefins, T50 and T90” (operative August 29, 2008); 2262.4, “Compliance With the CaRFG Phase 2 and CaRFG Phase 3 Standards for Reid Vapor Pressure” (operative August 29, 2008); 2262.5, “Compliance With the Standards for Oxygen Content” (operative August 29, 2008); 2262.6, “Prohibition of MTBE and Oxygenates Other Than Ethanol in California Gasoline Starting December 31, 2003” (operative April 9, 2005); 2262.9, “Requirements Regarding Denatured Ethanol Intended For Use as a Blend Component in California Gasoline” (operative August 29, 2008); 2263, “Sampling Procedures and Test Methods” (operative August 29, 2008); 2263.7, “Multiple Notification Requirements” (operative August 29, 2008); 2264, “Designated Alternative Limits” (operative August 20, 2001); 2264.2, “Election of Applicable Limit for Gasoline Supplied From a Production or Import Facility” (operative August 29, 2008); 2265, “Gasoline Subject to PM Alternative Specifications Based on the California Predictive Model” (operative August 29, 2008); 2265.1, “Offsetting Emissions Associated with Higher Sulfur Levels” (operative August 29, 2008); 2265.5, “Alternative Emission Reduction Plan (AERP)” (operative August 29, 2008); 2266, “Certified Gasoline Formulations Resulting in Equivalent Emission Reductions Based on Motor Vehicle Emissions Testing” (operative August 29, 2008); 2266.5, “Requirements Pertaining to California Reformulated Gasoline Blendstock for Oxygen Blending (CARBOB) and Downstream Blending” (operative August 29, 2008); 2270, “Testing and Recordkeeping” (operative August 29, 2008); 2271, “Variances” (operative August 29, 2008); 2273, “Labeling of Equipment Dispensing Gasoline Containing MTBE” (operative August 29, 2008).

(3) “Procedures for Using the California Model for California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB),” as last amended August 7, 2008.

(ii) Additional material.

(A) California Air Resources Board.


(376) The following revisions to the California Diesel Fuel Regulations were submitted on February 3, 2009 (2009 Diesel Fuels Revision), by the Governor’s Designee.

(i) Incorporation by reference.

(A) California Air Resources Board.


(2) Title 17, California Code of Regulations, Division 3 (Air Resources), Chapter 1 (Air Resources Board), Subchapter 7.5 (Airborne Toxic Control Measures), section 93114, “Airborne Toxic Control Measure To Reduce Particulate Emissions from Diesel-Fueled Engines—Standards for Nonvehicular Diesel Fuel” (operative August 14, 2004).

(ii) Additional material.

(A) California Air Resources Board.


(377) New and amended regulations were submitted on September 15, 2009.

(i) Incorporation by Reference.

(A) Sacramento Metropolitan Air Quality Management District.


(B) Yolo Solano Air Quality Management District.


(C) Ventura County Air Pollution Control District.


(378) New and amended regulations were submitted on January 10, 2010 by the Governor’s designee.

(i) Incorporation by Reference.

(A) South Coast Air Quality Management District.


(B) Placer County Air Pollution Control District.
(C) Ventura County Air Pollution Control District.
   (1) Rule 74.12, “Surface Coating of Metal Parts and Products,” adopted on April 8, 2008.
(D) San Joaquin Valley Air Pollution Control District

(E) Feather River Air Quality Management District.
   (2) Rule 3.79, New and amended regulations for the following APCDs were submitted on May 17, 2010 by the Governor’s designee.
   (i) Incorporation by Reference.
      (A) South Coast Air Quality Management District.

   (B) San Diego County Air Pollution Control District.

   (C) San Joaquin Valley Unified Air Pollution Control District.
   (1) Rule 4308, “Boilers, Steam Generators and Process Heaters —0.075 MMBtu/hr to less than 2.0 MMBtu/hr,” adopted on December 17, 2009.

   (D) Placer County Air Pollution Control District
   (E) Mojave Desert Air Quality Management District.

   (380) The following plan was submitted on July 14, 2010, by the Governor’s Designee.
   (i) Incorporation by reference.
      (A) Great Basin Unified Air Pollution Control District.
         (ii) Additional materials.
            (A) Great Basin Unified Air Pollution Control District (GBUAPCD).
Environmental Protection Agency § 52.220

(2) Letter dated June 10, 2010 from Theodore D. Schade, GBUAPCD, to Deborah Jordan, United States Environmental Protection Agency Region 9, regarding Coso Junction PM–10 Contingency Measures.

(3) GBUAPCD Board Resolution 2010–01, dated May 17, 2010, adopting the 2010 Plan.

(B) California Air Resources Board (CARB).


(381) New and amended regulations were submitted on July 20, 2010, by the Governor’s designee.

(i) Incorporation by reference.

(A) Imperial County Air Pollution Control District.


(B) Kern County Air Pollution Control District.


(C) Ventura County Air Pollution Control District.


(D) Northern Sierra Air Quality Management District.


(382) New and amended regulations for the following APCDs were submitted on July 11, 2007, by the Governor’s designee.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.


(F) Feather River Air Quality Management District.


(G) Antelope Valley Air Quality Management District.


(B) South Coast Air Quality Management District.


(ii) Additional Material

(A) El Dorado County Air Quality Management District.


(J) San Diego Air Pollution Control District.


(K) South Coast Air Quality Management District.


(ii) Additional Material

(A) El Dorado County Air Quality Management District.


(E) Placer County Air Pollution Control District.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.


(J) San Diego Air Pollution Control District.


(K) South Coast Air Quality Management District.


(ii) Additional Material

(A) El Dorado County Air Quality Management District.


(E) Placer County Air Pollution Control District.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.


(F) Feather River Air Quality Management District.


(G) Antelope Valley Air Quality Management District.


(B) South Coast Air Quality Management District.


(ii) Additional Material

(A) El Dorado County Air Quality Management District.


(J) San Diego Air Pollution Control District.


(K) South Coast Air Quality Management District.


(ii) Additional Material

(A) El Dorado County Air Quality Management District.


(E) Placer County Air Pollution Control District.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.


(F) Feather River Air Quality Management District.


(G) Antelope Valley Air Quality Management District.


(B) South Coast Air Quality Management District.


(ii) Additional Material

(A) El Dorado County Air Quality Management District.


(J) San Diego Air Pollution Control District.


(K) South Coast Air Quality Management District.


(ii) Additional Material

(A) El Dorado County Air Quality Management District.


(E) Placer County Air Pollution Control District.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.


(F) Feather River Air Quality Management District.


(G) Antelope Valley Air Quality Management District.


(B) South Coast Air Quality Management District.


(ii) Additional Material

(A) El Dorado County Air Quality Management District.


(J) San Diego Air Pollution Control District.


(K) South Coast Air Quality Management District.


(ii) Additional Material

(A) El Dorado County Air Quality Management District.


(E) Placer County Air Pollution Control District.

(B) Feather River Air Quality Management District.


(ii) New and amended regulations were submitted on February 16, 2010, by the Governor's designee.

(A) California Air Resources Board.


(iii) New and amended regulations for the following APCD's were submitted on September 10, 2010 by the Governor's designee.

(A) South Coast Air Quality Management District


(2) "Revision to the State Implementation Plan for the South Coast Air Quality Management District, State of California: Sulfur Oxides and Particulate Matter Offset Requirements for the Proposed CPV Sentinel Power Plant to be Located in Desert Hot Springs, California, Including AB 1318 Offset Tracking System", which is incorporated by reference in Resolution No. 10–20, dated July 9, 2010.

(B) Northern Sonoma County Air Pollution Control District.


(iii) New and amended regulations were submitted on February 16, 2010, by the Governor's designee.

(A) California Air Resources Board


(2) "Interstate Transport State Implementation Plan (SIP) for the 1997 8-hour Ozone Standard and PM2.5 to satisfy the Requirements of Clean Air Act section 110(a)(2)(D)(i) for the State of California (September 21, 2007)," as modified by Attachment A and submitted as Appendix C to the 2007 State Strategy ("2007 Transport SIP"), at page 5 ("Evaluation of Interference with Other States' Measures Required to Meet Regional Haze and Visibility SIP Requirements").

(3) 2007 Transport SIP at pages 19–20 (Attachment A) ("Evaluation of Significant Contribution to Nonattainment or Interference with Maintenance of Attainment Standards in Another State").


(5) "110(a)(2) Infrastructure SIP," submitted as Appendix B to the 2007 State Strategy, and "Legal Authority and Other Requirements," submitted as Appendix G to the 2007 State Strategy (collectively, "2007 Infrastructure SIP").

(387) The following plan was submitted on March 16, 2009, by the Governor's designee.

(A) California Air Resources Board (CARB).
Environmental Protection Agency § 52.220

(1) CARB Resolution 09-4, dated January 22, 2009, adopting the “California Regional Haze Plan”.

(2) The “California Regional Haze Plan”, adopted on January 22, 2009, as amended and supplemented on September 8, 2009 in a “letter from James N. Goldstene, CARB to Laura Yoshii, United States Environmental Protection Agency”, and as amended and supplemented on June 9, 2010 in a “letter from James N. Goldstene, CARB to Jared Blumenfeld, United States Environmental Protection Agency”.

(388) New and amended regulations for the following APCD were submitted on April 5, 2011 by the Governor’s Designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District—SCAQMD)


(B) San Joaquin Valley Air Pollution Control District.


(3) Table 9–1, Revised Proposed Staff Report and Recommendations on Agricultural Burning, approved on May 20, 2010.

(4) San Joaquin Valley Air Pollution Control District, Resolution No. 10–05–22, adopted on May 20, 2010.


(C) Santa Barbara County Air Pollution Control District.


(D) Sacramento Metropolitan Air Quality Management District.


(E) Placer County Air Pollution Control District.


(F) Mojave Desert Air Quality Management District.


(G) Lake County Air Quality Management District.

(1) Lake County Air Quality Management District Board of Directors Resolution 2010–174 adopting Section 470, “Air Toxics Control Measure for Emissions of Toxic Particulate Matter from In-Use Agricultural Compression Ignition Engines,” adopted on September 21, 2010, as “Exhibit A.”

(389) New and amended regulations were submitted on December 7, 2010, by the Governor’s Designee.

(i) Incorporation by Reference.

(A) Sacramento Metropolitan Air Quality Management District.


(B)(1) [Reserved]
(390) Amended regulations were submitted on January 28, 2011, by the Governor’s Designee.

(i) Incorporation by Reference.
(A) Sacramento Metropolitan Air Quality Management District.
(B) Placer County Air Pollution Control District.

(391) New and amended regulations were submitted on June 21, 2011 by the Governor’s Designee. Final approval of these regulations is based, in part, on the clarifications contained in letters dated July 6, 2012 and August 20, 2012 from the Placer County Air Pollution Control District regarding specific implementation of parts of the Prevention of Significant Deterioration program.

(i) Incorporation by Reference.
(A) Eastern Kern Air Pollution Control District.
(B) Santa Barbara County Air Pollution Control District.
(C) Placer County Air Pollution Control District.

(ii) Additional materials.
(A) Placer County Air Pollution Control District (PCAPCD).
(1) Letter dated July 6, 2012 from Thomas J. Christofk, PCAPCD, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding Clarifications of District Rule 518 and 40 CFR 52.21(k)(2).
(392) A plan was submitted on June 30, 2008 by the Governor’s designee.
(i) [Reserved]
(ii) Additional Material.
(A) San Joaquin Valley Unified Air Pollution Control District.
(1) 2008 PM$_{2.5}$ Plan, adopted on April 30, 2008.
(2) SJVUAPCD Governing Board, In the Matter of: Adopting the San Joaquin Valley Unified Air Pollution Control District 2008 PM$_{2.5}$ Plan, Resolution No. 08–04–10, April 30, 2008. Commitments to achieve emissions reductions (including emissions reductions of 8.97 tpd of NO$_X$, 6.7 tpd of direct PM$_{2.5}$, and 0.92 tpd of SOx by 2014) as described in Table 6–3a (p. 6–11), Table 6–3b (p. 6–12), and Table 6–3c (p. 6–12) respectively of the 2008 PM$_{2.5}$ Plan and commitments to adopt and submit control measures as described in Table 6–2 (p. 6–9) of the 2008 PM$_{2.5}$ Plan, as amended June 17, 2010.

(B) State of California Air Resources Board.
(393) An amended plan was submitted on August 12, 2009 by the Governor’s designee.
(i) [Reserved]
(ii) Additional Material.
(A) State of California Air Resources Board.
(2) CARB Resolution No. 09–34, April 24, 2009.

(394) An amended plan was submitted on September 15, 2010 by the Governor’s designee.
(i) [Reserved]
(ii) Additional Material.
(A) San Joaquin Valley Unified Air Pollution Control District.
(1) 2008 PM$_{2.5}$ Plan Amendment to Extend the Rule 4905 Amendment Schedule, June 17, 2010.
(2) SJVUAPCD Governing Board, In the Matter of: Proposed Amendments
to the 2008 PM$_{2.5}$ Plan to Extend the Rule Amendment Schedule for Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces), Resolution 10–06–18, June 17, 2010.

(B) State of California Air Resources Board.

(1) Executive Order S–10–003, Relating to Approval of Amendments to the 2008 PM$_{2.5}$ Plan to Extend the Rule Amendment Schedule for Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces), September 15, 2010.

(395) An amended plan was submitted on May 18, 2011 by the Governor’s designee.

(i) [Reserved]

(ii) Additional Material.

(A) State of California Air Resources Board.

(1) Progress Report on Implementation of PM$_{2.5}$ State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions, Release Date: March 29, 2011.

(2) CARB Resolution No. 11–24, April 28, 2011. Commitment to develop and submit by 2020 contingency measures to be implemented if advanced technology measures do not achieve the planned reductions and attainment contingency measures meeting the requirements of CAA 172(c)(9), pursuant to CAA section 182(e)(5) as given on page 4.

(ii) Commitment to update the air quality modeling in the SJV 2007 Ozone Plan to reflect the emissions inventory improvements and any other new information by December 31, 2014 or the date by which state implementation plans are due for the expected revision to the Federal 8-hour ozone standard whichever comes first, as provided on page 3.

(iii) Commitments to propose measures as provided in Appendix B, Table B–1 of the Progress Report on the Implementation of PM$_{2.5}$ State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions.


(396) An amended plan was submitted on July 29, 2011 by the Governor’s designee.

(i) [Reserved]

(ii) Additional Material.

(A) State of California Air Resources Board.

(1) 8-Hour Ozone State Implementation Plan Revisions and Technical Revisions to the PM$_{2.5}$ State Implementation Plan Transportation Conformity Budgets for the South Coast and San Joaquin Valley Air Basins, Appendix A, page A–6, (dated June 20, 2011), adopted July 21, 2011.

(i) Commitment to develop and submit by 2020 revisions to the SIP that will: Reflect modifications to the 2023 emissions reduction target based on updated science and identify additional strategies and implementing agencies needed to achieve the needed reductions by 2023 as given in the 2011 Ozone SIP Revisions on page A–8.

(2) CARB Resolution No. 11–22, July 21, 2011.

(i) Commitment to develop, adopt and submit by 2020 contingency measures to be implemented if advanced technology measures do not achieve the planned reductions and attainment contingency measures meeting the requirements of CAA 172(c)(9), pursuant to CAA section 182(e)(5) as given on page 4.

(ii) Commitments to propose measures as provided in Appendix B, Table B–1 of the Progress Report on the Implementation of PM$_{2.5}$ State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions (Release Date: March 29, 2011), adopted April 28, 2011, as amended by Appendix A, p. A–7 of the 8-Hour Ozone State Implementation Plan Revisions and Technical Revisions to the PM$_{2.5}$ State Implementation Plan Transportation Conformity Budgets for the South Coast and San Joaquin Valley Air Basins (Release Date: June 20, 2011), adopted July 21, 2011.

(3) Executive Order S–11–016, “Approval of Revisions to the 8-Hour Ozone State Implementation Plans for the South Coast Air Quality Management District and the San Joaquin Valley Air Pollution Control District,” July 29, 2011.

(397) A plan was submitted on November 16, 2007 by the Governor’s designee.

(i) [Reserved]

(ii) Additional Material.

(A) State of California Air Resources Board.

(2) CARB Resolution No. 07–28 with Attachments A and B, September 27, 2007. Commitment to achieve the total emissions reductions necessary to attain the Federal standards in the South Coast air basin, which represent 6.1 tons per day (tpd) of direct PM$_{2.5}$, 38.1 tpd of SO$_x$, 33.6 tpd of VOC and 118.2 tpd of nitrogen oxides by 2014 for purposes of the 1997 PM$_{2.5}$ NAAQS, as described in Resolution No. 07–28 at Attachment B, pp. 3–5, and modified by CARB Resolution No. 09–34 (April 24, 2009) adopting the “Status Report on the State Strategy for California’s 2007 State Implementation Plan (SIP) and Proposed Revision to the SIP reflecting Implementation of the 2007 State Strategy,” and by CARB Resolution 11–24 (April 28, 2011) adopting the “Progress Report on Implementation of PM$_{2.5}$ State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions.”.

(3) Executive Order S–07–002, Relating to Approval of the State Strategy for California’s State Implementation Plan (SIP) for the Federal 8-Hour Ozone and PM$_{2.5}$ Standards, November 16, 2007.


(5) CARB Resolution No. 07–28 with Attachments A and B, September 27, 2007. Commitment to achieve the total emissions reductions necessary to attain the Federal standards in the South Coast air basin, which represent 152 tpd of NO$_x$ and 46 tpd of VOC by 2014, and 54 tpd of VOC and 141 tpd of nitrogen oxides by 2023 for purposes of the 1997 8-hour ozone NAAQS, as described in Resolution No. 07–28 at Attachment B, p. 4, and modified by CARB Resolution No. 09–34 (April 24, 2009) adopting the “Status Report on the State Strategy for California’s 2007 State Implementation Plan (SIP) and Proposed Revision to the SIP reflecting Implementation of the 2007 State Strategy.”

(b) San Joaquin Valley Unified Air Pollution Control District.


(A) South Coast Air Quality Management District.


(2) SCAQMD Governing Board Resolution 07–9, “A Resolution of the Governing Board of the South Coast Air Quality Management District certifying the final Program Environmental Impact Report for the 2007 Air Quality Management Plan, adopting the Final 2007 Air Quality Management Plan (AQMP), to be referred to after adoption as the Final 2007 AQMP, and to fulfill USEPA Requirements for the use of emissions reductions form the Carl Moyer Program in the State Implementation Plan,” June 1, 2007. Commitments to achieve emissions reductions (including emissions reductions of 2.9 tpd of direct PM$_{2.5}$, 2.9 tpd of NO$_x$, 10.4 tpd of VOC and 10.8 tpd of nitrogen oxides by 2014) as described by SCAQMD Governing Board Resolution No. 07–9, p. 10, June 1, 2007, and modified by SCAQMD Governing Board Resolution 11–9, p. 3, March 4, 2011, and commitments to adopt and submit control measures as described in Table 4–2A of the Final 2007 AQMP, as amended March 4, 2011.

(3) SCAQMD Governing Board Resolution 07–9, “A Resolution of the Governing Board of the South Coast Air Quality Management District certifying the final Program Environmental Impact Report for the 2007 Air Quality Management Plan, adopting the Final 2007 Air Quality Management Plan (AQMP), to be referred to after adoption as the Final 2007 AQMP, and to fulfill USEPA Requirements for the use of emissions reductions form the Carl
Moyer Program in the State Implementation Plan,” June 1, 2007. Commitments to achieve emissions reductions (including emissions reductions of 19.3 tpd of VOC and 9.2 tpd of nitrogen oxides by 2023) as described by SCAQMD Governing Board Resolution No. 07–9, p. 10, June 1, 2007, and modified by SCAQMD Governing Board Resolution 11–9, p. 3, March 4, 2011, and commitments to adopt and submit control measures as described in Table 4–2A of the Final 2007 AQMP, as amended March 4, 2011.

(B) State of California Air Resources Board.

(1) CARB Resolution No. 07–41, September 27, 2007.

(399) An amended plan was submitted on May 18, 2011 by the Governor’s designee.

(i) [Reserved]

(ii) Additional Material.

(A) State of California Air Resources Board.

(1) Progress Report on Implementation of PM_{2.5} State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions, Appendices B and C. Release Date: March 29, 2011.

(2) CARB Resolution No. 11–24, April 28, 2011.


(400) An amended plan was submitted on May 19, 2011 by the Governor’s designee.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District.

(ii) Additional Material.

(A) South Coast Air Quality Management District.

(7) Revisions to the 2007 PM_{2.5} and Ozone State Implementation Plan for South Coast Air Basin and Coachella Valley (SIP Revisions), adopted on March 4, 2011.

(2) SCAQMD Governing Board Resolution 11–9, “A Resolution of the South Coast Air Quality Management District Governing Board (AQMD) certifying the Addendum to Final Program Environmental Impact Report (PEIR) for the 2007 Air Quality Management Plan, (AQMP), for a revision to the Final 2007 AQMP, to be referred to after adoption as the Revision to the Final 2007 AQMP,” March 4, 2011.

(B) State of California Air Resources Board.

(7) CARB Resolution No. 11–24, April 28, 2011. Commitment to propose measures as described in Appendix B of the “Progress Report on the Implementation of the PM_{2.5} State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions.”

(C) San Joaquin Valley Unified Air Pollution Control District.

(1) Letter from David Warner, Deputy Air Pollution Control Officer, San Joaquin Valley Unified Air Pollution Control District, to Gerardo C. Rios, Chief, Air Permits Office, EPA Region IX, dated June 26, 2014.

(401) An amended plan was submitted on July 29, 2011 by the Governor’s designee.

(i) [Reserved]

(ii) Additional Material.

(A) State of California Air Resources Board.


(i) Commitment to develop and submit by 2020 revisions to the SIP that will reflect modifications to the 2023 emissions reduction target based on updated science, and identify additional strategies and implementing agencies needed to achieve the needed reductions by 2023 as given in the 2011 Ozone SIP Revision on page A–8.

(2) CARB Resolution No. 11–22, July 21, 2011.

(i) Commitment to develop, adopt and submit by 2020 contingency measures to be implemented if advanced technology measures do not achieve
the planned emissions reductions, and attainment contingency measures meeting the requirements of CAA section 172(c)(9), pursuant to CAA section 182(e)(5) as given on p. 4.

(ii) Commitment to propose measures as provided in Appendix B Table B–1 of the Progress Report on the Implementation of PM$_{2.5}$ State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions (Release Date: March 29, 2011), adopted April 28, 2011.

(3) Executive Order S–11–016, “Approval of Revisions to the 8–Hour Ozone State Implementation Plans and Technical Revisions to the PM$_{2.5}$ State Implementation Plan Transportation Conformity Budgets for the South Coast San Joaquin Valley Air Basin,” July 21, 2011.

(402) New and amended regulations were submitted on July 28, 2011 by the Governor’s designee.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District.


(403) A new rule for the following APCD was submitted on March 2, 2011, by the Governor’s designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(1) Rule 1315, “Federal New Source Review Tracking System,” excluding paragraph (b)(2) and subdivisions (g) and (h), adopted on February 4, 2011.


(B) Northern Sierra Air Quality Management District.


(C) Ventura County Air Pollution Control District.

(1) Rule 2, “Definitions,” adopted on October 22, 1968, as revised through April 12, 2011.

(2) Rule 74.19, “Graphic Arts,” revised on June 14, 2011.

(D) San Joaquin Valley Unified Air Pollution Control District.


(405) New and amended regulations for the following APCDs were submitted on August 26, 2011 by the Governor’s designee.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District.


(406) New and amended regulations were submitted on January 28, 2011, by the Governor’s designee.

(i) Incorporation by Reference.

(A) California Air Resources Board.

(1) Submittal letter from Robert D. Fletcher (California Air Resources Board) to Jared Blumenfeld (Environmental Protection Agency), stating the submission does not include the second tier emission limits for Multi-purpose Solvent and Paint Thinner, dated January 28, 2011.


(407) A plan was submitted on June 18, 2009 by the Governor’s designee.

(i) [Reserved]

(ii) Additional Material.
Environmental Protection Agency § 52.220

(A) San Joaquin Valley Air Pollution Control District.


(2) An amended plan was submitted on April 24, 2009 by the Governor’s designee.

(i) [Reserved]

(ii) Additional Material.

(A) San Joaquin Valley Unified Air Pollution Control District.


(3) New regulation was submitted on December 9, 2011, by the Governor’s designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(1) State of California Office of Administrative Law, “Notice of Approval of Regulatory Action,” Title 13, California Code of Regulations (CCR), section 2027, effective on November 9, 2011.

(2) Final Regulation Order, 13 CCR section 2027 ("In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks").

(4) New regulation was submitted on December 15, 2011, by the Governor’s designee.

(i) Incorporation by reference.

(A) California Air Resources Board.


(2) Final Regulation Order, 13 CCR section 2027 ("Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles").

(1) New and amended regulations for the following APCDs were submitted on February 23, 2012. Final approval of these regulations is based, in part, on the clarifications contained in letters dated July 10, 2012 and August 21, 2012 from the Imperial County Air Pollution Control District regarding specific implementation of parts of the Prevention of Significant Deterioration program.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.


(B) San Joaquin Valley Air Pollution Control District.


(C) San Diego County Air Pollution Control District

(1) Rule 67.4, “Metal Container, Metal Closure and Metal Coil Coating Operations,” adopted on November 9, 2011.


(D) Antelope Valley Air Quality Management District


(E) Imperial County Air Pollution Control District

(1) Rule 904, “Prevention of Significant Deterioration (PSD) Permit Program,” revised on December 20, 2011.

(F) South Coast Air Quality Management District


(G) Santa Barbara County Air Pollution Control District

(1) Rule 352, “Natural Gas-Fired Fan-Type Central Furnaces and Small Water Heaters,” revised on October 29, 2011.

347
(ii) Additional materials.

(A) Imperial County Air Pollution Control District (ICAPCD).

(1) Letter dated July 10, 2012 from Brad Poiriez, ICAPCD, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding Clarifications of District Rule 904 and 40 CFR 51.166.

(2) Letter dated August 21, 2012 from Brad Poiriez, ICAPCD, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding Clarifications of District Rule 904 and 40 CFR 52.21(k)(2).

(412) New regulations were submitted on June 14, 2011 by the Governor’s designee.

(i) Incorporation by Reference.

(A) San Joaquin Valley Unified Air Pollution Control District.


(ii) Additional material.

(A) California Department of Pesticide Regulation.


(413) The following plan revisions were submitted on October 12, 2009, by the Governor’s designee.

(i) Incorporation by reference.

(A) California Department of Pesticide Regulation.

(414) The following plan revisions were submitted on August 2, 2011, by the Governor’s designee.

(i) Incorporation by reference.

(A) California Department of Pesticide Regulation.

(1) California Code of Regulations, Title 3 (Food and Agriculture), Division 6 (Pesticides and Pest Control Operations), Chapter 2 (Pesticides), Subchapter 4 (Restricted Materials), Article 4 (Field Fumigation Use Requirements), sections 6447, “Methyl Bromide-Field Fumigation—General Requirements,” the undesignated introductory text (operative January 25, 2008; as published in Register 2010, No. 44); 6447.3, “Methyl Bromide-Field Fumigation Methods” (operative January 25, 2008); 6448, “1,3-Dichloropropene Field Fumigation—General Requirements” (operative January 25, 2008); 6449, “Chloropicrin Field Fumigation—General Requirements” (operative January 25, 2008); 6450, “Metam-Sodium, Potassium N-methyldithiocarbamate (Metam-Potassium) Field Fumigation Methods” (operative April 7, 2008); 6452, “Reduced Volatile Organic Compound Emissions Field Fumigation Methods” (operative January 25, 2008); 6452.1, “Fumigant Volatile Organic Compound Emission Records and Reporting” (operative January 25, 2008).

(ii) Additional material.

(A) California Department of Pesticide Regulation.


(3) The following plan revisions were submitted on August 2, 2011, by the Governor’s designee.

(i) Incorporation by reference.

(A) California Department of Pesticide Regulation.

(1) California Code of Regulations, Title 3 (Food and Agriculture), Division 6 (Pesticides and Pest Control Operations), Chapter 2 (Pesticides), Subchapter 4 (Restricted Materials), Article 4 (Field Fumigation Use Requirements), sections 6448.1, “1,3-Dichloropropene Field Fumigation Methods” (operative April 7, 2011); 6449.1, “Chloropicrin Field Fumigation Methods” (operative April 7, 2011); 6450.1, “Metam-Sodium and Potassium N-methyldithiocarbamate (Metam-Potassium) Field Fumigation Methods” (operative April 7, 2011); 6452.2, “Fumigant Volatile Organic Compound Emission Limits” (excluding benchmarks for, and references to, Sacramento Metro, San Joaquin Valley, South Coast, and Southeast Desert in subsection (a) and excluding subsection (d)(4)) (operative April 7, 2011); 6452.3, “Field Fumigant Volatile Organic Compound Emission Allowances” (operative April 7, 2011); 6452.4, “Annual Volatile Organic Compound Emission Inventory Report” (excluding reference
Environmental Protection Agency

§ 52.220

to section 6446.1 in subsection(a)(4)(operative April 7, 2011).

(2) California Code of Regulations, Title 3 (Food and Agriculture), Division 6 (Pesticides and Pest Control Operations), Chapter 3 (Pest Control Operations), Article 1 (Pest Control Operations Generally), sections 6624, “Pesticide Use Records” (excluding references in subsection (f) to methyl iodide and section 6446.1) (operative December 20, 2010); section 6626, “Pesticide Use Reports for Production Agriculture” (operative April 7, 2011).

(415) New and amended regulations were submitted on August 23, 2011 by the Governor’s designee. Final approval of these regulations is based, in part, on the clarifications contained in a May 18, 2012 letter from the San Joaquin Valley Unified Air Pollution Control District regarding specific implementation of parts of the Prevention of Significant Deterioration program.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District.


(ii) Additional materials.

(A) San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD).

(j) Letter dated May 18, 2012 from David Warner, SJVUAPCD, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding Clarifications of District Rule 2410 and 40 CFR 51.166.

(416) Specified portions of the following rule were submitted on November 18, 2011 by the Governor’s designee.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD).

(j) The following specified portions of SJVUAPCD Rule 4694, Wine Fermentation and Storage Tanks, adopted December 15, 2005:

(i) Section 1.0 (Purpose), except for the words “fermentation and” and “or achieve equivalent reductions from alternative emission sources”;

(ii) Section 2.0 (Applicability), except for the words “fermenting wine and/or”;

(iii) Section 3.0 (Definitions), paragraphs 3.1—Air Pollution Control Officer (APCO), 3.2—Air Resources Board (ARB or CARB), 3.18—Gas Leak, 3.19—Gas-Tight, 3.21—Must, 3.22—Operator, 3.27—Storage Tank, 3.29—Tank, 3.33—Volatile Organic Compound (VOC), 3.35—Wine, and 3.36—Winery;

(iv) Section 4.0 (Exemptions), paragraph 4.2:

(v) Section 5.0 (Requirements), paragraph 5.2—Storage Tanks; and

(vi) Section 6.0 (Administrative Requirements), paragraph 6.4—Monitoring and Recordkeeping, introductory text and paragraph 6.4.2.


(B) South Coast Air Quality Management District.


(ii) Additional materials.

(A) California Air Resources Board (CARB)

(j) CARB Executive Order S–11–024, November 18, 2011, adopting specified portions of SJVUAPCD Rule 4694 as a revision to the SIP.

(B) San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD)

(j) SJVUAPCD Resolution No. 11–08–20, August 18, 2011, adopting specified portions of SJVUAPCD Rule 4694 as a revision to the SIP.

(417) [Reserved]

(418) New and amended regulation for the following APCD was submitted on April 22, 2011, by the Governor’s Designee.

(i) Incorporation by Reference

(A) South Coast Air Quality Management District


(419) New and amended regulations for the following APCDs were submitted on April 25, 2012. Final approval
of these regulations is based, in part, on the clarifications contained in letters dated July 19, 2012 and August 21, 2012 from the Eastern Kern Air Pollution Control District regarding specific implementation of parts of the Prevention of Significant Deterioration program.

(i) Incorporation by reference.
   (A) Eastern Kern Air Pollution Control District.
   (B) Placer County Air Pollution Control District
   (C) Butte County Air Quality Management District.
   (ii) Additional materials.
   (A) Eastern Kern Air Pollution Control District (EKAPCD).
   (2) Letter dated August 21, 2012 from David L. Jones, EKAPCD, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding Clarifications of District Rule 210.4 and 40 CFR 52.21(k)(2).

(421) New regulations were submitted on December 30, 2010, by the Governor’s designee. Final approval of this regulation is based, in part, on the clarifications contained in a August 15, 2012 letter from the South Coast Air Quality Management District regarding specific implementation of parts of the Prevention of Significant Deterioration program.

(i) Incorporation by reference.
   (A) South Coast Air Quality Management District.
   (ii) Additional materials.
   (A) South Coast Air Quality Management District (SCAQMD).

(422) Amended regulations for the following APCDs were submitted on September 20, 2012 by the Governor’s designee.

(i) Incorporation by reference.
   (A) Monterey Bay Unified Air Pollution Control District

(423) New and amended regulations for the following APCDs were submitted on September 21, 2012, by the Governor’s designee.

(i) Incorporation by reference.
   (A) Placer County Air Pollution Control District
Environmental Protection Agency § 52.220


(B) Sacramento Metropolitan Air Quality Management District.


(ii) Additional Material.

(A) Sacramento Metropolitan Air Quality Management District.


(C) South Coast Air Quality Management District.


(D) Antelope Valley Air Quality Management District.


(E) Santa Barbara County Air Pollution Control District.


(F) Feather River Air Quality Management District.


(G) Butte County Air Quality Management District.


(2) New and amended regulations for the following APCDs were submitted on November 7, 2012 by the Governor’s designee.

(i) Incorporation by Reference

(A) Imperial County Air Pollution Control District.


(425) A plan was submitted on December 28, 2012, by the Governor’s designee.

(i) [Reserved]

(ii) Additional material

(A) San Diego County Air Pollution Control District (SDAPCD).

(1) Redesignation Request and Maintenance Plan for the 1997 National Ozone Standard for San Diego County, including motor vehicle emissions budgets (MVEBs) and inventories.

(2) SDAPCD Resolution Number 12–175, dated December 5, 2012. “Resolution Adopting the Redesignation Request and Maintenance Plan,” including inventories and motor vehicle emissions budgets for 2020 and 2025.

(B) State of California Air Resources Board (CARB).


(426) The following plan was submitted on April 28, 2010, by the Governor’s Designee.

(i) [Reserved]

(ii) Additional materials.

(A) South Coast Air Quality Management District.


(2) SCAQMD Board Resolution 10–1, dated January 8, 2010, adopting the 2009
§ 52.220

South Coast PM$_{10}$ Redesignation Request and Maintenance Plan.

(B) State of California Air Resources Board.

(7) CARB Resolution 10–21, dated March 25, 2010, adopting the 2009 South Coast PM$_{10}$ Redesignation Request and Maintenance Plan.

(427) New and amended regulations for the following APCDs were submitted on September 26, 2012, by the Governor’s Designee.

(i) Incorporation by Reference.

(A) Sacramento Metropolitan Air Quality Management District.


(428) New and amended regulations for the following APCDs was submitted on February 6, 2013, by the Governor’s Designee.

(i) Incorporation by Reference.

(A) Placer County Air Pollution Control District.


(B) Antelope Valley Air Quality Management District.


(C) Mojave Desert Air Quality Management District.


(D) South Coast Air Quality Management District.


(E) Great Basin Unified Air Pollution Control District.


(ii) Additional materials.

(A) Great Basin Unified Air Pollution Control District.

(1) Letter dated November 13, 2014 from Theodore D. Schade, Great Basin Unified Air Pollution Control District, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding clarifications of District Rule 221 and 40 CFR 51.166.

(2) Letter dated April 15, 2015, from Phillip L. Kiddoo, Great Basin Unified Air Pollution Control District, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding additional clarifications of District Rule 221 and 40 CFR 51.166.

(B) Butte County Air Quality Management District.

(1) Letter dated November 13, 2014, from W. James Wagoner, Butte County Air Quality Management District, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding clarifications of District Rule 1107 and 40 CFR 51.166.

(2) Letter dated April 8, 2015, from W. James Wagoner, Butte County Air Quality Management District, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding additional clarifications of District Rule 1107 and 40 CFR 51.166.

(429) New and amended regulations for the following APCDs was submitted on April 22, 2013, by the Governor’s Designee.

(i) Incorporation by Reference.

(A) Ventura County Air Pollution Control District.


(F) Butte County Air Quality Management District.
(B) Antelope Valley Air Quality Management District.

(C) Monterey Bay Unified Air Pollution Control District.

(D) Feather River Air Quality Management District.

(ii) Additional materials.
   (A) Feather River Air Quality Management District.
      (1) Letter dated December 18, 2014 from Christopher D. Brown, Feather River Air Quality Management District, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding clarifications of District Rule 10.10 and 40 CFR 51.166.

(430) New and amended regulations for the following APCD was submitted on June 11, 2013 by the Governor’s Designee.
   (i) Incorporation by Reference.
      (A) South Coast Air Quality Management District.
      (i) Additional materials.
         (A) South Coast Air Quality Management District.
            (1) SCAQMD Resolution No. 11–24, dated October 7, 2011, adopting the Contingency Measures SIP.
            (2) Letter dated April 24, 2013 from Elaine Chang, Deputy Executive Officer, SCAQMD, to Deborah Jordan, Director, Air Division, EPA Region 9, Re: “Update of the 2012 RFP Emissions and 2015 Reductions from Contingency Measures for the 2007 Annual PM2.5 Air Quality Management Plan for the South Coast Air Basin,” including attachments.
         (B) State of California Air Resources Board.
            (1) CARB Executive Order S–11–023, dated November 14, 2011, adopting the Contingency Measures SIP.

(431) The following plan was submitted on November 14, 2011, by the Governor’s Designee.
   (i) [Reserved]
   (ii) Additional materials.
      (A) South Coast Air Quality Management District.
         (2) SCAQMD Board Resolution 12–11, dated May 4, 2012, adopting the 2012 Los Angeles County Lead SIP.
      (B) State of California Air Resources Board.
         (1) CARB Resolution 12–20, dated May 24, 2012, adopting the 2012 Los Angeles County Lead SIP.
§ 52.220  New and amended regulations for the following APCDs was submitted on September 24, 2013, by the Governor’s Designee.

(i) Incorporation by Reference.
(A) Placer County Air Pollution Control District.

(435) A plan revision submitted on November 15, 2012 by the Governor’s Designee.

(i) [Reserved]
(ii) Additional materials.
(A) Butte County Air Quality Management District.
(1) “2012 PM_{2.5} Emission Inventory Submittal to the State Implementation Plan for the Chico, CA/Butte County (partial) Planning Area,” as submitted by the California Air Resources Board on November 15, 2012. The document in CARB’s submittal is titled, “Chico Nonattainment Area (Partial Butte County) 2011 Daily Winter-Time Emissions Inventory (Base Year 2005—Grown and Controlled in Tons Per Day).

(436) A plan revision submitted on January 14, 2013 by the Governor’s Designee.

(i) [Reserved]
(ii) Additional material.
(A) San Francisco Bay Area Air Quality Management District.
(1) “2012 PM_{2.5} Emission Inventory to the State Implementation Plan for the San Francisco Bay Area” as submitted by the California Air Resources Board on January 14, 2013. The document in CARB’s submittal is titled, “Bay Area Winter Emissions Inventory for Primary PM_{2.5} & PM Precursors: Year 2010.”

(437) New and amended regulations for the following APCD was submitted on November 17, 2009 by the Governor’s Designee.

(i) [Reserved]
(ii) Additional Material
(A) Ventura County Air Pollution Control District.

(438) The following plan was submitted on July 3, 2013, by the Governor’s Designee.

(i) [Reserved]
(ii) Additional materials.
(A) San Joaquin Valley Unified Air Pollution Control District.
(1) “Quantifying Contingency Reductions for the 2008 PM_{2.5} Plan” (dated June 20, 2013), adopted October 7, 2011.
(2) SJVUAPCD Governing Board Resolution No. 13–6–18, dated June 20, 2013, “In the Matter of: Authorizing Submittal of the ‘Quantification of Contingency Reductions for the 2008 PM_{2.5} Plan’ to EPA.”

(iii) Electronic mail, dated July 24, 2013, from Samir Sheikh, SJVUAPCD, to Kerry Drake, EPA Region 9, “RE: Per our conversation earlier.”

(B) State of California Air Resources Board.
(1) CARB Executive Order 13–30, dated June 27, 2013, “San Joaquin Valley PM_{2.5} Contingency Measures Update.”

(439) The following plan was submitted on February 13, 2013, by the Governor’s Designee.

(i) [Reserved]
(ii) Additional material.
(A) California Air Resources Board.

(2) Letter from Richard W. Corey, Executive Officer, California Air Resources Board, dated May 2, 2014.

(iii) Letter and enclosures from Lynn Terry, Deputy Executive Officer, California Air Resources Board, dated April
Environmental Protection Agency

§ 52.220


(B) South Coast Air Quality Management District.


(3) Letter from Barry R. Wallerstein, D.Env, Executive Officer, South Coast Air Quality Management District, May 1, 2014.


(5) The following portions of the Final 2012 Air Quality Management Plan (December 2012): PM2.5-related portions of chapter 4 (“Control Strategy and Implementation”); Appendix III (“Base and Future Year Emissions Inventory”); Appendix IV-A (“District’s Stationary Source Control Measures”); and Appendix V (“Modeling and Attainment Demonstrations”). SCAQMD’s commitments to adopt and implement specific rules and measures in accordance with the schedule provided in Chapter 4 of the 2012 PM2.5 Plan as modified by Table F-1 in Attachment F to the 2015 Supplement, to achieve the emissions reductions shown therein, and to submit these rules and measures to CARB within 30 days of adoption for transmittal to EPA as a revision to the SIP, as stated on pp. 7–8 of SCAQMD Governing Board Resolution 12-19 and modified by SCAQMD Governing Board Resolution 15-3, excluding all commitments pertaining to control measure IND-01 (Backstop Measures for Indirect Sources of Emissions from Ports and Port-Related Facilities). (440) Amended regulations were submitted by the Governor’s designee on September 28, 2011.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District.


(441) New and amended regulations for the following APCDs were submitted on May 13, 2014 by the Governor’s Designee.

(i) Incorporation by Reference.

(A) South Coast Air Quality Management District.


(B) Placer County Air Pollution Control District.


(C) Ventura County Air Pollution Control District.


(2) Metalworking Fluids and Direct Contact Lubricants,” adopted on November 12, 2013.

(3) Rule 23, “Exemptions from Permit,” revised on November 12, 2013.

(D) San Joaquin Valley Air Pollution Control District.


(3) Rule 4308, “Boilers, Steam Generators, and Process Heaters—0.075
MMBtu/hr to less than 2.0 MMBtu/hr,” amended on November 14, 2013.


(E) Antelope Valley Air Quality Management District.


(F) San Luis Obispo County Air Pollution Control District.


(ii) Additional materials.

(A) San Luis Obispo County Air Pollution Control District.

(1) Letter dated December 16, 2014 from Larry R. Allen, San Luis Obispo County Air Pollution Control District, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding clarifications of District Rule 220 and 40 CFR 51.166.

(2) New and amended regulations for the following APCDs were submitted on February 10, 2014 by the Governor’s Designee.

(i) Incorporation by Reference.

(A) Imperial County Air Pollution Control District.


(B) San Joaquin Valley Unified Air Pollution Control District.


(C) South Coast Air Quality Management District.


(D) Placer County Air Pollution Control District.


(E) Feather River Air Quality Management District.


(F) Yolo-Solano Air Quality Management District.


(H) Santa Barbara County Air Pollution Control District.


(ii) Additional materials.

(A) Santa Barbara County Air Pollution Control District.

(1) Letter dated November 25, 2014 from David Van Mullem, Santa Barbara County Air Pollution Control District, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding clarifications of District Rule 810 and 40 CFR 51.166.

(2) New and amended regulations for the following APCDs were submitted on December 23, 1998 by the Governor’s Designee.

(i) Incorporation by Reference.

(A) Lake County Air Quality Management District.

(1) Lake County Air Quality Management District Board of Directors Resolution 98-195 adopting Section 228, “Hazardous Air Pollutants (HAP),” adopted on June 23, 1998, as “Exhibit A.”
New and amended regulations were submitted on May 28, 2014, by the Governor’s designee.

(I) Incorporation by reference. (A) California Air Resource Board.


(445) A plan revision submitted on December 21, 2010 by the Governor’s Designee.

(i) [Reserved]

(ii) Additional materials.

(A) State of California Air Resources Board.


(B) Imperial County Air Pollution Control District.


(446) A plan was submitted on May 23, 2013, by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Feather River Air Quality Management District (FRAQMD).


(B) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4307, “Boilers, Steam Generators, and Process Heaters—2.0 MMBtu/hr to 5.0 MMBtu/hr,” amended on May 19, 2011.

(C) South Coast Air Quality Management District.


(D) Eastern Kern Air Pollution Control District.


(448) New and amended regulations were submitted on August 15, 2014, by the Governor’s designee.

(I) Incorporation by Reference.

(A) Feather River Air Quality Management District.


(449) New and amended regulations for the following APCDs were submitted on July 18, 2014 by the Governor’s designee.

(i) [Reserved]

(ii) Additional material.

(A) Ventura County Air Pollution Control District.

(1) Reasonably Available Control Technology State Implementation Plan Revision (2014 RACT SIP) as adopted on June 10, 2014 (‘‘2014 RACT SIP’’).

(450) The following plan was submitted on February 24, 2006 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) Sacramento Metro 1997 Eight-Hour Ozone Planning Area.

(1) Sacramento Regional Nonattainment Area 8-Hour Ozone Rate-of-Progress Plan, Final Draft, December 2005.
(i) [Reserved]
(ii) Additional materials.
(A) Sacramento Metro 1997 Eight-Hour Ozone Planning Area.
(1) Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan (With Errata Sheets Incorporated), March 26, 2009 (Reasonable further progress demonstration and related contingency demonstration for milestone year 2011 as presented in chapter 13 ("Reasonable Further Progress Demonstrations") only).
(452) The following plan was submitted on December 31, 2013 by the Governor’s designee.
(i) [Reserved]
(ii) Additional materials.
(A) Sacramento Metro 1997 Eight-Hour Ozone Planning Area.
(1) Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan (2013 SIP Revisions), September 26, 2013, including appendices.
(453) New and amended regulations for the following APCDs were submitted on May 12, 2011.
(i) Incorporation by reference.
(A) Monterey Bay Unified Air Pollution Control District.
(1) Rule 207, “Review of New or Modified Sources,” revised on April 20, 2011.
(454) The following plan was submitted on June 16, 2014, by the Governor’s Designee.
(i) [Reserved]
(ii) Additional materials.
(A) California Air Resources Board (CARB).
(455) New and amended regulations for the following APCDs were submitted on June 26, 2013.
(i) Incorporation by reference.
(A) San Joaquin Valley Unified Air Pollution Control District.
(456) New and amended regulations for the following APCDs were submitted on February 7, 2008 by the Governor’s designee.
(i) [Reserved]
(ii) Additional Material.
(A) Northern Sierra Air Quality Management District.
(1) Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Revision for Western Nevada County 8-Hour Ozone Non-Attainment Area as adopted on June 25, 2007.
(457) New and amended regulations for the following APCDs were submitted on November 6, 2014 by the Governor’s designee.
(i) Incorporation by reference.
(A) Feather River Air Quality Management District.
(1) Rule 10.9, “Rice Straw Emission Reduction Credits and Banking,” amended on October 6, 2014.
(B) Mojave Desert Air Quality Management District.
(C) Butte County Air Quality Management District.
(D) San Luis Obispo County Air Pollution Control District.
(E) South Coast Air Quality Management District.
(F) Antelope Valley Air Quality Management District.

(G) Santa Barbara County Air Pollution Control District.


(458) New and amended regulations for the following APCDs were submitted on December 29, 2014 by the Governor’s designee.

(i) Incorporation by Reference.

(A) South Coast Air Quality Management District.

(1) Rule 1325, Rule 1325, “Federal PM$_{2.5}$ New Source Review Program” adopted on December 5, 2014.

(459) The following plan revision was submitted on September 29, 2014, by the Governor’s designee.

(i) [Reserved]

(ii) Additional Material.

(A) Feather River Air Quality Management District.


(460) The following plan revision was submitted on September 29, 2014, by the Governor’s designee.

(i) [Reserved]

(ii) Additional Material.

(A) Feather River Air Quality Management District.


(461) New and amended regulations were submitted on April 7, 2015 by the Governor’s designee.

(i) Incorporation by Reference.

(A) Monterey Bay Unified Air Pollution Control District.


(B) Ventura County Air Pollution Control District.


(C) South Coast Air Quality Management District.


(D) San Joaquin Valley Unified Air Pollution Control District.


(462) The following plan was submitted on October 21, 2014, by the Governor’s designee.

(i) [Reserved]

(ii) Additional Materials.

(A) Great Basin Unified Air Pollution Control District (GBUAPCD).

(1) GBUAPCD Board Order #140505–03 adopting the Mammoth Lakes PM$_{10}$ Maintenance Plan, dated May 5, 2014.

(CARB Resolution 14–27 adopting the redesignation request and Mammoth Lakes PM$_{10}$ Maintenance Plan, dated September 18, 2014.

(463) Amended regulations for the following APCDs were submitted on June 26, 2015 by the Governor’s designee.

(i) Incorporation by reference.

(A) Placer County Air Pollution Control District.


(B) Yolo-Solano Air Quality Management District.


(3) Rule 2.34, “Stationary Gas Turbines,” revised on November 12, 2014.

(464) The following plan was submitted on December 21, 2010 by the Governor’s designee.

(i) [Reserved]

(ii) Additional Material.

(A) Imperial County Air Pollution Control District.


359
(465) New regulation for the following APCD was submitted on July 15, 2015 by the Governor’s designee.

(i) Incorporation by reference.

(A) Placer County Air Pollution Control District.


(466) The following plan was submitted on October 6, 2011, by the Governor’s Designee.

(ii) Additional materials.

(A) California Air Resources Board (CARB).


(467) The following plan was submitted on December 12, 2012, by the Governor’s Designee.

(i) [Reserved].

(ii) Additional materials.

(A) California Air Resources Board (CARB).

(1) CARB Resolution 12–32, dated November 15, 2012, adopting the “Proposed State Implementation Plan Revision for Federal Nitrogen Dioxide Standard Infrastructure Requirements.”

(2) “Proposed State Implementation Plan Revision for Federal Nitrogen Dioxide Standard Infrastructure Requirements,” (“2012 NO\textsubscript{2} Infrastructure SIP”).

(468) The following plan was submitted on March 6, 2014, by the Governor’s Designee.

(i) Incorporation by Reference.

(A) California Air Resources Board.


(2) California Government Code, Title 9 (Political Reform), Chapter 7 (Conflicts of Interest), Article 3 (Conflict of Interest Codes), Section 87302, “Required provisions; exemptions,” added by California Initiative Measure approved on June 4, 1974, effective January 7, 1975, and last amended in 1992.

(4) Title 2, California Code of Regulations, Division 6 (Fair Political Practices Commission), Chapter 7 (Conflict of Interest), Article 1 (Conflicts of Interest; General Prohibition), Section 18701, “Definitions: Source of Income, Commission Income and Incentive Income” (filed on January 22, 1976, effective February 21, 1976, and last amendment filed on December 29, 2005, operative January 28, 2006).

(5) Title 2, California Code of Regulations, Division 6 (Fair Political Practices Commission), Chapter 7 (Conflict of Interest), Article 1 (Conflicts of Interest; General Prohibition), Section 18701, “Required provisions; exemptions,” added by California Initiative Measure approved on June 4, 1974, effective January 7, 1975, and last amended in 1992.

(469) The following plan was submitted on June 2, 2014, by the Governor’s Designee.

(i) Incorporation by Reference.

(A) Great Basin Unified Air Pollution Control District.


(470) The following plan was submitted on December 20, 2013 by the Governor’s designee.

(i) [Reserved]

(ii) Additional materials.

(A) California Air Resources Board.

(1) Letter and enclosures from Lynn Terry, Deputy Executive Officer, California Air Resources Board, dated June
Environmental Protection Agency

§ 52.220


(B) San Joaquin Valley Unified Air Pollution Control District.

(I) 2013 Plan for the Revoked 1-Hour Ozone Standard, adopted by the San Joaquin Valley Unified Air Pollution Control District on September 19, 2013 and approved by the California Air Resources Board on November 21, 2013, excluding section 4.4 (“Contingency Reductions”).

(471) The following plan was submitted on March 4, 2015, by the Governor’s Designee.

(i) [Reserved]

(ii) Additional material.

(A) South Coast Air Quality Management District.

(I) “2015 Supplement to the 24-Hour PM$_{2.5}$ State Implementation Plan for the South Coast Air Basin” (February 2015), excluding Attachment C (“New Transportation Conformity Budgets for 2015”). SCAQMD’s commitments to adopt and implement specific rules and measures in accordance with the schedule provided in Chapter 4 of the 2012 PM$_{2.5}$ Plan as modified by Table F–1 in Attachment F to the 2015 Supplement, to achieve the emissions reductions shown therein, and to submit these rules and measures to CARB within 30 days of adoption for transmittal to EPA as a revision to the SIP, as stated on pp. 7–8 of SCAQMD Governing Board Resolution 12–19 and modified by SCAQMD Governing Board Resolution 15–3, excluding all commitments pertaining to control measure IND–01 (Backstop Measures for Indirect Sources of Emissions from Ports and Port-Related Facilities).

(2) SCAQMD Governing Board Resolution No. 15–3, dated February 6, 2015.

(B) State of California Air Resources Board.

(I) CARB Resolution 15–2, dated February 19, 2015, “Minor Revision to the South Coast Air Basin 2012 PM$_{2.5}$ State Implementation Plan.”

[37 FR 10850, May 31, 1972]

EDITORIAL NOTES: 1. For Federal Register citations affecting §52.220, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

2. At 69 FR 21715, Apr. 22, 2004, §52.220 was amended; however, a portion of the amendment could not be incorporated due to inaccurate amendatory instruction.

3. At 77 FR 22233, Jan. 17, 2012, §52.220 was amended; however, a portion of the amendment could not be incorporated due to inaccurate amendatory instruction.

4. At 77 FR 7537, Feb. 13, 2012, §52.220 was amended; however, the amendment could not be incorporated due to inaccurate amendatory instruction.

EFFECTIVE DATE NOTES: 1. At 81 FR 30486, May 17, 2016, §52.220 was amended by adding paragraphs (c)(35)(xiii)(F), (c)(231)(i)(B)(8), (c)(239)(i)(C)(6), and (c)(447)(i)(D)(2) and (3), effective July 18, 2016. For the convenience of the user, the added text is set forth as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(35) * * *

(xiii) * * *

(F) Previously approved on March 22, 1978, in paragraph (c)(35)(xiii)(A) of this section and now deleted with replacement in paragraph (c)(239)(i)(C)(6) of this section, Rule 103.1, “Inspection of Public Records,” adopted on August 31, 1976.

* * * * *

(231) * * *

(i) * * *

(B) * * *

(8) Previously approved on January 13, 2000, in paragraph (c)(231)(i)(B)(6) of this section and now deleted with replacement in paragraph (c)(447)(i)(D)(2) of this section, Rule 410.4, “Surface Coating of Metal Parts and Products,” amended on March 7, 1996.

* * * * *

(239) * * *

(i) * * *

(C) * * *


* * * * *

(447) * * *

(i) * * *

(D) * * *

§ 52.220 Identification of plan.

(a) Purpose and scope. This section sets forth a portion of the applicable State implementation plan for the State of California under section 110 of the Clean Air Act, 42 U.S.C. 7401–7671q and 40 CFR part 51 to meet national ambient air quality standards. This section identifies the state statutes and state regulations portion of the applicable California State implementation plan.

(b) Incorporation by reference. (1) Material listed in paragraph (c) and (d) of this section with an EPA approval date on or prior to April 1, 2016, 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 April 1, 2016 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region IX 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 April 1, 2016.

(3) Copies of the materials incorporated by reference may be inspected at the Region IX EPA Office at 75 Hawthorne Street, San Francisco, CA 94105; or 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/ibr-locations.html.

§ 52.220a Identification of plan—in part.

(a) Purpose and scope. This section sets forth a portion of the applicable

State implementation plan for the State of California under section 110 of the Clean Air Act, 42 U.S.C. 7401–7671q and 40 CFR part 51 to meet national ambient air quality standards. This section identifies the state statutes and state regulations portion of the applicable California State implementation plan.

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(c) EPA-approved regulations.

### Table 1—EPA-Approved Statutes and State Regulations

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### § 52.220a

#### 40 CFR Ch. I (7–1–16 Edition)

#### TABLE 1—EPA-APPROVED STATUTES AND STATE REGULATIONS 1—Continued

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### PUBLIC RESOURCES CODE

#### Division 13 (Environmental Quality)

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**Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 1 (Motor Vehicle Pollution Control Devices); Article 4.5**


**Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 5 (Standards for Motor Vehicle Fuels); Article 1 (Standards for Gasoline)**

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**Title 17 (Public Health), Division 3 (Air Resources), Chapter 1 (Air Resources Board); Subchapter 8.5 (Consumer Products); Article 2 (Consumer Products)**

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Title 17 (Public Health), Division 3 (Air Resources), Chapter 1 (Air Resources Board); Subchapter 8.6 (Maximum Incremental Reactivity); Article 1 (Tables of Maximum Incremental Reactivity (MIR) Values)

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1 Table 1 lists EPA-approved California statutes and regulations incorporated by reference in the applicable SIP. Table 2 of paragraph (c) lists approved California test procedures, test methods and specifications that are cited in certain regulations listed in Table 1. Approved California statutes that are nonregulatory or quasi-regulatory are listed in paragraph (e).

### Table 2—EPA-Approved California Test Procedures, Test Methods, and Specifications

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### Table 3—EPA-Approved Amador County Air District Regulations

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### TABLE 4—EPA-APPROVED ANTELOPE VALLEY AIR DISTRICT REGULATIONS; LOS ANGELES COUNTY AIR DISTRICT REGULATIONS

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### TABLE 5—EPA-APPROVED BAY AREA AIR DISTRICT REGULATIONS

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### TABLE 6—EPA-APPROVED BUTTE COUNTY AIR DISTRICT REGULATIONS

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### TABLE 7—EPA-APPROVED CALAVERAS COUNTY AIR DISTRICT REGULATIONS

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### TABLE 8—EPA-APPROVED COACHELLA VALLEY PLANNING AREA ORDINANCES

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### TABLE 10—EPA-APPROVED EASTERN KERN COUNTY AIR DISTRICT REGULATIONS; KERN COUNTY AIR DISTRICT REGULATIONS

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### TABLE 11—EPA-APPROVED EL DORADO COUNTY AIR DISTRICT REGULATIONS

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### TABLE 12—EPA-APPROVED FEATHER RIVER AIR DISTRICT REGULATIONS; SUTTER COUNTY AIR DISTRICT REGULATIONS; YUBA COUNTY AIR DISTRICT REGULATIONS

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### TABLE 15—EPA-APPROVED IMPERIAL COUNTY AIR DISTRICT REGULATIONS

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### TABLE 18—EPA-APPROVED MARIPOSA COUNTY AIR DISTRICT REGULATIONS

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### TABLE 20—EPA-APPROVED MODOC COUNTY AIR DISTRICT REGULATIONS

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### TABLE 21—EPA-APPROVED MOJAVE DESERT AIR DISTRICT REGULATIONS; RIVERSIDE COUNTY AIR DISTRICT REGULATIONS; SAN BERNARDINO COUNTY AIR DISTRICT REGULATIONS

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### TABLE 22—EPA-APPROVED MONTEREY BAY UNIFIED AIR DISTRICT REGULATIONS

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### TABLE 23—EPA-APPROVED NORTH COAST UNIFIED AIR DISTRICT REGULATIONS

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### Table 24—EPA-Approved Northern Sierra Air District Regulations; Nevada County Air District Regulations; Plumas County Air District Regulations; Sierra County Air District Regulations

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### Table 25—EPA-Approved Northern Sonoma County Air District Regulations

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### Table 26—EPA-Approved Placer County Air District Regulations

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### Table 27—EPA-Approved Sacramento Metropolitan Air District Regulations

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### Table 28—EPA-Approved San Diego County Air District Regulations

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### Table 29—EPA-Approved San Joaquin Valley Unified Air District Regulations; Fresno County Air District Regulations; Kern County Air District Regulations; Kings County Air District Regulations; Madera County Air District Regulations; Merced County Air District Regulations; San Joaquin County Air District Regulations; Stanislaus County Air District Regulations; Tulare County Air District Regulations

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### Table 30—EPA-Approved San Luis Obispo County Air District Regulations

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### Table 31—EPA-Approved Santa Barbara County Air District Regulations

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### Table 32—EPA-Approved Shasta County Air District Regulations

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### Table 33—EPA-Approved Siskiyou County Air District Regulations

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(d) EPA-approved source-specific requirements. [Reserved]
(e) EPA-approved California nonregulatory provisions and quasi-regulatory measures. [Reserved]
[81 FR 33400, May 26, 2016]
EFFECTIVE DATE NOTE: At 81 FR 39432, June 16, 2016, §52.220a was amended as follows, effective July 18, 2016.

a. In paragraph (c), table 1 is amended:
   1. By adding a table entry titled “Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 1 (Motor Vehicle Pollution Control Devices), Article 1 (General Provisions)” after the entry for “1900(b)(11)”; and under it, adding entries for “1900(b)(9) and (b)(22)”, “1900(b)(9)” and “1900(b)(22)”;
   2. By adding entries for “1956.8(a)(2), (a)(5), (b), and (h)”, “1956.8(b), (c)(1)(B), (d), and (b)(2)”, and “1958 (excluding (a)(1), (b)(1), (b)(2), (f), (g), and (h))”, after the entry for “1956.8”; 
"1971(c)"); "1976(c)"; "1976(b)(1), (c), (f)(3) and (f)(4)"; "1976(b)(1), (b), (c)(1)G)(3), (c)"; "1976(a)(1), (b)"; "1976(b)(b)"; and "1978" after the entry for "1961".

vi. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 1 (Motor Vehicle Pollution Control Devices), Article 6 (Emission Control Warning)" after the new entry "2023"; and under it, adding entries for "2037(g)" and "2088(c)(3)".

vii. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 2 (Enforcement of Vehicle Emission Standards and Surveillance Testing), Article 1 (Assembly-Line Testing)" under the new entry "3038(c)(3)"; and under it, adding an entry for "2062".

viii. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 2 (Enforcement of Vehicle Emission Standards and Surveillance Testing), Article 2.1 (Procedures for In-Use Vehicle Voluntary and Influenced Recalls)" after the new entry "2062"; and under it, adding entries for "2111(a)(1)", "2111(a)(4)", "2112(b)(12)", "2112(b)(20), (l)(23)"; and "2112(b)(l), (l)(9), (l)(18)".

ix. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 2 (Enforcement of Vehicle Emission Standards and Surveillance Testing), Article 2.3 (In-Use Vehicle Enforcement Test Procedures)" after the new entry "2112(b), (l)(3), (l)(18)"; and under it, adding entries for "2139(b), (a), (b), (c), (d), and (f)(4)"; and "2140(b)".

x. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 3 (Air Resources Board), Chapter 2 (Enforcement of Vehicle Emission Standards and Surveillance Testing), Article 2.4 (Procedures for Reporting Failures of Emission-Related Components)" after the new entry "2140(b)"; and under it, adding entries for "2145(b)(3)"; "2147(b)", and "2147(f)(3)".

xi. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 4.4 (Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks)" after the new entry "2147(f)(3)"; and under it, adding an entry for "2235".

xii. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 3.1 (Standards for Fuels for Nonvehicular Sources)" after the entry for "2297"; and under it, adding an entry for "2299.3".

xiii. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 1 (Small Off-Road Engines)" after the new entry "2299.3"; and under it, adding entries for "2401(a)(15), (36), (41), (51), (52)", "2403(b)(2), (b)(3), (b)(4), (d), (o)(1)", "2404(a)"; "2404(m)(1), (m)(2), (m)(3)"; "2405(b)(1), (b)(2), (b)(3), (b)(4), (d)(4), (f)(1), (f)(3), (f)(4), (f)(5), (g)(1)(E), (l)(3), (l)(7)", "2408.1"; and "2409(a), (b)(1), (b)(2), (b)(5), (b)(6), (d)(3)".

xiv. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 3 (Off-Highway Recreational Vehicles and Engines)" after the new entry "2409(a), (b)(1), (b)(2), (b)(5), (b)(6), (d)(3)"; and under it, adding entries for "2411(a)(1), (a)(13), (a)(17), (a)(18), (a)(19)"; "2412"; and "2413".

xv. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 4 (Off-Road Compression-Ignition Engines and Equipment)" after the new entry "2413"; and under it, adding entries for "2420", "2421", "2423", "2424", "2424(a)", "2425", "2425(e)", "2425.1", "2426", and "2427".

xvi. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 4.7 (Spark-Ignition Marine Engines)" after the new entry "2438(e)(7)"; and under it, adding entries for "2440(a)(3)", "2442(a)(1), (a)(2), (b), (c), (d), (e), (f), (g), (h)", "2443.1(b)(1), (c)(2)(B), (c)(4)(A), (c)(4)(B), (c)(4)(D)", "2443.2(b), (c), (1), (c), (c)(3), (c)(10), (c)(11), (g)(2)(A)", "2445.1(a), (c)(1), (c)(2), (c)(3), (e)(10), (e)(11), (f)(4), (f)(5), (f)(6), (f)(7), (f)(8), (f)(9), (f)(10), (f)(11), (f)(12), (f)(13)"

xvii. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 4.8 (In-Use Off-Road Diesel-Fueled Fleets)" after the new entry "2447"; and under it, adding entries for "2449", excluding (d)(2)"; "2449.1", and "2449.2", excluding (f)(4)".

xviii. By adding a table entry titled "Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 5 (Portable Engine and Equipment Registration) after the new entry "2451", "2452", "2453", "2455", excluding (a) and (b)"; "2456", excluding (a), (d)(3), (d)(5), and (d)(6)"; "2458", "2459", "2460", "2461", and "2462";
xx. By adding a table entry titled “Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 7 (Certification Procedures for Aftermarket Parts for Off-Road Vehicles, Engines, Equipment)” after the new entry “2482;” and under it, adding an entry for “2482(e), (i)(1);”

xxi. By adding a table entry titled “Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 8 (Off-Road Airborne Toxic Control Measures)” after the new entry “247(e), (i)(1);” and under it, adding entries for “2477;” “2479, except (e)(2) and (e)(4);” and “2479(a), (b), (c), (d), (e)(1), (e)(3), (e)(5), (f)(1), (f)(2), (f)(3), (f)(6), (h)(1), (i), (j)(1), (j)(2), (j)(3), (k), (l), (m), (n), (o), (p), (q), (r)”;

xxii. By adding a table entry titled “Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 10 (Mobile Source Operational Controls), Article 1 (Motor Vehicles)” after the new entry “2479(a), (b), (c), (d), (o)(1), (e)(3), (e)(5), (f)(1), (f)(2), (f)(3), (f)(5), (h)(1), (i), (j)(1), (j)(2), (j)(3), (k), (l), (m), (n), (o), (p), (q), (r)” and under it, adding an entry for “2483, except (c)(1)(A), (c)(1)(B), (c)(3)(B);”

xxiii. By adding a table entry titled “Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 15 (Additional Off-Road Vehicles and Engines Pollution Control Requirements), Article 2 (Large Spark Ignition (LSI) Engines Fleet Requirements)” after the entry for “2701;” and under it, adding entries for “2775;” “2775.1;” and “2775.2;”

Environmental Protection Agency

§ 52.220a, NI.


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

§ 52.220a Identification of plan—in part.

Table 1—EPA-Approved Statutes and State Regulations

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<td>1900(b)(9) and (b)(22) ........</td>
<td>Definitions ..................................</td>
<td>8/7/2012</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Definitions of “intermediate volume manufacturer” and “small volume manufacturer.”</td>
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<td>1900(b)(22) ..........</td>
<td>Definitions ..................................</td>
<td>12/31/2012</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Definition of “small volume manufacturer.”</td>
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<td>1956.8(b), (c)(1)(B), (c)(3), (d), (h)(2), and (h)(5).</td>
<td>Exhaust Emissions Standards and Test Procedures—1985 and Subsequent Model Heavy-Duty Engines and Vehicles.</td>
<td>8/7/2012</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Test procedures; exhaust emissions standard for new 2005 and subsequent model HD OC engines; 1992 and subsequent model diesel engines used in MD low-emissions vehicles.</td>
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<td>1958(a) (excluding (a)(1), (b)(1), (b)(2), (f), (g), and (h)).</td>
<td>Exhaust Emissions Standards and Test Procedures—Motorcycles and Motorcycle Engines Manufactured on or after January 1, 1978.</td>
<td>11/22/1999 81 FR 39424, 6/16/2016.</td>
<td>Exhaust emissions standards for HC + NOx and for CO; different standards established for different sizes and for different model years; provisions for small volume manufacturers and for early-compliance credits; sunset review. Excluded subsection relates to an exclusion for motorcycles or motorcycle engines where the engine displacement is less than 50 cubic centimeters.</td>
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### TABLE 1—EPA-APPROVED STATUTES AND STATE REGULATIONS 1—Continued

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<td>1962.2, excluding (g)(6)(C) ...</td>
<td>Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.</td>
<td>8/7/2012</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>ZEV standards, percentage ZEV requirements, TZEV provisions, qualification of ZEV credits, generation and use of credits, test procedures, ZEV-specific definitions; excluded provision relates to GHG-ZEV over compliance credits.</td>
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<td>1965</td>
<td>Emission Control, Smog Index, and Environmental Performance Labels—1979 and Subsequent Model-Year Motor Vehicles.</td>
<td>8/7/2012</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Emission control label requirements.</td>
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<td>1971.1</td>
<td>On-Board Diagnostic System Requirements—2010 and Subsequent Model-Year Heavy-Duty Engines.</td>
<td>6/17/2010</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Establishes emission standards and other requirements for OBD systems that monitor emission systems in-use for the actual life of the engine and detect malfunctions of the monitored emissions systems, illuminating a malfunction indicator light to notify the vehicle operator of detected malfunctions, and storing fault codes identifying the detected malfunctions.</td>
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<td>1971.5</td>
<td>Enforcement of Malfunction and Diagnostic System Requirements for 2010 and Subsequent Model-Year Heavy-Duty Engines.</td>
<td>6/17/2010</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Establishes enforcement protocol for use by CARB to assure the engines certified for sale in California are equipped with OBD systems that properly function and meet the applicable regulatory requirements.</td>
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Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 1 (Motor Vehicle Pollution Control Devices), Article 6 (Emission Control Warranty System)

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<td>2037(g)</td>
<td>Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles.</td>
<td>8/7/2012</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Reporting requirements.</td>
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Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 2 (Enforcement of Vehicle Emission Standards and Surveillance Testing), Article 1 (Assembly-Line Testing)

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<td>Definitions</td>
<td>8/7/2012</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Definition of “useful life” for certain types of vehicles.</td>
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**Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 4.4 (Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks)**

| 2235           | Requirements                                                                  | 8/7/2012             | 81 FR 39424, 6/16/2016 | Requirements for 1977 and subsequent model gasoline-fueled motor vehicles with respect to fill pipes and openings. |

**Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 5.1 (Standards for Fuels for Nonvehicular Sources)**

| 2299.3         | Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port. | 1/2/2009             | 81 FR 39424, 6/16/2016 | Requires that any person who owns, operates, container vessel, passenger vessel, or refrigerated cargo vessel that visits a California port comply with section 93118.3 relating to the operation of auxiliary diesel engines on OGV at-berth in a California port. Also applies to any person who owns or operates a port or terminal located at a California port where container, passenger or refrigerated cargo vessels visit. |

**Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 1 (Small Off-Road Engines)**

| 2401(a)(13), (36), (41) , (51), (52). Definitions | 5/5/2010 | 81 FR 39424, 6/16/2016 | Definitions for “eight-hour workday,” “professional level,” “standard battery package,” “zero-emission equipment credits,” and “zero-emission equipment engine family.” |
| 2403(b)(2), (b)(3), (b)(4), (d), (e)(1). Exhaust Emission Standards and Test Procedures—Small Off-Road Engines. | 5/5/2010 | 81 FR 39424, 6/16/2016 | Low-emitting blue sky series engine requirements, evaporative emission requirements, test procedures. |
| 2404(a)        | Emission Control Labels and Consumer Information—1995 and Later Small Off-Road Engines. | 11/15/2006            | 81 FR 39424, 6/16/2016 | The requirements in section 2404 recognize the certain emission-critical or emission-related parts must be properly identified and maintained in order for engines to meet the applicable emissions standards and that information regarding engines’ emissions levels may influence consumer choice. |
| 2404(m)(1), (m)(2), (m)(3) | Emission Control Labels and Consumer Information—1995 and Later Small Off-Road Engines. | 5/5/2010             | 81 FR 39424, 6/16/2016 | Zero-emission equipment label content and placement requirements. |
Table 1—EPA-Approved Statutes and State Regulations

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>2408.1</td>
<td>Emission Reduction Credits—Zero-Emission Equipment Credits Averaging, Banking, and Trading Provisions.</td>
<td>5/5/2010</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Applicability; general provisions; averaging, banking, and trading provisions; credit calculation and compliance provisions; use of zero-emission equipment credit; recordkeeping and reporting.</td>
</tr>
<tr>
<td>2409(a), (b)(1), (b)(2), (b)(5), (b)(6), (d)(3).</td>
<td>Emission Reduction Credits—Production Credit Program for New Engines.</td>
<td>5/5/2010</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Applicability; general provisions; certain banking provisions.</td>
</tr>
</tbody>
</table>

Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 3 (Off-Highway Recreational Vehicles and Engines)

<table>
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<tr>
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<tr>
<td>2412</td>
<td>Emission Standards and Test Procedures—New Off-Highway Recreational Vehicles and Engines.</td>
<td>8/15/2007</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Exhaust and evaporative emissions standards for off-highway recreational vehicles and engines used in such vehicles produced on or after January 1, 1997 that are sold, leased, used, or introduced into commerce in California; test procedures.</td>
</tr>
</tbody>
</table>

Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 4 (Off-Highway Compression-Ignition Engines and Equipment)

<table>
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<tr>
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<tr>
<td>2420</td>
<td>Applicability</td>
<td>1/6/2006</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Applies to new heavy-duty off-road CI engines produced on or after January 1, 1996 and all other new 2000 model year and later off-road CI engines, except those covered by the preemption provisions in CAA section 209(e)(1). Certification required for new engines subject to 13 CCR chapter 9, article 4.</td>
</tr>
<tr>
<td>2421</td>
<td>Definitions</td>
<td>1/6/2006</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Defined terms in addition to those in 13 CCR §1900(b).</td>
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### TABLE 1—EPA-APPROVED STATUTES AND STATE REGULATIONS 1—Continued

<table>
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<tr>
<td>2423</td>
<td>Exhaust Emission Standards and Test Procedures—Off-Road Compression-Ignition Engines.</td>
<td>1/6/2006</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Exhaust emissions standards (tiers 1, 2, 3 and 4), upper limits for family emission limits (tiers 1, 2, 3 and 4), low-emitting blue sky series engine requirements, crankcase emissions provisions, early certification provisions, prohibition on defeat devices, test procedures, recordkeeping and compliance calculations, economic hardship provisions, allowance for production of engines, labeling requirements,</td>
</tr>
<tr>
<td>2424</td>
<td>Emission Control Labels—1996 and Later Off-Road Compression-Ignition Engines.</td>
<td>1/6/2006</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Requirements on manufacturers to affix a label on each production engine (or equipment) to provide the engine or equipment owner and service mechanic with information necessary for the proper maintenance of these parts in customer use.</td>
</tr>
<tr>
<td>2424(a)</td>
<td>Emission Control Labels—1996 and Later Off-Road Compression-Ignition Engines.</td>
<td>11/15/2006</td>
<td>81 FR 39424, 6/16/2016</td>
<td>The requirements of section 2424 recognize that certain emissions-critical or emissions-related parts must be properly identified and maintained in order for engines to meet the applicable emissions standards.</td>
</tr>
<tr>
<td>2425(e)</td>
<td>Defects Warranty Requirements for 1996 and Later Off-Road Compression-Ignition Engines.</td>
<td>11/15/2006</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Requirement on manufacturers to furnish with each new engine written instructions for the maintenance and use of the engine by the owner.</td>
</tr>
<tr>
<td>2425.1</td>
<td>Defect Investigation and Reporting Requirements.</td>
<td>1/6/2006</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Applicability, general provisions, and investigation and reporting procedures.</td>
</tr>
</tbody>
</table>
### Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 4.5 (Off-Road Large Spark-Ignition Engines)

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<tr>
<td>2430</td>
<td>Applicability</td>
<td>5/12/2007</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Applies to LSI off-road engines 25 horsepower or greater after 1/1/2001 and all equipment and vehicles after 1/1/2001 that use such engines. On 1/1/2007, applicability remains the same but is defined in terms of kW (i.e., 19 kW and above).</td>
</tr>
<tr>
<td>2431(a), (a)(19), (a)(28)</td>
<td>Definitions</td>
<td>5/12/2007</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Definitions of “Family Emission Level or FEL” and “Off-Road Large Spark-Ignition Engines” or “LSI Engines.”</td>
</tr>
<tr>
<td>2434(c)</td>
<td>Emission Control Labels—2001 and Later Off-Road Large Spark-Ignition Engines.</td>
<td>5/12/2007</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Label content and location requirements.</td>
</tr>
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</table>

### Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 4.7 (Spark-Ignition Marine Engines)

<table>
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<tr>
<td>2442(a)(1), (a)(2), (b), (c), (d), (e), (f), (g), (h)</td>
<td>Emissions Standards</td>
<td>8/16/2009</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Model year 2001 and later model year spark-ignition personal watercraft and outboard marine engines; model year 2003 and later model year spark-ignition sterndrive/inboard marine engines; Not-to-Exceed (NTE) limits; voluntary standards; new replacement engine requirements for manufacturers; test equipment and test procedures.</td>
</tr>
<tr>
<td>2443.2(b)(1), (c)(1), (c)(2), (e)</td>
<td>Consumer/Environmental Label Requirements.</td>
<td>8/16/2009</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Label requirements for certified model year 2001 and later spark-ignition personal watercraft and outboard marine engines and certified model year 2003 and later spark-ignition sterndrive/inboard engines.</td>
</tr>
<tr>
<td>State citation</td>
<td>Title/subject</td>
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<td>Additional explanation</td>
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<tr>
<td>2444.2 ..........</td>
<td>On-Board Engine Malfunction Detection System Requirements—Model Year 2007 and Later Spark-Ignition Sterndrive/Inboard Marine Engines.</td>
<td>8/16/2009</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>General requirements; monitoring requirements; additional audio/visual alert device activation and diagnostic trouble code storage protocol; tampering protection; certification documentation; testing, standardization, and implementation schedule.</td>
</tr>
<tr>
<td>2445.1(a), (c)(1), (c)(2), (c)(3), (e)(10), (e)(11), (g)(2)(A).</td>
<td>Defects Warranty Requirements for Model Year 2001 and Later Spark-Ignition Marine Engines.</td>
<td>8/16/2009</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Warranty requirements.</td>
</tr>
</tbody>
</table>

Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 4.8 (In-Use Off-Road Diesel-Fueled Fleets)

<table>
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<tr>
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<tr>
<td>2449, excluding (d)(2) ..........</td>
<td>General Requirements for In-Use Off-Road Diesel-Fueled Fleets.</td>
<td>12/14/2011</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Applicability, definitions, performance requirements (different requirements apply to large, medium and small fleets), compliance date extension provision, labeling requirements, reporting and recordkeeping requirements. Excluded subsection relates to idling limits.</td>
</tr>
<tr>
<td>2449.1 ..........</td>
<td>Performance Requirements .</td>
<td>12/14/2011</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Establishes fleet average requirements and compliance dates, BACT provisions, credit provisions.</td>
</tr>
<tr>
<td>2449.2, excluding (f)(4) ..........</td>
<td>Surplus Off-Road Opt-In for NOx (SOON) Program.</td>
<td>12/14/2011</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Purpose is to achieve additional reductions of NOx from in-use off-road diesel-fueled vehicles beyond those achieved through implementation of the requirements in 13 CCR §§2449 and 2449.1. Applicability, definitions, requirements, SOON targets, local air district opt-in provisions.</td>
</tr>
</tbody>
</table>
## Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 5 (Portable Engine and Equipment Registration)

<table>
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<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2451</td>
<td>Applicability</td>
<td>09/12/2007</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Voluntary registration program for owners or portable engines or equipment units, with certain exceptions. If not registered under this program, the engine or equipment units shall be subject to district permitting requirements pursuant to district regulations.</td>
</tr>
<tr>
<td>2452</td>
<td>Definitions</td>
<td>09/12/2007</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Definitions that apply to the portable engine and equipment registration regulations.</td>
</tr>
<tr>
<td>2453</td>
<td>Application Process</td>
<td>09/12/2007</td>
<td>81 FR 39424, 6/16/2016</td>
<td>To be considered for registration, portable engines or equipment units must meet the requirements in article 5, including the application-related requirements in this section.</td>
</tr>
<tr>
<td>2455, excluding (a) and (b)</td>
<td>General Requirements</td>
<td>09/12/2007</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Provisions related to operation of portable engines and equipment units during emergency events; PSD notification requirements if the registered equipment unit operates at a major stationary source. Excluded subsections relate to attainment or maintenance of ambient air quality standards, nuisance, and opacity.</td>
</tr>
<tr>
<td>2456, excluding (a), (d)(3), (d)(5), and (d)(6).</td>
<td>Engine Requirements</td>
<td>09/12/2007</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Various requirements specified for different categories of engines. Excluded subsections relate to opacity limits, fuel specifications, and daily and annual mass (per engine) limits.</td>
</tr>
<tr>
<td>2458</td>
<td>Recordkeeping and Reporting</td>
<td>09/12/2007</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Recordkeeping and reporting requirements for owners of registered portable engines and equipment units.</td>
</tr>
<tr>
<td>2459</td>
<td>Notification</td>
<td>09/12/2007</td>
<td>81 FR 39424, 6/16/2016</td>
<td>In most instances, if a registered equipment unit will be at a location for more than five days, the owner or operator of that equipment must notify the district in writing.</td>
</tr>
<tr>
<td>2460</td>
<td>Inspections and Testing</td>
<td>09/12/2007</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Authorization for CARB to conduct testing both before and after registration in the program. Districts must inspect all register engines and equipment units for which the district has been designated as the home district. Test methods are specified.</td>
</tr>
</tbody>
</table>
### Table 1—EPA-Approved Statutes and State Regulations 1—Continued

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>2462</td>
<td>Duration of Registration</td>
<td>09/12/2007</td>
<td>81 FR 39424, 6/16/2016</td>
<td>Registrations and renewal are generally valid for three years from the date of issuance.</td>
</tr>
</tbody>
</table>

**Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 7 (Certification Procedures for Aftermarket Parts for Off-Road Vehicles, Engines, Equipment)**

| 2474(e), (i)(1) | Add-On Parts and Modified Parts | 08/16/2009 | 81 FR 39424, 6/16/2016 | Incorporation of procedures for exemptions of add-on and modified parts for off-road categories. |

**Title 13 (Motor Vehicles), Division 3 (Air Resources Board), Chapter 9 (Off-Road Vehicles and Engines Pollution Control Devices), Article 8 (Off-Road Airborne Toxic Control Measures)**

| 2477 | Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate | 3/7/2011 | 81 FR 39424, 6/16/2016 | Regulation applies, with certain exceptions, to owners and operators of diesel fueled TRUs and TRU generator sets used to power electrically drive refrigerated shipping containers and trailers that are operated in California; definitions; in-use performance standards; in-use compliance dates; monitoring, recordkeeping and reporting requirements; penalties. |

| 2479, excluding (e)(2) and (e)(4) | Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards | 12/31/2006 | 81 FR 39424, 6/16/2016 | Applies to any person who conducts business in California who sells, offers for sale, leases, rents, purchases, owns or operates any CI mobile cargo handling equipment that operates at any California port or intermodal rail yard. Includes exemptions, definitions, performance standards for newly purchased leased or rented equipment and in-use performance standards for non-yard truck mobile CHE, provisions for compliance extensions and alternative compliance plans, recordkeeping and reporting requirements, test methods. Excluded subsections relate to in-use performance standards for yard trucks, and fuel requirements. |

| 2479(a), (b), (c), (d), (e)(1), (e)(3), (e)(5), (f)(1), (f)(2), (f)(3), (f)(6), (h)(1), (i), (j)(1), (j)(2), (j)(3), (k), (l), (m), (o), (p), (q), (r) | Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards | 10/14/2012 | 81 FR 39424, 6/16/2016 | Amendments to exemptions, definitions, performance standards for newly purchased leased or rented equipment and in-use performance standards for non-yard truck mobile CHE, provisions for compliance extensions and alternative compliance plans, recordkeeping and reporting requirements, test methods. |
### TABLE 1—EPA-APPROVED STATUTES AND STATE REGULATIONS 1—Continued

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<tr>
<td>2485, excluding (c)(1)(A), (c)(1)(B), (c)(3)(B).</td>
<td>Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.</td>
<td>11/15/2006</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Establishes requirements to reduce emissions from idling of diesel-fueled commercial motor vehicles that operate in California with gross vehicle weight ratings greater than 10,000 pounds; exceptions; enforcement and penalty provisions; definitions. Excluded subsections relate to idling restrictions on drivers and a fuel-fired heater provision.</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<td>2775</td>
<td>Applicability</td>
<td>5/12/2007</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Applies to operators of certain off-road LSI engine forklifts, sweepers/scrubbers, industrial tow tractors or airport ground support equipment operated within the State of California. Exemptions provided for small fleets and certain other equipment. Includes definitions.</td>
</tr>
<tr>
<td>93116</td>
<td>Purpose</td>
<td>3/11/2005</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Purpose is to reduce diesel particulate matter emissions from portable diesel-fueled engines having a rated brake horsepower of 50 and greater.</td>
</tr>
<tr>
<td>93116.1</td>
<td>Applicability</td>
<td>3/11/2005</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Applies to all portable engines having a maximum rated horse horsepower of 50 bhp and greater and fueled with diesel unless exempted under (b).</td>
</tr>
<tr>
<td>93116.3, excluding (a)</td>
<td>Requirements</td>
<td>3/11/2005</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Diesel PM standards for in-use portable diesel-fueled engines; different requirements apply to such engines not permitted or registered prior to January 1, 2006; fleet requirements (for subject engines operated in California), fleet average calculation provisions. Excluded subsection relates to fuel requirements.</td>
</tr>
<tr>
<td>State citation</td>
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<tr>
<td>93116.4</td>
<td>Fleet Recordkeeping and Reporting Requirements.</td>
<td>3/11/2005</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Fleet recordkeeping and reporting requirements.</td>
</tr>
<tr>
<td>93116.5</td>
<td>Enforcement of Fleet Requirements.</td>
<td>3/11/2005</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Authority to review and seek enforcement action for violation of the fleet emission standard.</td>
</tr>
<tr>
<td>93118.3</td>
<td>Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port.</td>
<td>1/2/2009</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Applicability, exemptions, definitions, vessel in-use operational requirements, calculation procedures for certain options, terminal plan requirements, reporting and recordkeeping requirements.</td>
</tr>
<tr>
<td>93118.5, excluding (e)(1)</td>
<td>Airborne Toxic Control Measure for Commercial Harbor Craft.</td>
<td>11/19/2008</td>
<td>81 FR 39424, 6/16/2016.</td>
<td>Applicability, exemptions, definitions, engine emission requirements, alternative control provisions, recordkeeping and reporting requirements, test methods. Excluded subsection relates to the low sulfur fuel use requirement.</td>
</tr>
</tbody>
</table>

*Table 1 lists EPA-approved California statutes and regulations incorporated by reference in the applicable SIP. Table 2 of paragraph (c) lists approved California test procedures, test methods and specifications that are cited in certain regulations listed in Table 1. Approved California statutes that are nonregulatory or quasi-regulatory are listed in paragraph (e).*

<table>
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TABLE 2—EPA-APPROVED CALIFORNIA TEST PROCEDURES, TEST METHODS, AND SPECIFICATIONS—Continued

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### TABLE 2—EPA-APPROVED CALIFORNIA TEST PROCEDURES, TEST METHODS, AND SPECIFICATIONS—Continued

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§ 52.221  Classification of regions.

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

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<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Great Basin Valley Intrastate</td>
<td></td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Lake County Intrastate</td>
<td></td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Lake Tahoe Intrastate</td>
<td></td>
<td>II</td>
<td>III</td>
<td>III</td>
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<td>Metropolitan Los Angeles Intrastate</td>
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<td>Mountain Counties Intrastate</td>
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<td>I</td>
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<tr>
<td>North Central Coast Intrastate</td>
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§ 52.222  Negative declarations.

(a) The following air pollution control districts submitted negative declarations for volatile organic compound source categories to satisfy the requirements of section 182 of the Clean Air Act, as amended. The following negative declarations are approved as additional information to the State Implementation Plan.

(i) Mojave Desert Air Quality Management District.

(ii) Asphalt Air Blowing was submitted on December 20, 1994 and adopted on October 26, 1994.

(iii) Vacuum Producing Devices or Systems was submitted on December 29, 1994 and adopted on December 21, 1994.

(iv) Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation, SOCMI Reactors, SOCMI Batch Processing, Offset Lithography, Industrial Wastewater, Plastic Parts Coating (Business Machines), Plastic Parts (Other), and Ship Building were submitted on August 7, 1995 and adopted on June 28, 1995.

(v) Pneumatic Rubber Tire Manufacturing, Large Petroleum Dry Cleaners,

(vi) Petroleum Refinery Equipment, Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins, and Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment were submitted on October 22, 2010 and adopted on August 23, 2010.

(2) Sacramento Metropolitan Air Quality Management District.

(i) Plastic Parts Coating: Business Machines and Plastic Parts Coating: Other were submitted on June 6, 1996 and adopted on May 2, 1996.

(ii) Coating Operations at Aerospace Manufacturing and Rework Operations was submitted on January 12, 2012 and adopted on October 27, 2011.

(iii) Fiberglass and Boat Manufacturing Materials and Automobile and Light-Duty Truck Assembly Coatings were submitted on July 12, 2012 and adopted on March 22, 2012.

(3) Santa Barbara County Air Pollution Control District.

(i) Industrial Wastewater, Plastic Parts Coating: Business Machines, Plastic Parts Coating: Other, Industrial Cleaning Solvents, Offset Lithography, and Shipbuilding Coatings were submitted on July 12, 1996 and adopted on May 16, 1996.

(ii) Synthetic Organic Chemical Manufacturing Industry (SOCMI) Batch Processing, SOCMI Reactors, and SOCMI Distillation; and Wood Furniture Manufacturing Operations were submitted on April 9, 2002 and adopted on February 21, 2002.

(4) Placer County Air Pollution Control District.

(i) Aerospace Coatings; Industrial Waste Water Treatment; Plastic Parts Coating: Business Machines; Plastic Parts Coating: Other; Shipbuilding and Repair; Synthetic Organic Chemical Manufacturing, Batch Plants; and Synthetic Organic Chemical Manufacturing, Reactors were submitted on February 23, 1998 and adopted on October 7, 1998.

(ii)

<table>
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<tr>
<th>CTG source category</th>
<th>Negative declaration—CTG reference document</th>
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<tr>
<td>Dry Cleaning (Petroleum) ........................</td>
<td>EPA–450/3–82–009—Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners.</td>
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<tr>
<td>Large Appliances Surface Coatings. ...............</td>
<td>EPA–450/2–77–004—Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances.</td>
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<tr>
<td>Metal Furniture Coatings ........................</td>
<td>EPA–450/2–77–002—Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Surface Coating of Metal Furniture.</td>
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</table>
(iii) Submitted on April 14, 2014 and adopted on February 13, 2014.

(5) San Diego County Air Pollution Control District.

(i) Synthetic organic chemical manufacturing (distillation), synthetic organic chemical manufacturing (reactors), wood furniture, plastic parts coatings (business machines), plastic parts coatings (other), offset lithography, industrial wastewater, autobody refinishing, and volatile organic liquid storage were submitted on February 25, 1998 and adopted on October 22, 1997.

(6) Antelope Valley Air Pollution Control District.


(ii) Refinery Process Turnarounds submitted on February 16, 1999 and adopted on November 18, 1997.


(vii) Large Appliances, Surface Coating; Wood Furniture Surface Coating; Gasoline Bulk Plants, Equipment Leaks from Natural Gas/Gasoline Processing Plants; Leaks from Petroleum Refinery Equipment; Air Oxidation Processes (SOCMI); Reactor and Distillation Processes (SOCMI); Tank Truck Gasoline Loading Terminals > 76,000 L; Manufacture of Synthesized Pharmaceutical Products; Manufacture of Pneumatic Rubber Tires; Manufacture of High Density Polyethylene, Polypropylene and Polystyrene; Equipment Used in Synthetic Organic Chemical Polymers and Resin Manufacturing; Refinery Vacuum-Producing Systems, Wastewater Separators and Process Unit Turnarounds; and Magnetic Wire Coating Operations submitted on January 31, 2007 and adopted on September 19, 2006.


(7) El Dorado County Air Pollution Control District.

(i) Bulk Terminal Facilities or External or Internal Floating Roof Tank Sources was submitted on May 23, 2001 and adopted on April 3, 2003.

(ii) Control of VOC Emissions from Existing Stationary Sources, Volume VI: Surface Coating of Miscellaneous Metal Parts and Products; Control of VOC Emissions from Solvent Metal Cleaning; and Control of VOC Emissions from Existing Stationary Sources, Volume VIII: Graphic Arts—
Rotogravure and Flexography submitted on September 30, 2013 and adopted on December 11, 2012.

(iii) Control of VOC Emissions from Coating Operations at Aerospace Manufacturing and Rework; Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks; Control of Volatile Organic Emissions from Existing Stationary Sources, Volume V: Surface Coating of Large Appliances; Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Surface Coating of Metal Furniture; 61 FR 44050 Shipbuilding and Ship Repair Operations (Surface Coating); Control of Volatile Organic Emissions from Existing Stationary Sources, Volume VII: Factory Surface Coating of Flat Wood Paneling; Control of VOC Emissions from Wood Furniture Manufacturing Operations; Control of VOC Equipment Leaks from Natural Gas/Gasoline Processing Plants; Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds; Control of VOC Leaks from Petroleum Refinery Equipment; Control of VOC Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry; Control of VOC Emissions from Reactor Processes and Distillation Operations in SOCMI; Control of VOC Emissions from Storage of Petroleum Liquids in Fixed Roof Tanks; Control of VOC Emissions from Petroleum Liquid Storage in External Floating Roof Tanks; Control of VOC Emissions from Large Petroleum Dry Cleaners; Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products; Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins; Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment; and Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires were submitted on July 11, 2007 and adopted on February 6, 2007.

(8) San Joaquin Valley Unified Air Pollution Control District.


(9) Northern Sierra Air Quality Management District.

(i) Flexible Package Printing, Flat Wood Paneling Coatings, Paper, Film, and Foil Coatings, Large Appliance Coatings, Metal Furniture Coatings, Industrial Cleaning Solvents, and Offset Lithographic Printing and Letterpress Printing were submitted on August 14, 2008 and adopted on May 19, 2008.

(ii) Fiberglass Boat Manufacturing Materials, Miscellaneous Industrial Adhesives, and Automobile and Light-Duty Truck Assembly Coatings were submitted on May 17, 2011 and adopted on April 25, 2011.


(10) Ventura County Air Pollution Control District.


Environmental Protection Agency  § 52.222


(11) Feather River Air Quality Management District.

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<td>Dry Cleaning</td>
<td>EPA–450/3–82–009—Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners.</td>
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<td>Gasoline Loading Terminal</td>
<td>EPA–450/2–77–026—Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals.</td>
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<td>EPA–450/2–77–035—Control of Volatile Organic Emissions from Gasoline Bulk Plants.</td>
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<td>Graphic Arts Rotogravure and Flexography.</td>
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<td>Magnet Wire Coating</td>
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<td>Metal Can Coating; Metal Coil Coating.</td>
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<td>Metal Parts and Products</td>
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<td>EPA–450/2–83–007—Control of VOC Equipment Leaks from Natural Gas/Gasoline Processing Plants.</td>
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(12) Imperial County Air Pollution Control District. (1)

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<td>Aerospace</td>
<td>EPA–453/R–97–004, Aerospace CTG and MACT.</td>
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(b) The following air pollution control districts submitted negative declarations for oxides of nitrogen source categories to satisfy the requirements of section 182 of the Clean Air Act, as amended. The following negative declarations are approved as additional information to the State Implementation Plan.

<table>
<thead>
<tr>
<th>CTG Source category</th>
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<td>Graphic Arts—Rotogravure and Flexography</td>
<td>EPA–450/2–78–033, Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Graphic Arts—Rotogravure and Flexography.</td>
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<td>EPA–450/3–82–009, Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners.</td>
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<tr>
<td>Miscellaneous Metal and Plastic Parts Coatings</td>
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<td>EPA–450/2–78–015, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume IV: Surface Coating of Miscellaneous Metal Parts and Products.</td>
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</table>
(1) Sacramento Metropolitan Air Quality Management District.
   (i) Nitric and Adipic Acid Manufacturing Plants, Utility Boilers, Cement Manufacturing Plants, Glass Manufacturing Plants, and Iron and Steel Manufacturing Plants were submitted on March 4, 1996, and adopted on August 3, 1995.

(2) San Joaquin Valley Unified Air Pollution Control District.
   (i) Nitric and Adipic Acid Manufacturing Plants, Cement Manufacturing Plants, Asphalt Batch Plants, Iron and Steel Manufacturing Plants, and Driers were submitted on October 17, 1994 and adopted on September 14, 1994.

(3) Placer County Air Pollution Control District.
   (i) Nitric and Adipic Acid Manufacturing Plants, Utility Boilers, Cement Manufacturing Plants, Glass Manufacturing Plants, and Iron and Steel Manufacturing Plants were submitted on February 25, 1998 and adopted on October 9, 1997.

(4) Antelope Valley Air Pollution Control District.

[60 FR 47076, Sept. 11, 1995] Editorial Note: For Federal Register citations affecting §52.222, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§52.223 Approval status.
(a) With the exceptions set forth in this subpart, the Administrator approves California’s plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act.
(b) With the exceptions set forth in this subpart, the Administrator approves the plan with respect to Part D, Title I of the Clean Air Act, as amended in 1977, for the nonattainment areas listed in this paragraph. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the State Implementation Plan (SIP) depends on the adoption and submittal of reasonably available control technology (RACT) requirements by July 1, 1980, for sources covered by Control Technique Guidelines (CTGs) issued 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.
   (1) Imperial County for O₃.
   (2) North Central Coast Air Basin for O₃.
   (3) South Coast Air Basin for O₃, CO, NOₓ, and PM.
   (4) San Diego Air Basin for O₃, CO, and TSP.
   (5) San Joaquin Valley Air Basin.
      (i) Kern County nonattainment area for ozone, CO, SO₂, and PM.
      (ii) Kings County for O₃ and TSP.
      (iii) Madera County for O₃ and TSP.
      (iv) Merced County for O₃ and TSP.
      (v) San Joaquin County for CO, O₃, and TSP.
      (vi) Stanislaus County for CO, O₃, and TSP.
      (vii) Tulare County for O₃ and TSP.
      (viii) Fresno County for O₃, CO, and TSP.
   (6) South Central Coast Air Basin.
      (i) Santa Barbara County nonattainment area for O₃, CO and TSP.
      (ii) Ventura County for O₃, CO and TSP.
   (7) Sacramento Valley Air Basin.
      (i) Butte County for O₃ and CO.
      (ii) Sutter County for O₃.
      (iii) Yuba County for O₃.
      (iv) Sacramento AQMA for O₃.
      (v) Sacramento County Metropolitan Area for CO.
   (8) Southeast Desert Air Basin.
      (i) Los Angeles County for Ozone.
      (ii) San Bernardino County for Ozone.
      (iii) Riverside County for Ozone.
   (9) San Francisco Bay Area Air Basin for O₃, CO and TSP.
   (10) Mountain Counties Air Basin.
      (i) El Dorado County (Mountain Counties Air Basin portion) for O₃.
      (ii) Placer County (Mid-County portion) for O₃.
      (c) [Reserved]
(d) With the exceptions set forth in this subpart, the Administrator approves the plan with respect to Part D,
Environmental Protection Agency § 52.223

Title I of the Clean Air Act, as amended in 1977, for the nonattainment areas listed in this paragraph.

(1) Lake Tahoe Basin for CO.

(2) EPA approves the CO plan for the Lake Tahoe Basin as meeting the requirements of Part D. This approval includes the resolution of the Lake Tahoe Regional Planning Agency banning new source construction pending the adoption of a new regional plan and ordinances. However, EPA disapproves the plan for any future time during which the Tahoe Regional Planning Agency may remove its construction ban prior to EPA approval of the new regional plan and ordinances.

(e) The Administrator approves the following portions of the 1999 Ozone Attainment Plan for the San Francisco Bay Area submitted by the California Air Resources Board on August 13, 1999: the 1995 baseline emissions inventory, the reasonable further progress demonstration, and the deletion of transportation control measures #6 and #16.

(f)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in North Coast Unified Air Quality Management District’s approved plan 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$_2$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$_2$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$_2$e; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO$_2$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$_2$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$_2$ equivalent emissions (CO$_2$e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(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$_2$e.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in the EPA-approved North Coast Unified Air Quality Management District rules at R1–1–130(s2)) and a significant net emissions increase (as defined in the North Coast Unified Air Quality Management District rules at R1–1–130(n1)) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO$_2$e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and “significant” is defined as 75,000 tpy CO$_2$e instead of applying the value in the EPA-approved North Coast Unified Air Quality Management District rules at R1–1–130(s2).

(g)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in Northern Sonoma County Air Pollution Control District’s approved plan apply to stationary sources of greenhouse gas (GHGs) emissions,
§ 52.233 40 CFR Ch. I (7–1–16 Edition)

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\textsubscript{2}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\textsubscript{2}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\textsubscript{2}e; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO\textsubscript{2}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\textsubscript{2}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\textsubscript{2} equivalent emissions (CO\textsubscript{2}e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(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)(i)(A) of this section for each gas to compute a tpy CO\textsubscript{2}e.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in the EPA-approved Northern Sonoma County Air Pollution Control District rules at R1–1–130(s2)) and a significant net emissions increase (as defined in the Northern Sonoma County Air Pollution Control District rules at R1–1–130(n1)) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO\textsubscript{2}e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and “significant” is defined as 75,000 tpy CO\textsubscript{2}e instead of applying the value in the EPA-approved Northern Sonoma County Air Pollution Control District rules at R1–1–130(s2).

(h)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in Mendocino County Air Quality Management District’s approved plan 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\textsubscript{2}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 “significant” is defined as 75,000 tpy CO\textsubscript{2}e instead of applying the value in the EPA-approved Northern Sonoma County Air Pollution Control District rules at R1–1–130(s2).
will result in an emissions increase of 75,000 tpy CO\textsubscript{2}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\textsubscript{2} equivalent emissions (CO\textsubscript{2}e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(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\textsubscript{2}e.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in the EPA-approved Mendocino County Air Quality Management District rules at R1–1–130(s2)) and a significant net emissions increase (as defined in the Mendocino County Air Quality Management District rules at R1–1–130(m1) (1982)) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO\textsubscript{2}e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and “significant” is defined as 75,000 tpy CO\textsubscript{2}e instead of applying the value in the EPA-approved Mendocino County Air Quality Management District rules at R1–1–130(a2) (2007) as applying to each of the six greenhouse gases.

(j) 1997 ozone NAAQS: The 2007 Infrastructure SIP, submitted on November 16, 2007, and the 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, are partially disapproved for specific requirements of Clean Air Act section 110(a)(2) for the 1997 8-hour ozone NAAQS for the Air Pollution Control Districts (APCDs), Air Quality Management Districts (AQMDs), or Air Quality Control Regions (AQCRs) listed in this paragraph.

(1) Mendocino County AQMD (PSD requirements for a baseline date for PM\textsubscript{2.5} increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(2) Mendocino County AQMD (PSD requirements for a baseline date for PM\textsubscript{2.5} increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(3) North Coast Unified AQMD (PSD requirements for the regulation of PM\textsubscript{2.5}, PM\textsubscript{2.5} precursors, condensable PM\textsubscript{2.5}, PM\textsubscript{2.5} increments, and NO\textsubscript{X} as an ozone precursor, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(4) Northern Sonoma County APCD (PSD requirements for a baseline date for PM\textsubscript{2.5} increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(5) All areas in California that are subject to the Federal PSD program as provided in 40 CFR §52.270 for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J), except for South Coast AQMD where the Federal PSD program applies to greenhouse gases, only.

(6) All areas in California that are subject to the Federal PSD program as provided in 40 CFR §52.270 for sections 110(a)(2)(D)(ii) (with respect to section 126(a), only).

(7) Mountain Counties AQCR (El Dorado County, only) for section 110(a)(2)(G).

(j) 1997 PM\textsubscript{2.5} NAAQS: The 2007 Infrastructure SIP, submitted on November 16, 2007, and the 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, are partially disapproved for specific requirements of Clean Air Act section 110(a)(2) for the 1997 PM\textsubscript{2.5} NAAQS for the Air Pollution Control Districts (APCDs), Air Quality Management Districts (AQMDs), or Air Quality Control Regions (AQCRs) listed in this paragraph.

(1) Mendocino County AQMD (PSD requirements for a baseline date for PM\textsubscript{2.5} increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).
§ 52.223

(2) North Coast Unified AQMD (PSD requirements for the regulation of PM$_{2.5}$, PM$_{2.5}$ precursors, condensable PM$_{2.5}$, PM$_{2.5}$ increments, and NO$_x$ as an ozone precursor, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(3) Northern Sonoma County APCD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(4) All areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J), except for South Coast AQMD where the Federal PSD program applies to greenhouse gases, only.

(5) All areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(D)(ii) (with respect to section 126(a), only).

(6) San Joaquin Valley Mountain Counties AQCR for section 110(a)(2)(G).

(k) 2006 PM$_{2.5}$ NAAQS: The 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, is partially disapproved for specific requirements of Clean Air Act section 110(a)(2) for the 2006 PM$_{2.5}$ NAAQS for the Air Pollution Control Districts (APCDs), Air Quality Management Districts (AQMDs), or Air Quality Control Regions (AQCRs) listed in this paragraph.

(1) San Joaquin Valley APCD (Bakersfield Metropolitan Statistical Area (MSA), only) for section 110(a)(2)(B).

(2) Mendocino County AQMD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(3) Northern Sonoma County APCD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(4) All areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).
significant deterioration of air quality, only), and (J).

(5) All areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J), except for South Coast AQMD where the Federal PSD program applies to greenhouse gases, only.

(6) All areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(D)(ii) (with respect to section 126(a), only).

(7) Mountain Counties AQCR (El Dorado County, only) for section 110(a)(2)(C).

(m) 2008 Pb NAAQS: The 2011 Pb Infrastructure SIP, submitted on September 22, 2011, and the 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, are partially disapproved for specific requirements of Clean Air Act section 110(a)(2) for the 2008 Pb NAAQS for the Air Pollution Control Districts (APCDs), Air Quality Management Districts (AQMDs), or Air Quality Control Regions (AQCRs) listed in this paragraph.

(1) Mendocino County AQMD (PSD requirements for a baseline date for PM\(_{2.5}\) increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(2) North Coast Unified AQMD (PSD requirements for the regulation of PM\(_{2.5}\), PM\(_{2.5}\) precursors, condensable PM\(_{2.5}\), PM\(_{2.5}\) increments, and NO\(_x\) as an ozone precursor, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(3) Northern Sonoma County APCD (PSD requirements for a baseline date for PM\(_{2.5}\) increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(4) All areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J), except for South Coast AQMD where the Federal PSD program applies to greenhouse gases, only.

(5) All areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(D)(ii) (with respect to section 126(a), only).

(n) 2010 NO\(_x\) NAAQS: The 2012 NO\(_x\) Infrastructure SIP, submitted on November 15, 2012, and the 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, are partially disapproved for specific requirements of Clean Air Act section 110(a)(2) for the 2010 NO\(_x\) NAAQS for the Air Pollution Control Districts (APCDs), Air Quality Management Districts (AQMDs), or Air Quality Control Regions (AQCRs) listed in this paragraph.

(1) Mendocino County AQMD (PSD requirements for a baseline date for PM\(_{2.5}\) increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(2) North Coast Unified AQMD (PSD requirements for the regulation of PM\(_{2.5}\), PM\(_{2.5}\) precursors, condensable PM\(_{2.5}\), PM\(_{2.5}\) increments, and NO\(_x\) as an ozone precursor, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(3) Northern Sonoma County APCD (PSD requirements for a baseline date for PM\(_{2.5}\) increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(4) All areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J), except for South Coast AQMD where the Federal PSD program applies to greenhouse gases, only.

(5) All areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(D)(ii) (with respect to section 126(a), only).
(o) 2010 SO\textsubscript{2} NAAQS: The 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, is partially disapproved for specific requirements of Clean Air Act section 110(a)(2) for the 2010 SO\textsubscript{2} NAAQS for the Air Pollution Control Districts (APCDs), Air Quality Management Districts (AQMDs), or Air Quality Control Regions (AQCRs) listed in this paragraph.

(1) Mendocino County AQMD (PSD requirements for a baseline date for PM\textsubscript{2.5} increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(2) North Coast Unified AQMD (PSD requirements for the regulation of PM\textsubscript{2.5}, PM\textsubscript{2.5} precursors, condensable PM\textsubscript{2.5}, PM\textsubscript{2.5} increments, and NO\textsubscript{X} as an ozone precursor, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(3) Northern Sonoma County APCD (PSD requirements for a baseline date for PM\textsubscript{2.5} increments, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(4) All areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J), except for South Coast AQMD where the Federal PSD program applies to greenhouse gases, only.

§ 52.224 General requirements.

(a) The requirements of §51.116(c) of this chapter are not met except in certain Air Pollution Control Districts (APCD) as indicated in this paragraph since the plan does not provide procedures by which emission data, as correlated with applicable emission limitations, will be made available to the public.

(1) The following APCD’s meet the requirements of §51.116(c) of this chapter:

(i) Siskiyou County APCD.

(ii) San Diego County APCD.

(iii) Great Basin Unified APCD.

(iv) Del Norte County APCD.

(v) Humboldt County APCD.

(vi) Mendocino County APCD.

(vii) Northern Sonoma County APCD.

(viii) Trinity County APCD.

(ix) Amador County APCD.

(2) The following APCD’s do not provide for the correlation of emission data with applicable emission limitations as required by §51.116(c) of this chapter. In these APCD’s, only the requirements of §52.224(b)(4) are in effect:

(i) Merced County APCD.

(ii) Stanislaus County APCD.

(iii) Fresno County APCD.

(iv) Calaveras County APCD.

(v) Tuolumne County APCD.

(vi) San Joaquin County APCD.

(vii) Mariposa County APCD.

(viii) Tulare County APCD.

(ix) Kern County APCD.

(x) Madera County APCD.

(xi) Yolo-Solano APCD.

(xii) Sutter County APCD.

(xiii) Glenn County APCD.

(xiv) Tehama County APCD.

(xv) Sierra County APCD.

(xvi) Shasta County APCD.

(xvii) Sacramento County APCD.

(xviii)–(xxix) [Reserved]

(xx) Lake County APCD.

(xxi) Imperial County APCD.

(xxii) [Reserved]

(xxiii) Ventura County APCD.

(xxiv) Monterey Bay Unified APCD.

(xxv) [Reserved]

(xxvi) San Luis Obispo County APCD.

(xxvii) Kings County APCD.

(xxviii) Plumas County APCD.

(xxix) Nevada County APCD.

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

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

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

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

(c) The deletion of the following rules or portions of rules is disapproved, since these regulations are necessary to fulfill the requirements of 40 CFR 51.116(c).

(1) Northcoast intrastate region:
   (i) Lake County APCD.
   (A) Section 49a, Public Records, and Section 49b, Record, of Part III, Definitions; and Part II, Authorization and Disclosure, submitted on October 23, 1974 and previously approved under 40 CFR 52.223, are retained.

[40 FR 55328, Nov. 28, 1975]

EDITORIAL NOTE: For Federal Register citations affecting §52.224, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.225 Legal authority.

(a) [Reserved]

(b) The requirements of §51.230(f) of this chapter are not met since authority to make emission data available to the public inadequate. Such release is precluded under certain circumstances.


§ 52.226 Control strategy and regulations: Particulate matter, San Joaquin Valley and Mountain Counties Intrastate Regions.

(a) [Reserved]

(b) The following regulatory changes represent a relaxation of previously submitted regulations and an adequate control strategy has not been submitted showing that the relaxation will not interfere with attainment and maintenance of the National Ambient Air Quality Standards for particulate matter:

(1) Kings County APCD.
   (i) Rule 405, Process Weight, submitted on July 25, 1973 is disapproved; and Rule 405, submitted on June 30, 1972, and previously approved in 40 CFR 52.223 is retained.
   (ii) Rule 407.1, Disposal of Solid and Liquid Wastes, submitted on November 4, 1977, is disapproved; and Rule 407.1, Disposal of Solid and Liquid Wastes, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 is retained.

(2) Calaveras County APCD.
   (i) The revocation of Rule 407(b), Combustion Contaminants, is disapproved; and Rule 407(b), submitted on
June 30, 1972, and previously approved in 40 CFR 52.223 is retained.

(ii) The revocation of Rule 408, Fuel Burning Equipment, is disapproved; and Rule 408, submitted on June 30, 1972, and previously approved in 40 CFR 52.223 is retained.

(iii) The addition of Rule 209, Fossil Fuel-Steam Generator Facility, is disapproved; and Rule 408, submitted on June 30, 1972, and previously approved in 40 CFR 52.223 is retained.

(iv) Rule 209, Fossil Fuel-Steam Generator Facility, submitted on July 22, 1975, is disapproved; and Rule 408, submitted on June 30, 1972, and previously approved in 40 CFR 52.223 are retained.

(v) Rule 207, Particulate Matter, submitted on July 22, 1975, is disapproved; and Rules 404 and 407(b), submitted on June 30, 1972 and previously approved in 40 CFR 52.223 are retained.

(vi) Rule 207, Particulate Matter, submitted on February 10, 1977, is disapproved and the previously approved Rules 404 and 407(b), submitted on June 30, 1972, remain in effect.

(vii) Rule 209, Fossil Fuel-Steam Generator Facility, submitted on February 10, 1977, is disapproved and the previously approved Rule 408, submitted on June 30, 1972, remains in effect.

(viii) Rule 209, Fossil Fuel-Steam Generator Facility, submitted on January 10, 1975, is disapproved; and Rule 405, submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(ix) Rule 209, Fossil Fuel-Steam Generator Facility, submitted on January 10, 1975, is disapproved; and Rule 405, submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(x) Rule 405, Process Weight, submitted on January 10, 1975 is disapproved; and Rule 405, submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xi) Rule 407, Disposal of Solid or Liquid Wastes, submitted on July 22, 1975, is disapproved; and Rule 407.1, submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xii) Rule 407, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and Rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xiii) Rule 405, Process Weight, submitted on August 2, 1976 is disapproved; and Rule 405, submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xiv) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on July 22, 1975, is disapproved; and Rule 407.1, submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xv) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and Rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xvi) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and Rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xvii) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and Rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xviii) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and Rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xix) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and Rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xx) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and Rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xxi) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and Rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xxii) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and Rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(xxiii) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and Rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.
(4) South Coast AQMD.
   (i) Rule 401(b) submitted on August 15, 1980.

(c) The rescission by the Southern California APCD of the following rules, which were previously approved in the May 31, 1972 (37 FR 10850) and September 22, 1972 (37 FR 19813) Federal Register issues, is disapproved since adequate replacement rules have not been submitted and no analysis has been presented to show that this rescission will not interfere with the attainment and maintenance of the NAAQS for particulate matter as required by section 110 of the Clean Air Act. In addition, the following rules, as submitted in June 1972 and approved for the SIP, remain federally enforceable:

(1) Los Angeles County APCD.
   (i) Regulation IV, Rule 52 Particulate Matter—Concentration.
   (ii) Regulation IV, Rule 58 Disposal of Solid and Liquid Wastes.
(2) San Bernardino County APCD.
   (i) Regulation IV, Rule 52A Particulate Matter—Concentration.
   (ii) Regulation IV, Rule 58A Disposal of Solid and Liquid Wastes.
(3) Riverside County APCD.
   (i) Regulation IV, Rule 52 Particulate Matter—Concentration.
   (ii) Regulation IV, Rule 58 Disposal of Solid and Liquid Wastes.

§ 52.228 Regulations: Particulate matter, Southeast Desert Intrastate Region.

(a) The following regulations are disapproved since they are not part of the approved control strategy and do not provide for the degree of control needed for the attainment and maintenance of the national standards for particulate matter in the Southeast Desert Intrastate Region.

(1) Imperial County Air Pollution Control District:
   (i) Rule 114A.
   (ii) Rule 116A.
(2) Los Angeles County Air Pollution Control District:
   (i) Regulation IV, Rule 404 Particulate Matter-Concentration, and Rule 473, Disposal of Solid and Liquid Wastes, submitted on June 6, 1977 are disapproved. Rules 52 and 58, titled as above, respectively, and submitted on June 30, 1972 and previously approved under 40 CFR 52.223 are retained.
   (ii) Los Angeles County Air Pollution Control District.
      (A) Regulation IV, Rule 404 Particulate Matter-Concentration, and Rule 473, Disposal of Solid and Liquid Wastes, submitted on June 6, 1977 are disapproved. Rules 52 and 58, titled as above, respectively, and submitted on June 30, 1972 and previously approved under 40 CFR 52.223 are retained.
   (iii) Riverside County Air Pollution Control District.


419
§ 52.229 Control strategy and regulations: Photochemical oxidants (hydrocarbons), Metropolitan Los Angeles Intrastate Region.

(a) [Reserved]

(b) The following rules are disapproved because they would result in a relaxation of control requirements contained in the presently approved State Implementation Plan, and no analysis has been presented to show that this relaxation will not interfere with the attainment and maintenance of NAAQS for photochemical oxidants (hydrocarbons) as required by section 110 of the Clean Air Act.

(1) Southern California APCD.

(2) South Coast Air Quality Management District.
   (i) Regulation IV, Rule 461 Gasoline Transfer and Dispensing, submitted on June 6, 1977. The version of this rule by the same number and title submitted on April 21, 1976 and approved under 40 CFR 52.223 is retained.
   (iii) Rule 1113, Architectural Coatings, adopted on August 2, 1985 and submitted to EPA on November 12, 1985. The version of this rule by the same number and title submitted on July 10, 1984 and approved by EPA on January 24, 1985 is retained.

(c) The rescission by the Southern California APCD of the following rules, which were previously approved in the September 22, 1972 (37 FR 1983), are not met since the plan does not provide for the degree of nitro-

§ 52.230 Control strategy and regulations: Nitrogen dioxide.

(a) The requirements of §52.14(c)(3) of this chapter as of September 22, 1972 (47 FR 1983), are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through application of reasonably available control technology in the Metropolitan Los Angeles Intrastate Region. Therefore, Rule 68.b of the Orange County Air Pollution Control District is disapproved.

(b) The following rules are disapproved since they are not part of the approved control strategy and do not provide for the degree of control necessary for the attainment and maintenance of NAAQS for nitrogen dioxide in the Metropolitan Los Angeles Intrastate AQCR:


(c) The rescission by the Southern California APCD of the following rules is disapproved since adequate replacement rules have not been submitted and no analysis has been presented to show that this rescission will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards as required by section 110 of the Clean Air Act. In addition, the following rules, as submitted in June 1972 and approved for the SIP, remain federally enforceable:

(1) Orange County APCD, Regulation IV, Rule 68, Fuel Burning Equipment—NOx.
§ 52.232 Regulations: Sulfur oxides.

(a) [Reserved]

(b) The deletion of the following rules or portions of rules is disapproved, since an adequate control strategy demonstration has not been submitted indicating that the deletions of the control requirements contained in those rules would not interfere with the attainment or maintenance of the National Ambient Air Quality Standard for Sulfur Oxides.

(1) Lake County Intrastate Region.
   (i) Lake County, APCD.
   (A) Section 3(F), Sulfur of Part V, Prohibitions and Standards, submitted on October 23, 1974, and previously approved under 40 CFR 52.223, is retained as applicable to sources other than sulfur recovery units.

(2) North Central Coast Air Basin for ozone.
   (i) By May 7, 1981, the NSR rules must be revised and submitted as an SIP revision. The rules must satisfy section 173 and 40 CFR 51.18, “Review of new sources and modifications.” In revising the Monterey Bay Unified APCD’s NSR rules, the State/APCD must address (a) the NSR rules must be revised and submitted as an SIP revision. The rules must satisfy section 173 and 40 CFR 51.18, “Review of new sources and modifications.” In revising the Monterey Bay Unified APCD’s NSR rules, the State/APCD must address (a) any new requirements in EPA’s amended regulations for NSR under section 173 of the Clean Air Act (August 7, 1980, 45 FR 52376) which the APCD rules do not now satisfy and (b) those deficiencies with respect to the September 5, 1979 notice cited in EPA’s Evaluation Report Addendum (contained in Document File NAP–CA–14 at the EPA Library in Washington, DC and the Region IX office).
   (ii) By March 4, 1981, one of the following must be submitted as an SIP revision: (a) Adequate justification that the cutback asphalt rule represents RACT, (b) amendment of the cutback asphalt rule to conform with the controls recommended in the CTG document for cutback asphalt, or (c) adequate documentation that the cutback asphalt rule will result in emission reductions which are within 5 percent of the reductions achievable with the controls recommended in the cutback asphalt CTG document.

(3) South Coast Air Basin.
   (i)(A) By May 7, 1981, the NSR rules must be revised and submitted as an SIP revision. The rules must satisfy section 173 and 40 CFR 51.18, “Review of new sources and modifications.” In revising the South Coast AQMD’s NSR rules, the State/AQMD must address (1) any new requirements in EPA’s amended regulations for NSR under section 173 of the Clean Air Act (August 7, 1980, 45 FR 52376) which the APCD rules do not now satisfy and (2) those deficiencies cited in EPA’s Evaluation Report Addendum (contained in Document File NAP–CA–9 at the EPA Library in Washington, DC and the Region IX office).
   (ii) By January 1, 1981, a cutback asphalt rule which reflects reasonably available control technology (RACT) must be submitted as an SIP revision.

(4) San Diego Air Basin.
   (i) For ozone, CO, TSP, and NO₂:
§ 52.232  40 CFR Ch. I (7–1–16 Edition)

(A) By May 7, 1981, the NSR rules submitted on March 17, 1980 must be revised and submitted as an SIP revision. In revising the NSR rules, the State/APCD must address (1) any new requirements in EPA's amended regulations for NSR under section 173 of the Clean Air Act (May 13, 1980, 45 FR 31307; and August 7, 1980, 45 FR 52676) which the APCD rules do not currently satisfy and (2) the deficiencies cited in EPA's Evaluation Report Addendum which still apply despite EPA's new NSR requirements. The Evaluation Report Addendum is contained in document file NAP–CA–19 and available at the EPA Region IX Office and the EPA Library in Washington, DC.

(i) For PM:
(A) By November 19, 1981, the NSR rules must be revised and submitted as an SIP revision. The rules must satisfy section 173 of the Clean Air Act and 40 CFR Subpart I, “Review of new sources and modifications.” In revising Kern County's NSR rules, the State/APCD must address all the requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the APCD rules do not currently satisfy including those deficiencies cited in EPA's Evaluation Report Addendum which still apply despite EPA's new NSR requirements (contained in document File NAP–CA–07 at the EPA Library in Washington, DC and the Regional Office).

(ii) [Reserved]

(6) [Reserved]

(7) San Francisco Bay Area Air Basin.

(i) For ozone and CO:
(A) By June 17, 1982, submittal of implementation commitments and schedules and additional commitments to provide annually the financial and personnel resources necessary to carry out the plan for transportation sources.

(6) [Reserved]

(9) The Santa Barbara County non-attainment areas.

(i) For O₃, TSP, and CO by (90 days from the date of publication of this notice).

(A) The new source review (NSR) rules must be revised to meet the requirements in EPA's amended regulations for NSR under section 173 of the Clean Air Act (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) and submitted as an SIP revision.

(ii) For O₃ by (90 days from the date of publication of this notice), a revised cutback asphalt paving materials rule which does not allow for indefinite compliance date extensions and submitted as an SIP revision.

(10)–(11) [Reserved]

(12) Butte, Sutter and Yuba County APCDs.

(i) For Ozone:
(A) By August 2, 1982, the NSR rules for the counties discussed in this notice must be revised to meet the requirements in EPA’s amended regulations for NSR under section 173 of the Clean Air Act (May 13, 1980, 45 FR 31307 and August 7, 1980, 45 FR 52676).

(13) Los Angeles and Riverside portions of the Southeast Desert Air Basin.

(i) For Ozone:
(A) By August 9, 1982, the new source review rules for the three county areas must be revised to meet the requirements in EPA’s amended regulations under section 173 (May 13, 1980, (45 FR 31307), August 7, 1980, (45 FR 52676), and October 14, 1981, (46 FR 50766)).

(B) By August 9, 1982, the State must provide adopted regulations for degreasing operations in the Los Angeles County portion of the SEDAB which represent RACT.

(14)–(15) [Reserved]

(16) San Bernardino County portion of the Southeast Desert Air Basin.

(i) For ozone:
(A) By October 30, 1985, the NSR rules must be revised to meet the requirements in EPA’s amended regulations for NSR under section 173 of the Clean Air Act (May 13, 1980 (45 FR 31307), August 7, 1980, (45 FR 52676), and October 14, 1981 (46 FR 50766)).

(17) Yolo and Solano Counties.

(i) For ozone and CO in those portions of Yolo and Solano Counties that are part of the Sacramento Metropolitan Area:
(A) By October 30, 1985, the NSR rules must be revised to meet the requirements in EPA’s amended regulations for NSR under section 173 of the Clean
§ 52.233 Review of new sources and modifications.

(a) The following regulations are disapproved because they are not consistent with Clean Air Act requirements.

(1) Imperial County APCD.
   (i) Subparagraph C.5. of Rule 207, Standards for Permit to Construct, submitted March 17, 1980.

(2) Monterey Bay Unified APCD.
   (i) Subparagraph B.5. of Rule 207, Standards for Permit to Construct, submitted March 17, 1980.

(3) South Coast AQMD.
   (i) In Rule 1306(a)(I), submitted on April 3, 1980, sentence 3 is disapproved.
   (ii) In Rule 1306(d)(I)(B)(II), submitted on April 3, 1980, the following portion of the rule is disapproved: “Which have occurred during the highest three years of the last five year period, divided by three, provided the applicant demonstrates that such permit units have been operated at least 90 days during each of such three years.”
   (iii) In Rule 1307(a) submitted on April 3, 1980, the following portion of the rule is disapproved: “Greater than 68 kilograms (150 pounds) per day except carbon monoxide, for which the value is an increase greater than 340 kilograms (750 pounds) per day.”

(4) Kern County APCD.
   (i) Those portions of paragraph (3)(E) of Rule 210.1, submitted on April 15, 1980, which allow new sources and modifications to be exempt from LAER.

(b) [Reserved]

(c) The requirements of §51.160(a) of this chapter are not met in the following Air Pollution Control Districts since the regulations of the APCD’s do not provide the means to prevent construction of sources which would violate applicable portions of the control strategy or would interfere with the attainment or maintenance of a national standard.

(1) Mariposa County APCD.
(2) Santa Barbara County APCD.

(d) The requirements of §51.160(a) of this chapter are not met in the following Air Pollution Control Districts since the regulations of the APCD’s do not include a means to prevent construction or modification if such construction or modification would interfere with the attainment or maintenance of a national standard.

(1) Amador County APCD.
(2) Calaveras County APCD.
(3) El Dorado County APCD (Mountains Counties Intrastate portion).
(4) [Reserved]
(5) Glenn County APCD.
(6) Humboldt County APCD.
(7)- (8) [Reserved]
(9) Lake County APCD.
(10) Lassen County APCD.
(11) [Reserved]
(12) Mendocino County APCD.
(13) [Reserved]
(14) Modoc County APCD.
(15) Monterey Bay Unified APCD.
(16) Nevada County APCD.
(17) Northern Sonoma County APCD.
(18) [Reserved]
(19) Plumas County APCD.
(20) [Reserved]
(21) Shasta County APCD.
(22) Sierra County APCD.
(23) Siskiyou County APCD.
(24) [Reserved]
(25) Sutter County APCD.
(26) [Reserved]
(27) Tuolumne County APCD.
(e) [Reserved]
(f) Regulation for review of new sources and modifications. (1) The requirements of this paragraph are applicable to:
(i) Any stationary source in the APCD's listed below, the construction or modification of which is commenced after the effective date of this regulation:
(a) Mariposa County APCD.
(b) [Reserved]
(c) Santa Barbara County APCD.
(ii) Any stationary source subject to the requirements of §§ 52.226(c), 52.227(c), 52.228(b), or 52.230(b), the construction or modification of which is commenced after the effective date of this regulation.
(2) No owner or operator shall commence construction or modification of a stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.
(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.
(ii) A separate application is required for each source.
(iii) Each application shall be signed by the applicant.
(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.
(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.
(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:
(i) The source will be operated without causing a violation of any local, State, or Federal regulations which are part of the applicable plan.
(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.
(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (f)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.
(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:
(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.
(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and
(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.
(iii) A copy of the notice required pursuant to this paragraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.
(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.
(v) The Administrator shall take final action on the application within
Environmental Protection Agency § 52.233

thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (f)(4)(ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date or initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator’s satisfaction that the source is being operated in compliance with all local, State and Federal regulations which are part of the applicable plan.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 grain H2S per 100 std ft3 (5.7 g/100 std m3); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify shall not relieve any person of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

(11) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who
§ 52.233

commences construction or modification without applying for any receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(g) Regulation for review of new sources and modifications. (1) The requirements of this paragraph are applicable to any stationary source in the APCD’s listed below, the construction or modification of which is commenced after the effective date of this regulation.

(i) Amador County APCD.
(ii) Calaveras County APCD.
(iii) El Dorado County APCD (Mountain Counties Intrastate portion).
(iv) [Reserved]
(v) Glenn County APCD.
(vi) Humboldt County APCD.
(vii)–(viii) [Reserved]
(ix) Lassen County APCD.
(x) Madera County APCD.
(xi) Mendocino County APCD.
(xii) Merced County APCD.
(xiii) Modoc County APCD.
(xiv) Monterey Bay Unified APCD.
(xv) Nevada County APCD.
(xvi) [Reserved]
(xvii) Plumas County APCD.
(xviii) San Joaquin County APCD.
(xix) Shasta County APCD.
(xx) Sierra County APCD.
(xxii) Siskiyou County APCD.
(xxiii) Stanislaus County APCD.
(xxiii) Sutter County APCD.
(xxiv) Tulare County APCD.
(xxv) Tuolumne County APCD.

(2) No owner or operator shall commence construction or modification of any new source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (g)(3) of this section.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (g)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

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

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator’s preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the
Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (g)(4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(h)–(i) [Reserved]

(j) Delegation of authority. (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to this section in accordance with paragraphs (j) (2), (3), and (4) of this section.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraphs (f)(4)(iii) and (g)(4)(iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraphs (f)(4)(iii) and (g)(4)(iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

(5) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutant recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(8) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.
been delegated to a state or local agency pursuant to this paragraph.

(4) The Administrator’s authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (j) (2), (3), and (4) of this section.

(k) Conditions on steam production. (1) Notwithstanding any provisions to the contrary in the California State Implementation Plan, the Watson petroleum refinery owned by Atlantic Richfield Company, located at 1801 East Sepulveda Boulevard, Carson, California, shall operate under the following conditions listed in paragraphs (k)(2) through (6) of this section.

(2) The total steam load comprised of the steam purchased from Watson Energy Systems and the amount generated by boilers #31, #32, #42, #51, and #52 at the ARCO Watson Refinery shall not exceed 1,355,000 pounds per hour at 680 °F, 600 psig.

(3) Continuous written records of steam purchased from Watson Energy Systems and of the steam produced by boilers #31, #42, #51, or #52 at the ARCO Watson Refinery, during receipt of steam from Watson Energy Systems, shall be maintained and made available for inspection by the EPA and the South Coast Air Quality Management District. These records shall be kept in terms of pounds per hour of steam at 680 °F, 600 psig.

(4) The steam purchased from the Watson Energy Systems facility shall use a “first-on, last-off” source of steam for the ARCO Watson Refinery, except for steam produced by waste heat or as part of the refining process, or as required to maintain fired boilers in service for emergency use.

(5) Any proposed changes in equipment or fuel that would increase the oil fired steam generating capacity or decrease oil fired steam generating efficiency of boilers #31, #32, #33, #42, #51, and #52 at the ARCO Watson Refinery must be reviewed and approved by the EPA prior to implementation of the proposed changes.

(6) ARCO shall maintain written records of oil consumption at boilers #31, #32, #33, #42, #51, and #52 during receipt of steam from Watson Energy Systems. These records shall be available for inspection by the South Coast Air Quality Management District and the EPA. The total oil consumption of these boilers shall not exceed a monthly average of 226,000 gallons per day when receiving steam from the Watson Energy systems plant at a rate of 350,000 pounds per hour. When receiving steam at a lower rate, ARCO shall be allowed to increase its boiler fuel oil consumption to achieve a total steam load not to exceed the limit of condition two (2).

(i) The following rules and regulations are disapproved because they do not meet the requirements of sections 110, 172, and 173 of the Clean Air Act, since they exempt certain source categories from the offset requirements of the Act:

(1) South Coast Air Quality Management District.

(i) Rule 1304(e), Resource Conservation and Energy Projects, submitted on April 3, 1980, but only with respect to projects whose application for a permit is complete after January 1, 1986.

(ii) Rule 1304(b)(2), Resource and Energy Conservation Projects, submitted on November 8, 1982, but only with respect to projects whose application for a permit is complete after January 1, 1986.

(m) Revised South Coast Regulation XIII, submitted on November 8, 1982, is not approved inasmuch as action on it is temporarily deferred.

[37 FR 19813, Sept. 22, 1972]
Environmental Protection Agency

§ 52.235

and periodic reporting of emission data by sources.

(a) (1) Amador County APCD.

(b) The requirements of §51.212 of this chapter are not met since the plan does not adequately provide for periodic testing and inspection of stationary sources within the Bay Area Air Pollution Control District portion of the San Francisco Bay Area Intrastate Region.

(c) The requirements of §51.212 of this chapter are not met since the system for detecting violations through enforcement of visible emission regulations and complaint handling is not adequately described.

(d) Regulation for source recordkeeping and reporting. (1) The owner or operator of any stationary source in the State of California, except for those APCD's specified in paragraph (a) of this section, shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

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

(e) The requirements of §51.214 of this chapter are not met in the following air pollution control districts (APCD's) since all of the applicable requirements of Appendix P of part 51 are not included in the district regulations.

(1) Amador County APCD.

(2) Bay Area AQMD.

(3) Calaveras County APCD.

(4) Del Norte County APCD.

(5) El Dorado County APCD.

(6) Humboldt County APCD.

(7) Imperial County APCD.

(8) Lake County APCD.

(9) Mariposa County APCD.

(10) Mendocino County APCD.

(11) Nevada County APCD.

(12) Northern Sonoma County APCD.

(13) Placer County APCD.

(14) Plumas County APCD.

(15) Sierra County APCD.

(16) Trinity County APCD.

(17) Ventura County APCD.

(18) Monterey Bay Unified APCD.

(19) Nevada County APCD.

(20) Placer County APCD.

(21) Plumas County APCD.

(22) Mariposa County APCD.

(23) San Bernardino County Desert APCD.

(24) San Diego County APCD.

(25) San Joaquin County APCD.

(26) San Luis Obispo County APCD.

(27) Santa Barbara County APCD.

(28) Sierra County APCD.

(29) South Coast AQMD.

(30) Stanislaus County APCD.

(31) Tulare County APCD.

(32) Ventura County APCD.

[37 FR 10850, May 31, 1972]

EDITORIAL NOTE: For Federal Register citations affecting §52.234, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.235 Control strategy for ozone: Oxides of nitrogen.

EPA is approving an exemption request submitted by the Monterey Bay Unified Air Pollution Control District on April 26, 1994 for the Monterey Bay ozone nonattainment area from the NO\textsubscript{X} RACT requirements contained in section 182(f) of the Clean Air Act. This approval exempts the area from implementing the oxides of nitrogen (NO\textsubscript{X}) requirements for reasonably available control technology (RACT), new source review (NSR), the related requirements
of general and transportation conformity regulations, and applicable inspection and maintenance (I/M). The exemption is based on ambient air monitoring data and lasts for only as long as the area’s monitoring efforts continue to demonstrate attainment without NO_\text{X} reductions from major stationary sources.

[60 FR 20237, Apr. 25, 1995]

§ 52.236 Rules and regulations.

(a) Since the following Air Pollution Control District (APCD) rules do not define the term “agricultural operations,” the rules are disapproved because they could render certain emission limitations rules unenforceable:

(1) Imperial County APCD.


(b) The following Air Pollution Control District (APCD) rules are disapproved because they contain the term “agricultural operations” and/or the term “other equipment in agricultural operations,” both of which are either undefined or inadequately defined, thus rendering certain emission control rules unenforceable:

(1) San Luis Obispo County APCD.

(i) Rules 401(B)(4) and 401(B)(6), submitted on November 10, 1976.

(2) Sacramento County APCD.

(i) Rule 7(b)(5), submitted on November 4, 1977.

(3) Glenn County APCD.

(i) Section 77(e), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(4) Mariposa County APCD.

(i) Rule 203(G), submitted on June 30, 1972, previously approved under 40 CFR 52.223 (37 FR 19812).

(5) Kern County APCD.

(i) Rules 402(c) and 402(e), submitted on November 10, 1976.

(6) Fresno County APCD.

(i) Rules 402(c) and 402(e), submitted on October 23, 1974.

(ii) Rules 402(c) and 402(e), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(7) Tulare County APCD.

(i) Section 402(c), submitted on November 10, 1976, and previously approved under 40 CFR 52.223 (42 FR 47556).

(8) Madera County APCD.

(i) Rules 402(c) and 402(e), submitted on January 10, 1975, and previously approved under 40 CFR 52.223 (42 FR 42219).

(9) Amador County APCD.

(i) Rules 203(G), submitted on October 15, 1979, and 205(G), submitted on June 30, 1972.

(c) Since the following Air Pollution Control Districts have deleted definitions which could allow a relaxation of emission limitations, the deletions are disapproved:

(1) Merced County APCD.

(i) Rule 102(hh), submitted on June 30, 1972, previously approved under 40 CFR 52.223, and deleted by the August 2, 1976 submittal, is retained.

(2) El Dorado County APCD.

(i) Rule 102(LL), submitted on November 4, 1977, previously approved at 43 FR 51632, and deleted by the May 23, 1979 submittal, is retained.

(d) The following rules or portions of rules are disapproved since they contain provisions which are inconsistent with 40 CFR part 58, Ambient Air Quality Surveillance.

(1) Lake County APCD.

(i) Section 224, Equivalent Method, and Table V, Table of Standards, Applicable Statewide, submitted on February 10, 1977.

(ii) Table V, Concentrations and Methods, submitted on January 2, 1979, and Table V, submitted on February 10, 1976 and previously approved at 42 FR 42224.

(e) Since the following air pollution control districts have revised definitions so as to render the associated emission control requirements less stringent without a control strategy demonstration, the revisions are disapproved.

(1) Mendocino County APCD.

(i) Rule 130(p4), submitted on November 10, 1976. (Part III–49, previously submitted on February 21, 1972, and approved in 40 CFR 52.223, is retained).

(ii) Rule 130(s3), submitted on November 10, 1976. (Part III–55, previously submitted on February 21, 1972, and approved in 40 CFR 52.223, is retained).

(2) Shasta County APCD.
(i) The definition of “modification” in Rule 1:2, Definitions, submitted on October 13, 1977, is disapproved.

(3) San Bernardino County Desert APCD.

(i) Rule 103, Definition of Terms, submitted on November 4, 1977 is disapproved with respect to the deletion of the following terms: “Distilling type heater”, “Noncomplying orchard heater”, “Pipe line systems”, and “Return stack heater”. Rule 2, Definitions, submitted February 21, 1972 and approved in 40 CFR 52.223, is retained for the above terms.

(4) Southeast Desert Intrastate Region.

(i) San Bernardino County Desert APCD.

(A) Rule 102, Definition of Terms, submitted November 4, 1977 is disapproved with respect to the deletion of the following terms: Distilling type heater, Non-complying orchard heater, Pipe line systems, and Return stack heater. Rule 2, Definitions, submitted February 21, 1972 and approved in 40 CFR 52.223, is retained for the above terms.

(f) The following APCD rules are disapproved because they exempt some portions of the districts from the existing air pollution control regulations without setting forth substitute rules for the exempted areas.

(1) El Dorado County APCD.

(i) Rule 201, submitted on November 4, 1977, is disapproved. (The previously approved Rule 49, submitted on June 30, 1972, is retained for Federal enforcement purposes.)

(g) The following Air Pollution Control District (APCD) rules are disapproved pursuant to section 110(a)(2)(K) of the Clean Air Act because they could allow recovery of legal expenses associated with permit enforcement actions.

(1) Monterey Bay Unified APCD.

(i) Rule 300 (i)(1), Permit Fee, submitted on December 17, 1979.

(2) El Dorado County APCD.


[42 FR 39664, Aug. 5, 1977]

EDITORIAL NOTE: For Federal Register citations affecting §52.236, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§52.237 Part D disapproval.

(a) The following portions of the California SIP are disapproved because they do not meet the requirements of Part D of the Clean Air Act.

(1) The ozone and CO attainment demonstrations for the South Coast Air Basin. No major stationary source, or major modification of a stationary source, of carbon monoxide or volatile organic compounds may be constructed in the South Coast Air Basin unless the construction permit application is complete on or before August 30, 1988.

(2) The ozone attainment demonstration for Ventura County. No major stationary source, or major modification of a stationary source, of volatile organic compounds may be constructed in the Ventura County nonattainment area unless the construction permit application is complete on or before November 4, 1988.

(3) The ozone attainment demonstration for the Sacramento AQMA. No major stationary source, or major modification of a stationary source, of volatile organic compounds may be constructed in the Sacramento non-attainment area unless the construction permit application is complete on or before January 3, 1989.

(4) The ozone attainment demonstration for the Fresno County APCD.

(5) The ozone attainment demonstration for the Kern County APCD.


(7) The PM$_{2.5}$-related portions of Appendix VI (“Reasonably Available Control Measures (RACM) Demonstration”) of the Final 2012 Air Quality Management Plan (December 2012), and Attachment D (“Updated RACM/RACT Analysis”) to the 2015 Supplement to the 24-Hour PM$_{2.5}$ State Implementation Plan for the South Coast Air Basin (January 2015).

(8) The contingency measure portion of the 2008 PM$_{2.5}$ Plan for attainment of
§ 52.238 Commitment to undertake rulemaking.

(a) The Administrator shall undertake rulemaking, after the South Coast mobile source public consultative process, to promulgate any VOC and NO\textsubscript{X} mobile source controls which are determined to be appropriate for EPA and needed for ozone attainment in the Los Angeles-South Coast Air Basin Area.

(b) [Reserved]


§ 52.239 Alternate compliance plans.

(a) Alternative compliance plans (bubble plans) developed under the District rules listed below must be submitted to EPA by the State of California as SIP revisions. The emission limits contained in the District rule will continue to be enforceable by EPA and private citizens under sections 113 and 304(a) of the Act until the alternative compliance plans are approved by EPA for inclusion in the SIP.

(1) Bay Area AQMD.
   (i) Rule 4 of Regulation 8, submitted on February 7, 1980.

(b) Alternative compliance plans (bubble plans) developed under the District rules listed below are considered the applicable requirements in the SIP which are enforceable by EPA and private citizens under section 113 and 304(a) of the Act. Alternative compliance plans must be submitted to EPA after their approval by the District. The District rules do not apply to or supersede the conditions that a source must meet under nonattainment or PSD permit programs, new source performance standards, or national emission standards for hazardous air pollutants.

(1) Bay Area AQMD.
   (i) Rules 11, 13 and 19 of Regulation 8, submitted on February 7, 1980.

[47 FR 11870, Mar. 19, 1982]
Administrator for approval a proposed compliance schedule that demonstrates compliance with the rules and regulations specified in paragraph (c)(1) of this section as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: Submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(d) Regulation for increments of progress. (1) The requirements of this paragraph are applicable to any stationary source in the following Air Pollution Control Districts subject to the indicated regulations.

(i) Rules 50–A, 52–A, 53–A(a), 53–A(b), 53–A(c), 53.2, 53.3, 54.A, 58.A, 62.1, 68, 69, 70, and 71 of the San Bernardino County APCD.

(ii) Rules 53, 72.1, and 72.2 of the Riverside County APCD.

(iii) Rules 53 and 66.c of the Orange County APCD.

(iv) Rule 39.1 of the Santa Barbara County APCD.

(v) Rule 59 of the Ventura County APCD.

(vi) Rules 66(c) and 68 of the Los Angeles County APCD.

(vii) Rule 4.5 of the Siskiyou County APCD.

(viii) Rule 64(c) of the Northern Sonoma County APCD.

(ix) Rule 409 of the Tulare County APCD.

(2) Except as provided in paragraph (3) of this section, the owner or operator of any stationary source shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed compliance schedule that demonstrates compliance with the applicable regulations as expeditiously as practicable but no later than the final compliance date specified by such applicable regulation. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before January 31, 1974, no compliance schedule shall be required.

(4) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(5) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(e) [Reserved]

(f) State compliance schedules. (1) [Reserved]

(2) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of Subpart N of this chapter. All
§ 52.241 Inspection and maintenance program.

(a) [Reserved]

(b) Approval. On June 5, 2009, the California Air Resources Board submitted a revision to the California Motor Vehicle Inspection and Maintenance Program (2009 I/M Revision) to satisfy the requirements for basic and enhanced motor vehicle inspection and maintenance (I/M) in applicable ozone nonattainment areas. On October 28, 2009, the California Air Resources Board amended the 2009 I/M Revision to include revised enhanced performance program evaluations for six nonattainment areas. Approved elements of the 2009 I/M Revision, as amended on October 28, 2009, include a discussion of each of the required design elements of the I/M program; description of the current geographic coverage of the program; I/M-related statutes and regulations; enhanced I/M performance standard evaluations for the urbanized areas within six California ozone nonattainment areas (South Coast Air Basin, San Joaquin Valley, Sacramento Metro, Coachella Valley, Ventura County, and Western Mojave Desert); basic I/M performance standard evaluation for the urbanized area within the San Francisco Bay Area ozone nonattainment area; and emission analyzer specifications and test procedures, including BAR–97 specifications. The 2009 I/M Revision, as amended on October 28, 2009, meets the requirements of sections 182(a)(2)(B) and 182(c)(3) of the Clean Air Act, as amended in 1990, and 40 CFR part 51, subpart S and is approved as a revision to the California State Implementation Plan.

[75 FR 38026, July 1, 2010]

§ 52.242 Disapproved rules and regulations.

(a) The following Air Pollution Control District rules are disapproved because they do not meet the requirements of section 110 of the Clean Air Act.

(1) South Coast Air Quality Management District.


(2) Antelope Valley Air Pollution Control District.


(3) Imperial County Air Pollution Control District.
Environmental Protection Agency

§ 52.244

Motor vehicle emissions budgets.

(a) Approval of the motor vehicle emissions budgets for the following ozone rate-of-progress and attainment SIPs will apply for transportation conformity purposes only until new budgets based on updated planning data and models have been submitted and EPA has found the budgets to be adequate for conformity purposes.

(1) Antelope Valley, approved January 8, 1997;

(2) Coachella, approved January 8, 1997;

(3) Kern, approved January 8, 1997;

(4) Mojave, approved January 8, 1997;

(5) Sacramento, approved January 8, 1997;

(6) South Coast, approved April 10, 2003;

(7) Ventura, approved January 8, 1997.

(b) Approval of the motor vehicle emissions budgets for the following ozone maintenance SIP will apply for transportation conformity purposes only until new budgets based on updated planning data and models have been submitted and EPA has found the budgets to be adequate for conformity purposes.

(1) Monterey, approved January 17, 1997;

(2) [Reserved]

(c) Approval of the motor vehicle emissions budgets for the following carbon monoxide maintenance SIPs will apply for transportation conformity purposes only until new budgets based on updated planning data and models have been submitted and EPA has found the budgets to be adequate for conformity purposes.

(1) Bakersfield, approved March 31, 1998;

(2) Chico, approved March 31, 1998;

(3) Fresno, approved March 31, 1998;

(4) Lake Tahoe-North, approved March 31, 1998;

(5) Lake Tahoe-South, approved March 31, 1998;

(6) Modesto, approved March 31, 1998;

(7) Sacramento, approved March 31, 1998;

(8) San Diego, approved March 31, 1998;

(9) San Francisco Bay Area, approved March 31, 1998;

(10) Stockton, approved March 31, 1998.

(d) Approval of the motor vehicle emissions budgets for the following nitrogen dioxide maintenance SIP will apply for transportation conformity purposes only until new budgets based on updated planning data and models have been submitted and EPA has
found the budgets to be adequate for conformity purposes.

(1) South Coast, approved on July 24, 1998.

(2) [Reserved]

(e) Approval of the motor vehicle emissions budgets for the following PM–10 reasonable further progress and attainment SIPs will apply for transportation conformity purposes only until new budgets based on updated planning data and models have been submitted and EPA has found the budgets to be adequate for conformity purposes.

(1) South Coast, approved on July 24, 1998.

(2) [Reserved]

§ 52.245 New Source Review rules.

(a) Approval of the New Source Review rules for the San Joaquin Valley Unified Air Pollution Control District Rules 2020 and 2201 as approved on May 17, 2004 in § 52.220(c)(311)(1)(B)(J), and in effect for Federal purposes from June 16, 2004 through June 10, 2010, is limited, as it relates to agricultural sources, to the extent that the permit requirements apply:

(1) To agricultural sources with potential emissions at or above a major source applicability threshold; and

(2) To agricultural sources with actual emissions at or above 50 percent of a major source applicability threshold.

(b) Approval of the New Source Review rules for the San Joaquin Valley Unified Air Pollution Control District Rules 2020 and 2201 as approved on May 17, 2004 in § 52.220(c)(311)(1)(B)(J), and in effect for Federal purposes from June 16, 2004 through June 10, 2010, is limited, as it relates to agricultural sources, to the extent that the emission offset requirements apply to major agricultural sources and major modifications of such sources.

(c) By May 7, 2016, the New Source Review rules for PM$_{2.5}$ for the San Joaquin Valley Unified Air Pollution Control District must be revised and submitted as a SIP revision. The rules must satisfy the requirements of sections 189(b)(3) and 189(e) and all other applicable requirements of the Clean Air Act for implementation of the 2006 PM$_{2.5}$ NAAQS.

(d) By August 14, 2017, the New Source Review rules for PM$_{2.5}$ for the South Coast Air Quality Management District must be revised and submitted as a SIP revision. The rules must satisfy the requirements of sections 189(b)(3) and 189(e) and all other applicable requirements of the Clean Air Act for implementation of the 2006 PM$_{2.5}$ NAAQS.

(e) By February 21, 2017, the New Source Review rules for PM$_{2.5}$ for the San Joaquin Valley Unified Air Pollution Control District must be revised and submitted as a SIP revision. The rules must satisfy the requirements of sections 189(b)(3) and 189(e) and all other applicable requirements of the Clean Air Act for implementation of the 2006 PM$_{2.5}$ NAAQS.

§ 52.246 Control of dry cleaning solvent vapor losses.

(a) For the purpose of this section, “dry cleaning operation” means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(b) This section is applicable in the Metropolitan Los Angeles, Sacramento Valley, and San Joaquin Valley Intrastate Air Quality Control Regions (the “Regions”), as described in 40 CFR part 81, dated July 1, 1979, except as follows:

(1) In the following portions of the Sacramento Valley Region, this section is rescinded:

(i) Sacramento County APCD.

(ii) Placer County APCD (Mountain Counties Air Basin portion).

(iii) Yuba County APCD.

(iv) Sutter County APCD.

(2) In the following portions of the Metropolitan Los Angeles Intrastate Region, this section is rescinded:

(i) Ventura County APCD.

(3) In the following portions of the San Joaquin Valley Intrastate Region, this section is rescinded:

(i) San Joaquin County APCD.

(ii) Stanislaus County APCD.

(iii) Tulare County APCD.

(iv) Fresno County APCD.
Environmental Protection Agency § 52.247

(c) Any dry cleaning establishment that uses solvents containing 4 percent or more by volume of any reactive organic material listed under paragraphs (k) (1), (2), and (3) of §52.254 except perchloroethylene or any saturated halogenated hydrocarbon shall reduce the emissions of the discharged organics by 90 percent by use of activated carbon adsorption, or other appropriate means, not later than January 1, 1975.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide.

§ 52.247 Control Strategy and regulations: Fine Particle Matter.

(a) Determination of Attainment: Effective February 8, 2013, EPA has determined that, based on 2009 to 2011 ambient air quality data, the San Francisco Bay Area PM$_{2.5}$ nonattainment area has attained the 2006 24-hour PM$_{2.5}$ NAAQS. This determination 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 for as long as this area continues to attain the 2006 24-hour PM$_{2.5}$ NAAQS. If EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 2006 PM$_{2.5}$ NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

(b) Determination of Attainment: Effective February 11, 2013, EPA has determined that, based on 2009 to 2011 ambient air quality data, the Yuba City-Marysville PM$_{2.5}$ nonattainment area has attained the 2006 24-hour PM$_{2.5}$ NAAQS. This determination 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 for as long as this area continues to attain the 2006 24-hour PM$_{2.5}$ NAAQS. If EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 2006 PM$_{2.5}$ NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

(c) Determination of Attainment: Effective August 14, 2013, EPA has determined that, based on 2010 to 2012 ambient air quality data, the Sacramento PM$_{2.5}$ nonattainment area has attained the 2006 24-hour PM$_{2.5}$ NAAQS. This determination 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 for as long as this area continues to attain the 2006 24-hour PM$_{2.5}$ NAAQS. If EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 2006 24-hour PM$_{2.5}$ NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

(d) Determination of Attainment: Effective October 10, 2013, EPA has determined that, based on 2010 to 2012 ambient air quality data, the Chico PM$_{2.5}$ nonattainment area has attained the 2006 24-hour PM$_{2.5}$ NAAQS. This determination 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 for as long as this area continues to attain the 2006 24-hour PM$_{2.5}$ NAAQS. If EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 2006 24-hour PM$_{2.5}$ NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

(e) By August 14, 2017, California must adopt and submit a Serious Area plan to provide for attainment of the 2006 PM$_{2.5}$ NAAQS in the South Coast PM$_{2.5}$ nonattainment area. The Serious Area plan must include emissions inventories, an attainment demonstration, best available control measures, a
reasonable further progress plan, quantitative milestones, contingency measures, and such other measures as may be necessary or appropriate to provide for attainment of the 2006 PM$_{2.5}$ NAAQS by the applicable attainment date, in accordance with the requirements of subparts I and 4 of part D, title I of the Clean Air Act.

(f) By August 21, 2017, California must adopt and submit a Serious Area plan to provide for attainment of the 2006 PM$_{2.5}$ NAAQS in the San Joaquin Valley PM$_{2.5}$ nonattainment area. The Serious Area plan must include emissions inventories, an attainment demonstration, best available control measures, a reasonable further progress plan, quantitative milestones, contingency measures, and such other measures as may be necessary or appropriate to provide for attainment of the 2006 PM$_{2.5}$ NAAQS by the applicable attainment date, in accordance with the requirements of subparts I and 4 of part D, title I of the Clean Air Act.

§§ 52.248–52.251 [Reserved]

§ 52.252 Control of degreasing operations.

(a) “Degreasing” means any operation using an organic solvent as a surface cleaning agent prior to fabricating, surface coating, electroplating, or any other process.

(b) This section is applicable in the Sacramento Valley, San Joaquin Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (the “Regions”), as described in 40 CFR part 81, dated July 1, 1979, except as follows:

(1) In the following portions of the Sacramento Valley Region, this section is rescinded:

(i) Sacramento County APCD.

(ii) Placer County APCD (Mountain Counties Air Basin portion).

(iii) Yuba County APCD.

(iv) Sutter County APCD.

(c) Any organic emissions discharged from degreasing operations must either be reduced by at least 85 percent, or the degreasing solvent must be classified as non-photochemically reactive as defined by paragraph (k) of §52.254 not later than January 1, 1975. This regulation shall not be construed as lessening any emission control requirement specified under EPA approved regulations or §52.254. Degreasing operations using perchloroethylene or saturated halogenated hydrocarbons shall be exempt from the requirements of this section.

§ 52.253 Metal surface coating thinner and reducer.

(a) All terms defined in §52.254 are used herein with the meanings so defined.

(b) This section is applicable in the Metropolitan Los Angeles, San Diego, Sacramento Valley, San Joaquin Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (the “Regions”), as described in 40 CFR part 81, dated July 1, 1979, except as follows:

(1) In the following portions of the Sacramento Valley Intrastate Region, this section is either fully rescinded or partially rescinded subject to the conditions specified as follows:

(i) Sacramento County APCD.

(ii) Placer County APCD (Mountain Counties Air Basin portion).

(iii) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Yolo-Solano County Rule 2.25 submitted on February 25, 1980.

(iv) Yuba County APCD.

(v) Sutter County APCD.

(2) In the following portions of the Metropolitan Los Angeles Intrastate Region, this section is either fully rescinded or partially rescinded subject to the conditions specified as follows:

(i) This section is fully rescinded for the Ventura County APCD.

(ii) This section is rescinded for magnet wire insulators, can and coil coaters, metal parts coaters, and auto assembly line coaters which are subject to and in full compliance with Rules
1107, 1115, 1125, and 1126 in the South Coast AQMD.

(iii) This section is rescinded for metal parts coaters that are subject to and in full compliance with Rule 330 submitted on October 18, 1979, in the Santa Barbara County APCD.

(3) In the following portions of the San Joaquin Valley Intrastate Region, this section is rescinded for certain sources subject to the conditions specified:

(i) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Kern County Rule 410.4, submitted on October 15, 1979.

(ii) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Madera County APCD’s Rule 410.4 submitted on October 10, 1980.

(iii) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Merced County Rule 409.4 submitted on October 10, 1980.

(iv) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with San Joaquin County Rule 409.4 submitted on October 10, 1980.

(v) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Stanislaus County Rule 410.4 submitted on October 10, 1980.

(vi) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Tulare County Rule 410.4 submitted on October 10, 1980.

(vii) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Kings County Rule 410.4 submitted on October 10, 1980.

(viii) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Fresno County Rule 409.4 submitted on October 15, 1979.

(4) In the San Francisco Bay Area Intrastate Region this section is rescinded for certain operations, subject to the conditions specified below:

(i) This section is rescinded for metal container, closure and coil coating operations, light and medium-duty motor vehicle assembly plants, large appliance and metal furniture coaters, and miscellaneous metal parts and products coating operations, which are subject to and in full compliance with Rules 11, 13, 14, and 19 of Regulation 8 in the Bay Area AQMD.

(5) In the San Diego Intrastate Region, this section is rescinded:

(i) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with San Diego APCD Rule 67.3, submitted on October 25, 1979.

(c) The composition of the organics in all metal surface coating thinners and reducers that are manufactured after January 1, 1975, and are used in the Regions, shall conform to paragraph (k) of §52.254 so as to be defined as a non-photochemically reactive solvent.

(d) After July 1975, the composition of the organics in all metal surface coating thinners and reducers that are used in the Regions, shall conform to paragraph (k) of §52.254 so as to be defined as a non-photochemically reactive solvent.

(e) If there is an inadequate supply of necessary solvent ingredients needed in the manufacture of metal surface coating thinners and reducers for the purpose of meeting the composition requirements of this section in the time constraint required by this section; then evidence of such a supply inadequacy must be presented to the Administrator by the manufacturers of the metal surface coating thinners and reducers, so that the Administrator may grant to the industry an appropriate implementation time extension for meeting the requirements of this section, if and as warranted by the evidence presented.


§ 52.254 Organic solvent usage.

(a) This section is applicable in the Sacramento Valley, San Francisco Bay Area, and San Joaquin Valley Intrastate Air Quality Control Regions (the
‘Regions’), as described in 40 CFR part 81, dated July 1, 1979, except as follows:

(1) In the following portions of the San Joaquin Valley Region, only the hourly emission limitations contained in paragraphs (b), (c), and (d) of this section are in effect; the following paragraphs, needed for interpretation are also in effect: Paragraphs (e) through (l) and (o) through (q) of this section. In addition, this section is entirely rescinded for specific operations for some of the counties noted below:

(i) This section is rescinded entirely for metal parts and products coaters which are subject to and in full compliance with Rule 409.4 for the Fresno County APCD, Rule 410.4 for the Kings County APCD, Rule 410.4 for the Madera County APCD, Rule 409.4 for the Merced County APCD, Rule 409.4 for the San Joaquin County APCD, Rule 409.4 for the Stanislaus County APCD, and Rule 410.4 for the Tulare County APCD.

(ii) Kern County APCD. This section is rescinded entirely for metal parts and product coaters which are subject to and in full compliance with Rule 410.4.

(iii) Fresno County APCD.

(iv) San Joaquin County APCD.

(v) Madera County APCD.

(vi) Merced County APCD.

(2) In the following portions of the San Joaquin Valley Region, only the hourly emission limitations contained in paragraphs (b), (c), and (d) of this section and the architectural coatings and solvent disposal emission limitations contained in paragraphs (m) and (n) of this section are in effect; the following paragraphs, needed for interpretation and enforcement of these emission limitations, are also in effect: Paragraphs (e) through (l) and (o) through (q) of this section.

(i) Kings County APCD.

(3) In the following portions of the Sacramento Valley Region, this section is rescinded:

(i) Sacramento County APCD.

(ii) Yolo-Solano APCD.

(iii) Shasta County APCD.

(iv) Placer County APCD (Mountain Counties Air Basin portion).

(v) Yuba County APCD.

(vi) Sutter County APCD.

(vii) El Dorado County (Mountain Counties Air Basin portion).

(4) This section is rescinded for the San Francisco Bay Area Intrastate Region except for paragraph (d), which is retained until December 31, 1982 for sources constructed prior to October 2, 1974. The following paragraphs, needed for interpretation and enforcement of paragraph (d) are also in effect: Paragraphs (e) through (l) and (o) through (q) of this section.

(5) In the following portions of the Sacramento Valley Intrastate Region, paragraph (m) of this section is rescinded.

(i) Butte County APCD.

(ii) Sutter County APCD.

(b) No person shall discharge into the atmosphere more than 15 pounds of organic materials in any 1 day or more than 3 pounds in any 1 hour from any article, machine, equipment, or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.

(c) A person shall not discharge to the atmosphere more than 40 pounds of organic materials in any 1 day or more than 8 pounds in any 1 hour from any article, machine, equipment, or other contrivance used under conditions other than those described in paragraph (b) of this section for employing or applying any photochemically reactive solvent, as defined in paragraph (k) of this section, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air- or heated-drying of products for the first 12 hours after their removal from any article, machine, or other contrivance described in this section shall be included in determining compliance with this
Environmental Protection Agency § 52.254

paragraph. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (b) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.

(d) A person shall not, after August 31, 1976, discharge into the atmosphere more than 3,000 pounds of organic materials in any 1 day or more than 450 pounds in any 1 hour from any article, machine, equipment, or other contrivance in which any non-photochemically reactive organic solvent or any material containing such a solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air- or heated-drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (b) of this section shall be excluded from determination of compliance with this section.

(e) Emissions of organic materials to the atmosphere from the cleaning with photochemically reactive solvent, as defined in paragraph (k) of this section, of any article, machine, equipment, or other contrivance described in paragraph (b), (c), or (d) of this section, shall be included with the other emissions of organic materials for determining compliance with this section.

(f) Emissions of organic materials into the atmosphere required to be controlled by paragraph (b), (c), or (d) of this section, shall be reduced by:

1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide,
2. Adsorption, or
3. Processing in a manner determined by the Administrator to be not less effective than the methods outlined in paragraph (f) (1) or (2) of this section.

(g) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or permit to operate, or as specified by the Administrator, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(h) Any person using organic solvents or any materials containing organic solvents shall supply the Administrator upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

(i) The provisions of this section shall not apply to:

1. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.
2. The use of equipment for which other requirements are specified by rules or which are exempted from air pollution control requirements by applicable rules affecting the storage of petroleum products, effluent oil-water separators, and the transfer of gasoline.
3. The spraying or other employment of insecticides, pesticides, or herbicides.
4. The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.
5. The use of any material in any article, machine, equipment, or other contrivance described in paragraph (b), (c), (d), or (e) of this section, if:

1. The volatile content of such materials consists only of water and organic solvent, and
(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and
(iii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and
(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.
This last stipulation applies only for those articles, machines, equipment, or contrivances that are constructed or modified after the effective date of this section.
(6) The use of any material in any article, machine, equipment or other contrivance described in paragraph (b), (c), (d), or (e) of this section, if:
(i) The organic solvent content of such material does not exceed 30 percent by volume of said material; this to be effective until January 1, 1977. After January 1, 1977, the organic solvent content of such material must not exceed 20 percent by volume of said material.
(ii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and
(iii) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equipment, or contrivances that are constructed or modified after the effective date of this section.
(j) For the purposes of this section, organic solvents include diluents, thinners, and reducers and are defined as organic materials that are liquids at standard conditions and are used as dissolvers, viscosity reducers, or cleaning agents, except that such materials exhibiting a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.
(k) For the purpose of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:
(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation; 5 percent;
(2) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene, phenyl acetate, and methyl benzoate; 8 percent;
(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene; 20 percent.
Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.
(1) For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, and ammonium carbonate.
(m) Architectural coatings and their use shall conform to the following requirements, on or before January 1, 1975:
(1) A person shall not sell or offer for sale or use in the areas in which this section applies, in containers of 1-quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in paragraph (k) of this section.
(2) A person shall not employ, apply, evaporate, or dry in the areas in which this section applies, any architectural coating purchased in containers of 1-quart capacity or larger containing photochemically reactive solvent, as defined in paragraph (k) of this section.
(3) A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in paragraph (k) of this section.
(4) For the purpose of this section, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances, or for industrial buildings.
(n) A person shall not during any one day dispose of a total of more than 1.5
gallons of any photochemically reactive solvent as defined in paragraph (k) of this section, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means that will permit the evaporation of such solvent into the atmosphere.

(o) Compliance schedule. (1) Except where other final compliance dates are provided in this section, the owner or operator of any stationary source subject to this section shall comply with this section on or before March 31, 1974. In any event:
   (i) Any owner or operator in compliance with this section on the effective date of this section shall certify such compliance to the Administrator no later than 120 days following the effective date of this section.
   (ii) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(p) Any owner or operator of a stationary source subject to paragraph (o)(1) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions in paragraph (o)(1) of this section as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to:
   Submittal of a final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification and final compliance.

(q) Any owner or operator who submits a compliance schedule pursuant to this section shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

[38 FR 31249, Nov. 12, 1973]

EDITORIAL NOTE: For Federal Register citations affecting §52.254, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§52.255 Gasoline transfer vapor control.

(a) “Gasoline” means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Los Angeles and Sacramento Valley Intrastate Air Quality Control Regions, as described in 40 CFR part 81, dated July 1, 1979, with the following exceptions:
   (1) The control requirements of this section are limited to facilities with a total throughput less than 20,000 gallons per day, the refilling of delivery vessels at these facilities, and storage containers serviced by these facilities for those air pollution control districts identified below.
      (i) Ventura County APCD.
      (ii) Santa Barbara County APCD.
      (iii) Placer County APCD (Mountain Counties Air Basin portion).
      (iv) Sacramento County APCD.
      (v) Yolo-Solano County APCD.
      (vi) Butte County APCD.
      (vii) Glenn County APCD.
      (viii) El Dorado County APCD (Mountain Counties Air Basin portion).
   (2) The control requirements of this section are rescinded in the following air pollution control districts:
      (i) South Coast AQMD.
      (ii)–(viii) [Reserved]
      (ix) Santa Barbara County APCD.
      (x) Placer County APCD (Mountain Counties Air Basin portion).
      (xi) Sacramento County APCD.
      (xii) Yolo-Solano County APCD.
      (xiii) Butte County APCD.
      (xiv) Glenn County APCD.
(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a “vapor-tight vapor return” system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with §52.256.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Facilities that do not have more than a 20,000 gallon per day throughput, and distribute less than 10% of daily volume to delivery vehicles that in turn service storage tanks that are required to have a vapor return or balance system, will not be required to comply with the provisions of paragraph (c) of this section before May 31, 1977. Facilities that service delivery vehicles that in turn deliver not more than 500,000 gallons per year to storage tanks that are required to comply with the provisions of paragraph (c) of this section will not be required to comply with the provisions of paragraph (c) of this section before January 1, 1977. Facilities that exclusively service storage tanks that do not have a required vapor return or balance system, will not be required to have a vapor recovery system.

(iv) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to be retrofitted with a vapor return system until May 31, 1977.

(v) Storage containers served by delivery vessels filled at distribution facilities with extended compliance dates will not be required to comply with the provisions of paragraph (c) of this section until May 31, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Storage containers used primarily for the fueling of implements of husbandry, if such container is equipped by May 31, 1977 with a permanent submerged fill pipe, or at the time of installation for containers installed after this date.

(2) Any storage container having a capacity of 2,000 gallons or less and installed prior to July 1, 1975, if such container is equipped with a permanent submerged fill pipe by May 31, 1977.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(4) Storage containers installed after July 1, 1975 in Kings County.

(5) Storage containers installed after January 1, 1975 in Madera County.

(e) Compliance schedule:

(1) June 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps that will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) March 1, 1975—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.
Environmental Protection Agency

§ 52.256

(3) May 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) February 1, 1976—Complete on-site construction or installation of emission control equipment.

(5) July 1, 1976—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by June 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

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

(h) Any gasoline-dispensing facility subject to this section that installs a storage tank after the effective date of this section shall comply with the requirements of paragraph (c) of this section by March 1, 1976 and prior to that date shall comply with paragraph (e) of this section as far as possible. Any facility subject to this section that installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

[38 FR 31251, Nov. 12, 1973]

EDITORIAL NOTE: For Federal Register citations affecting §52.255, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.256 Control of evaporative losses from the filling of vehicular tanks.

(a) “Gasoline” means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Los Angeles and Sacramento Valley Intrastate Air Quality Control Regions, except as follows:

(1) In the following portions of the Metropolitan Los Angeles Intrastate Region, this section is rescinded.

(i) South Coast AQMD.

(ii) Santa Barbara County APCD.

(2) In the following portions of the San Joaquin Valley Intrastate Region, this section is rescinded.

(i) Kings County APCD.

(3) In the following portion of the Sacramento Valley Intrastate Region, this section is rescinded.

(i) Sacramento County APCD.

(ii) El Dorado County APCD (Mountain Counties Air Basin portion).

(iii) Placer County APCD (Mountain Counties Air Basin portion).

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle;

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered; and

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle/filler neck interface to
the dispensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent.

(e) Components of the systems required by paragraph (c) of §52.255 can be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features for a class of vehicles, the provisions of this paragraph shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (c) of this section.

(g) Compliance schedule:

(1) January 1, 1975—Submit to the Administrator a final control plan, which describes at a minimum the steps that will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) March 1, 1975—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) May 1, 1975—Initiate on-site construction or installation of emission control equipment. Compliance with the requirements of paragraph (c) of this section shall be as soon as practicable, but no later than specified in paragraphs (g)(4) and (5) of this section.

(4) May 1, 1977—Complete on-site construction or installation of emission control equipment or process modification.

(5) May 31, 1977—Assure final compliance with the provisions of paragraph (c) of this section.

(h) Any owner or operator of sources subject to the compliance schedule in this paragraph (g) shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) Paragraph (g) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 1, 1975. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. If promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

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

(j) Any gasoline dispensing facility subject to this section that installs a gasoline dispensing system after the effective date of this section shall comply with the requirements of paragraph (c) of this section at the time of installation.


§§52.257–52.262 [Reserved]

§52.263 Priority treatment for buses and carpools—Los Angeles Region.

(a) Definitions:

(1) “Carpool” means a vehicle containing three or more persons.

(2) “Bus/carpool lane” means a lane on a street or highway open only to buses (or to buses and carpools), whether constructed especially for that purpose or converted from existing lanes.
(3) “Preferential treatment” for any class of vehicles, means either the setting aside of one traffic lane for the exclusive use of such vehicles or other measures (for example, access metering or setting aside the entire street), which the Administrator finds would be at least equal in VMT reduction effect to the establishment of such a lane.

(b) This regulation is applicable in the Metropolitan Los Angeles Intrastate Air Quality Control Region (the “Region”).

(c) On or before May 31, 1974, the State of California, through the State Department of Transportation or through other agencies to which legal authority has been delegated, shall establish the following system of bus/carpool lanes:

(1) Ventura/Hollywood Corridor—a concurrent flow exclusive bus/carpool lane from Topanga Canyon Boulevard, Woodland Hills (U.S. 101) to junction of the Hollywood Freeway, and contraflow on the Hollywood Freeway (U.S. 101) from the junction with Ventura Freeway in North Hollywood to Vermont Avenue, and bus preferential treatment on arterial surface streets from Vermont Avenue to the Los Angeles central business district (CBD).

(2) Harbor Freeway Corridor—contraflow on Harbor Freeway (California 11) from vicinity of Pacific Coast Highway, in Wilmington, to junction of Santa Monica Freeway (I–10), then by surface street preferential treatment to LA/CBD.

(3) Wilshire Corridor—surface street preferential bus treatment from vicinity of San Vincente Boulevard, to LA/CBD.

(4) San Bernardino Freeway Corridor—bus/carpool lane, either contraflow, or concurrent flow on San Bernardino Freeway from El Monte terminus of existing San Bernardino Freeway bus lane (I–10), to vicinity of Ontario Airport.

(5) Priority Treatment in CBD—provide preferential treatment in CBD on surface streets to connect Wilshire and San Bernardino corridors.

(d) On or before May 31, 1976, the State of California, through the State Department of Transportation or other agencies to which legal authority has been delegated, shall establish the following system of bus and bus/carpool lanes:

(1) Contraflow lane on the Golden State Freeway (I–5) from junction of Ventura Freeway (California 134) in Los Angeles to San Bernardino Freeway (I–10).

(2) Contraflow on Pasadena Freeway (California 11) from terminus in City of Pasadena to Hollywood Freeway (U.S. 101).

(3) Contraflow on Pomona Freeway from San Gabriel Freeway (I–605) to Santa Ana Freeway (I–5).

(4) Concurrent flow in San Diego Freeway (I–405) from Ventura Freeway (U.S. 101) in Sherman Oaks to Newport Freeway (California 55), Costa Mesa.

(5) Concurrent flow on Long Beach Freeway (California 7) from Santa Ana Freeway (I–5), City of Commerce to San Diego Freeway (I–405), Long Beach.

(6) Artesia Freeway (California 91) from Santa Ana Freeway (I–5) to Long Beach Freeway (California 7), Long Beach.

(e) State III will include specific routes in other portions of the Region.

(f) On or before December 31, 1973, the State of California shall submit to the Administrator a compliance schedule showing the steps it will take to establish the system of bus/carpool lanes required by paragraphs (c) and (d) of this section, with each schedule to include the following:

(1) A schedule for the establishment of the lanes. The schedule for the lanes required by paragraph (d) of this section shall provide for the first such lane to be set aside no later than June 1, 1974.

(2) Bus/carpool lanes must be prominently indicated by overhead signs at appropriate intervals and at each intersection of entry ramps.

(3) Bus/carpool lanes must be prominently indicated by distinctive painted, pylon, or physical barriers.

(4) Vehicles using a bus/carpool lane shall have the right of way when crossing other portions of the road to enter or leave such lanes.

(5) At a minimum, the bus/carpool lanes so set aside shall operate from 6:30 a.m. to 9:30 a.m. and from 3:30 to 6:30 a.m. each weekday.
(g) No deviation from the system of bus/carpool lanes required under paragraphs (c) and (d) of this section shall be permitted except upon application made by the State of California to the Administrator at the time of submittal of compliance schedules and approved by him, which application must contain a satisfactory designation of alternate routes for the establishment of such lanes.

§§ 52.264–52.268 [Reserved]

§ 52.269 Control strategy and regulations: Photochemical oxidants (hydrocarbons) and carbon monoxide.

(a) The requirements of subpart G of this chapter are not met because the plan does not provide for attainment and maintenance of the national standards for photochemical oxidants (hydrocarbons) and carbon monoxide in the San Francisco Bay Area, San Diego, Sacramento Valley, San Joaquin Valley, and Southeast Desert Intrastate Regions by May 31, 1975.

(b) The following regulatory changes represent a relaxation of previously submitted regulations, and an adequate control strategy demonstration has not been submitted showing that the relaxation would not interfere with the attainment and maintenance of the national standards for photochemical oxidants.

(1) Mountain Counties Intrastate Region.

(i) Calaveras County APCD.

(A) The revocation of Rule 412, Organic Liquid Loading, is disapproved. Rule 412 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(B) The revocation of Rule 413, Effluent Oil Water Separators, is disapproved; and Rule 413 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(ii) Tuolumne County APCD.

(A) The revocation of Rule 412, Organic Liquid Loading, is disapproved; and Rule 413 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(B) The revocation of Rule 413, Effluent Oil Water Separators, is disapproved; and Rule 414 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

(2) San Joaquin Valley Intrastate Region.

(i) Stanislaus County APCD.

(A) Rule 411.1, submitted on November 4, 1977, is disapproved. Rule 411.1 submitted on April 21, 1976 remains in effect.

(ii) Merced County APCD.


(iii) Fresno County APCD.

(A) Rules 411.1, Gasoline Transfer Into Vehicle Fuel Tanks, submitted on November 4, 1977, is disapproved; and Rule 411.1 submitted on April 21, 1976, and previously approved under 40 CFR 52.223, is retained.

(iv) Tulare County APCD.

(A) Rule 412.1, Transfer of Gasoline Into Vehicle Fuel Tanks, submitted on October 13, 1977, is disapproved; and Section 412.1, submitted on April 21, 1976, and previously approved under 40 CFR 52.223, is retained.

(v) Madera County APCD.

(A) Rule 412.1, Transfer of Gasoline Into Stationary Storage Containers, submitted on October 13, 1977, is disapproved; and Rules 411, Gasoline Storage and 411.1, Transfer of Gasoline Into Stationary Storage Containers, submitted on June 30, 1972, and April 10, 1976, respectively, and previously approved under 40 CFR 52.223 are retained.

(vi) San Joaquin County APCD.

(A) Rule 412.1, Transfer of Gasoline Into Vehicle Fuel Tanks, submitted on November 4, 1977, is disapproved; and rule 412.1, submitted on February 10, 1976 and previously approved under 40 CFR 52.223, is retained.

(2) Sacramento Valley Intrastate region:
(i) Sacramento County APCD.
   (A) Rule 13 submitted on November 4, 1977, is disapproved.
(ii) Placer County APCD.
   (A) Rule 218, Architectural Coatings, adopted on May 20, 1985 and submitted to EPA on February 10, 1986 is disapproved. The version of this rule by the same number and title submitted on July 19, 1983 and approved by EPA on May 3, 1984 is retained.
(iii) Sutter County APCD.
   (A) Rule 3.15, Architectural Coatings, adopted on October 15, 1985 and submitted to EPA on February 10, 1986 is disapproved. The version of this rule by the same number and title submitted on January 1, 1981 and approved by EPA on May 3, 1982 is retained.

(3) Southeast Desert Intrastate AQCR.
   (i) Los Angeles County APCD.
      (A) Regulation IV, rule 465, Vacuum Producing Devices or Systems, submitted on June 6, 1977, is disapproved. Rule 74 with the same title, submitted on June 6, 1977, is disapproved. Rule 69 with the same title, submitted on June 30, 1972 and approved under 40 CFR 52.223, is retained.
   (ii) Riverside County APCD.
      (A) Regulation IV, rule 465, Vacuum Producing Devices or Systems, submitted on June 6, 1977, is disapproved. Rule 74 with the same title, submitted on June 30, 1972 and approved under 40 CFR 52.223, is retained.
      (B) Rule 461, Gasoline Transfer and Dispensing, submitted November 4, 1977, is disapproved. The version of this rule submitted on April 21, 1977 (same number and title), which was previously approved in 40 CFR 52.223, is retained.
   (iii) Antelope Valley APCD.
      (A) Rule 461, Gasoline Transfer and Dispensing, submitted on May 13, 1999, is disapproved. The version of this rule submitted on January 31, 1996 (same title and number), which was previously approved in 40 CFR 52.223, is retained.

(4) Great Basin Valleys Intrastate AQCR.
   (i) Great Basin Unified APCD.
      (A) Rule 418 submitted on November 4, 1977, is disapproved. Rule 418 submitted on April 21, 1976 remains in effect.
   (B) Rule 419, Gasoline Loading into Stationary Tanks, submitted on June 22, 1978, is disapproved, and rule 419, submitted April 21, 1976, and previously approved in 40 CFR 52.223, is retained.

(c) The following rules and regulations are disapproved because they represent a relaxation of promulgated EPA regulations, and an adequate control strategy demonstration has not been submitted showing that the relaxation would not interfere with the attainment and maintenance of the national standards for photochemical oxidants:
   (1) Sacramento Valley Intrastate AQCR.
      (i) Yolo-Solano APCD.
         Rules 2.21(b)(1), 2.21(b)(2), 2.21(b)(4), 2.21(b)(5) and 2.21(b)(6), submitted on June 6, 1977.
      (e) Imperial County APCD Rule 415, Gasoline Loading from Tank Trucks and Trailers, submitted by the State on November 4, 1977 is approved as applicable to facilities installed after July 1, 1977. District Rule 125, Gasoline Loading into Tank Trucks and Trailers and Rule 129, Gasoline loading into Tanks, submitted on February 21, 1972 and previously approved under 40 CFR 52.223 are retained as part of the State implementation plan, as applicable to facilities installed prior to July 1, 1977.
   (f) The emission reduction credits for the following control measures contained in Ventura County’s 1982 Ozone nonattainment area plan, submitted by the Governor’s designee on December 31, 1982, are disapproved since the control measures are of an intermittent and voluntary nature and are therefore not approvable under Sections 110(a)(2)(F)(v) and 123 of the Clean Air Act: R–38/N–16, “No Use Day”; R–38/N–17, “No Drive Day”; R–40, “No Spray Day”; R–41/N–18 “Stationary Source Curtailments.”
§ 52.270 Significant deterioration of air quality.

(a) With the exception of the areas listed in paragraph (b) of this section:

(1) The requirements of Sections 160 through 165 of the Clean Air Act are not met in California.

(2) The plan does not include approvable procedures for preventing the significant deterioration of air quality.

(3) The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of California.

(b) District PSD Plans.

(1) The PSD rules for Sacramento County Air Pollution Control District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply § 52.21 in certain cases. The provisions of § 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the Sacramento County Air Pollution Control District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under § 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources of major modifications under § 52.21 and which would either have stacks taller than 65 meters or would use “disposition techniques” as defined in § 51.1.

(iii) Sources for which EPA has issued permits under § 52.21, including the following permits and any others for which applications are received by July 31, 1985;

(A) Arcata Lumber Co. (NC 78–01; November 8, 1979),

(B) Northcoast Paving (NC 79–03; July 5, 1979),

(C) PG&E Buhne Pt. (NC 77–05).

(iv) Those projects which are major stationary sources or major modifications for nitrogen oxides as precursors to ozone under § 52.21.

(2) The PSD rules for North Coast Unified Air Quality Management District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply § 52.21 in certain cases. The provisions of § 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the North Coast Unified Air Quality Management District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under § 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources or major modifications under § 52.21 and which would either have stacks taller than 65 meters or would use “disposition techniques” as defined in § 51.1.

(iii) Any sources for which EPA has issued permits under § 52.21, including any permits for which applications are received by July 31, 1985.

(3) The PSD rules for Mendocino County Air Pollution Control District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply § 52.21 in certain cases. The provisions of § 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the Mendocino County Air Pollution Control District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under § 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources or major modifications under § 52.21 and which would either have stacks taller than 65 meters or would use “disposition techniques” as defined in § 51.1.

(iv) Those projects which are major stationary sources or major modifications for nitrogen oxides as precursors to ozone under § 52.21.

(4) The PSD rules for Northern Sonoma County Air Pollution Control District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply § 52.21 in certain cases. The provisions of § 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the Northern Sonoma County Air Pollution Control District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under § 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources of major modifications under § 52.21 and which would either have stacks taller than 65 meters or would use “disposition techniques” as defined in § 51.1.

(iii) Sources for which EPA has issued permits under § 52.21, including the following permits and any others for which applications are received by July 31, 1985;

(A) Arcata Lumber Co. (NC 78–01; November 8, 1979),

(B) Northcoast Paving (NC 79–03; July 5, 1979),

(C) PG&E Buhne Pt. (NC 77–05).

(iv) Those projects which are major stationary sources or major modifications for nitrogen oxides as precursors to ozone under § 52.21.
(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under §52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources or major modifications under §52.21 and which would either have stacks taller than 65 meters or would use “dispersion techniques” as defined in §51.1.

(iii) Any sources for which EPA has issued permits under §52.21, including any permits for which applications are received by July 31, 1985.

(5) Rule 2410, “Prevention of Significant Deterioration,” adopted on June 16, 2011, for the San Joaquin Valley Unified Air Pollution Control District (SJUVAPCD) is approved under Part C, Subpart 1, of the Clean Air Act, based, in part, on the clarifications provided in a May 18, 2012 letter from the San Joaquin Valley Unified Air Pollution Control District described in §52.220(c)(415). For PSD permits previously issued by EPA pursuant to §52.21 to sources located in the SJUVAPCD, this approval includes the authority for the SJUVAPCD to conduct general administration of these existing permits, authority to process and issue any and all subsequent permit actions relating to such permits, and authority to enforce such permits, except for:

(i) Those specific sources within the SJUVAPCD that have submitted PSD permit applications to EPA and for which EPA has issued a proposed PSD permit decision, but for which final agency action and/or the exhaustion of all administrative and judicial appeals processes (including any associated remand actions) have not yet been concluded or completed by November 26, 2012. The SJUVAPCD will assume full responsibility for the administration and implementation of such PSD permits immediately upon notification from EPA to the SJUVAPCD that any and all administrative and judicial appeals processes (and any associated remand actions) have been completed or concluded for any such permit decision. Prior to the date of such notification, EPA is retaining authority to apply §52.21 for such permit decisions, and the provisions of §52.21, except paragraph (a)(1), are therefore incorporated and made a part of the State plan for California for the SJUVAPCD for such permit decisions during the identified time period.

(ii) [Reserved]

(6) The PSD program for the Placer County Air Pollution Control District (PCAPCD), as incorporated by reference in §52.220(c)(391), is approved under part C, Subpart 1, of the Clean Air Act. For PSD permits previously issued by EPA pursuant to §52.21 to sources located in the PCAPCD, this approval includes the authority for the PCAPCD to conduct general administration of these existing permits, authority to process and issue any and all subsequent permit actions relating to such permits, and authority to enforce such permits.

(7) The PSD program for the Imperial County Air Pollution Control District, as incorporated by reference in §52.220(c)(411), is approved under part C, Subpart 1, of the Clean Air Act.

(8) The PSD program for the Eastern Kern Air Pollution Control District (EKAPCD), as incorporated by reference in §52.220(c)(419), is approved under part C, Subpart 1, of the Clean Air Act. For PSD permits previously issued by EPA pursuant to §52.21 to sources located in the EKAPCD, this approval includes the authority for the EKAPCD to conduct general administration of these existing permits, authority to process and issue any and all subsequent permit actions relating to such permits, and authority to enforce such permits.

(9) The PSD program for the Yolo-Solano Air Quality Management District, as incorporated by reference in §52.220(c)(420), is approved under part C, Subpart 1, of the Clean Air Act.

(10) The PSD program for greenhouse gases (GHGs) in Rule 1714 for the South Coast Air Quality Management District (SCAQMD), as incorporated by reference in §52.220(c)(421), is approved under part C, Subpart 1, of the Clean Air Act. This approval is limited to sources subject to the PSD program for GHGs. The provisions of §52.21 (except paragraph (a)(1)) continue to apply to the SCAQMD for all pollutants subject to regulation, as defined in §52.21, except for GHGs.
§ 52.271 Malfunction, startup, and shutdown regulations.

(a) The following regulations are disapproved because they would permit the exemption of sources from the applicable emission limitations and therefore do not satisfy the enforcement imperatives of section 110 of the Clean Air Act.

(1) Amador County APCD.
   (i) Rule 404, submitted on April 21, 1976.
   (ii) Rule 4f, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(2) Bay Area APCD.
   (i) Regulation 2, Section 3212, and Regulation 3, Section 3203, submitted on April 21, 1976.
   (ii) Regulation 2, Section 3212, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

(3) Calaveras County APCD.

(4) Colusa County APCD.
   (i) Rule 4.4g, submitted on July 25, 1973, and Rule 4.4g, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
   (ii) Rule 45, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

(5) Del Norte County APCD.
   (ii) Rule 45, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

(6) Fresno County APCD.
   (i) Rule 110, submitted on June 30, 1972, and previously approved under 40 CFR 52.223.
   (ii) Rules 110 and 402(f), submitted on October 23, 1974.
(7) Glenn County APCD.
   (i) Rules 95.2 and 95.3, submitted on January 10, 1975.
(8) Great Basin Unified APCD.
   (i) Rule 403, submitted on June 6, 1977.
(9) Humboldt County APCD.
   (i) Rule 540, Submitted on November, 10, 1976.
   (ii) Rule 59, Submitted on February 21, 1972 and previously approved under 40 CFR 52.223 (37 FR 10842).
   (10) Kern County APCD.
(11) Kings County APDC.
(12) Lake County APCD.
   (i) Chapter III, Article I, Section 500, and Article II, Sections 510 and 511, submitted on February 10, 1977.
   (ii) Part VI, Sections 1 and 2, submitted on June 30, 1972, and previously approved under 40 CFR 52.223.
(13) Los Angeles County APCD.
   (14) Madera County APCD.
   (i) Rule 402(f), submitted on January 10, 1975, and Rule 110, submitted on June 30, 1972, and previously approved under 40 CFR 52.223.
(15) Mariposa County APCD.
   (i) Rule 203(j), submitted on January 10, 1975, and Rule 4.3(g), submitted on February 21, 1972, and previously approved under 40 CFR 52.223.
(16) Mendocino County APCD.
   (ii) Sections 1 and 2 of Part VI, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).
(17) Merced County APCD.
   (i) Rule 109, submitted on August 2, 1976.
   (ii) Rule 109, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
(18) Nevada County APCD.
   (i) Rule 55(f), submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).
(19) Northern Sonoma County APCD.
(20) Placer County APCD.
   (i) Rule 55(f), submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).
(21) Plumas County APCD.
   (i) Rule 203(j), submitted on January 10, 1975.
(22) Riverside County APCD.
(23) San Bernardino County APCD.
   (ii) Rule 55, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).
(24) San Joaquin County APCD.
   (i) Rule 110, submitted on October 23, 1974, and Rule 110, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
(25) San Luis Obispo County APCD.
   (i) Rule 107, submitted on November 10, 1976.
   (ii) Rule 102, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).
(26) Shasta County APCD.
   (ii) Rule 3:10, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
(27) Sierra County APCD.
   (i) Rule 51, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842), and Rule 203(j), submitted on January 10, 1975, and previously approved under 40 CFR 52.223 (42 FR 23805).
(28) Southern California APCD.
(29) Stanislaus County APCD.
   (i) Rule 110, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812), and Rule 110, submitted on July 19, 1974.
   (30) Tehama County APCD.
   (ii) Rule 41g, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
   (31) Trinity County APCD.
   (ii) Rule 44, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
   (32) Tulare County APCD.
   (i) Rules 111 and 402(f), submitted on November 10, 1976.
   (33) Tuolumne County APCD.
   (34) Ventura County APCD.
   (ii) Rule 32, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
   (35) Yuba County APCD.
   (6) Shasta County AQMD.
   (7) Monterey Bay Unified Air Pollution Control District.
   (c) The following regulations are disapproved because they exempt sources from applicable emissions limitations during malfunctions and/or fail to sufficiently limit startup and shutdown exemptions to those periods where it is technically infeasible to meet emissions limitations.
   (1) South Coast Air Quality Management District.
   (d) The following regulations are disapproved because they merely describe how state agencies intend to apply their enforcement discretion and thus, if approved, the regulations would have no effect on the State Implementation Plan.
   (1) Antelope Valley AQMD.
   (2) Kern County APCD.
   (i) Rule 111, Equipment Breakdown, submitted on July 23, 1996.
   (3) Mojave Desert AQMD.

40 CFR Ch. 1 (7–1–16 Edition)
§ 52.272 Research operations exemptions.

(a) The requirements of §51.281 of this chapter are not met because the following regulations allow exemptions to be granted from the applicable emission limitations, thereby potentially rendering the applicable limitations unenforceable. Furthermore, the regulations are inconsistent with the Clean Air Act, because the regulations could permit violations of the National Ambient Air Quality Standards under
Environmental Protection Agency

§ 52.273 Open burning.

(a) The following rules or portions of rules are disapproved because they contain exemptions to open burning (including open agricultural burning) prohibitions, that do not satisfy the requirements of section 110 of the Clean Air Act:

(i) Rule 410(a)(2) and the following portions of Regulation 2: General prohibitions (all of page 1), paragraph (f) of Article I, paragraphs (f) and (g) of Article V, and paragraph (f) of Article VI, submitted on November 10, 1976.


(iv) Great Basin Unified APCD.


(v) Los Angeles County APCD.

(i) Rule 441, submitted on June 6, 1977.

(vi) Placer County APCD.

(i) Rule 203(D), submitted on October 13, 1977.

(vii) Riverside County APCD.

(i) Rule 441, submitted on June 6, 1977.

(viii) Sacramento County APCD.


(ix) San Bernardino County APCD.

(i) Rule 441, submitted on August 2, 1976.

(x) Southern California APCD.

(i) Rule 441, submitted on August 2, 1976.

(ii) Rule 308, submitted on April 21, 1976.


(iv) Rules 302(G) and 322, submitted on October 15, 1979.

(v) Calaveras County APCD.


(1) Bay Area APCD.

(i) Regulation 2, Division 1, sections 1214 to 1214.3, submitted on July 25, 1973.

(ii) Regulation 3, Division 1, sections 1205 to 1205.3, submitted on July 25, 1973.

(2) El Dorado County APCD.

(i) Rule 203(D), submitted on November 4, 1977.

(3) Great Basin Unified APCD.

(i) Rule 203(D), submitted on November 4, 1977.

(4) Los Angeles County APCD.

(i) Rule 441, submitted on June 6, 1977.

(5) Placer County APCD.

(i) Rule 203(D), submitted on October 13, 1977.

(6) Riverside County APCD.

(i) Rule 441, submitted on June 6, 1977.

(7) Sacramento County APCD.


(8) San Bernardino County APCD.

(i) Rule 441, submitted on August 2, 1976.

(9) Southern California APCD.

(i) Rule 441, submitted on August 2, 1976.

(10) Kern County APCD.


(11) Merced County APCD.

(i) Rule 416(h), submitted on August 2, 1976.

(ii) Rules 416.1(III)(A), (V)(A), (V)(B), (V)(C), and (V)(D), submitted on August 2, 1976, (Rule 416.1(c)(2), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(12) Monterey Bay Unified APCD.
§ 52.273  40 CFR Ch. I (7–1–16 Edition)

(i) Rules 409(a), 409(a)(5), and 410(b)(1), submitted on January 10, 1975.

(13) Nevada County APCD.

(14) Northern Sonoma County APCD.

(15) Placer County APCD.

(16) Plumas County APCD.
   (17) Sacramento County APCD.
   (i) Rule 96(a), submitted on November 10, 1976.
   (ii) Rule 96(a), submitted on November 4, 1977.
   (18) San Joaquin County APCD.
   (i) Rule 96(a), submitted on November 10, 1976.
   (ii) Rule 96(a), submitted on November 4, 1977.
   (19) Santa Barbara County APCD.
   (i) Rules 404(a)(a) and 404(1), submitted on July 25, 1973. (The analogous Rule 22, previously approved in the February 21, 1972 submittal, is retained.) Rule 404(c), submitted on July 25, 1973, is also disapproved.
   (ii) Rule 22, submitted on January 22, 1974. (The analogous Rule 22, previously approved in the February 21, 1972 submittal, is retained.) Rules 24.1 and 24.2, submitted on January 22, 1974, are also disapproved.

(20) Shasta County APCD.
   (i) Rule 2.8, sections (1)(b)(ii) (a, b, and d), (1)(e)(viii) 2(c), 3(f), 4(e), 5(c), and 5(d). (Previously approved Rule 2.6, sections (2)(c), (3)(f), and (4)(e), submitted on July 19, 1974, are retained.)

(21) Sierra County APCD.
   (i) Rules 302(C), 319, and 322, submitted on June 6, 1977.

(22) Trinity County APCD.
   (i) Rule 410(c)(2) and the following portions of Regulation 2: General prohibitions (all of page 1), paragraph (f) of Article I, paragraphs (f) and (g) of Article V, and paragraph (f) of Article VI, submitted on November 10, 1976.

(23) Tulare County APCD.
   (i) Rule 402(e), submitted on November 10, 1976.
   (ii) Section 417(III)(A), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).
   (iii) Section 417.1(e)(1), (e)(3), and (e)(4), submitted on January 10, 1975.

(24) Tuolumne County APCD.

(25) Yolo-Solano APCD.
   (i) Rules 2.8(c) (4) and (5) 6.3, and 6.5(a), submitted on July 25, 1973.
   (ii) Rules 6.1(a), (e)(6), and (g), submitted on January 10, 1975. (Rules 4.1 (a) and (g), submitted on February 21, 1972, and previously approved under 40 CFR 52.223, are retained.)
   (b) The following rules or portions of rules are disapproved because they relax the control on open burning (including agricultural burning) without accompanying analyses demonstrating that these relaxations will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards:
   (1) Del Norte County APCD.
      (i) Regulation 2, Article I, paragraph (e), submitted on November 10, 1976.
      (ii) Rule 410(c)(2), submitted on May 7, 1979.
   (2) Fresno County APCD.
      (i) Rule 416.1(c)(1), submitted on October 23, 1974.
      (ii) Rule 416.1(g), submitted on November 4, 1977.
   (3) Humboldt County APCD.
      (i) Regulation 2, Article I, paragraph (e), submitted on November 10, 1976.
      (ii) Rule 410(c)(2), submitted on May 7, 1979.
   (4) Imperial County APCD.
      (i) Rule 422, submitted on November 4, 1977. (The requirements of Rule 115, submitted on February 21, 1972, and
Environmental Protection Agency

§ 52.274 California air pollution emergency plan.

(a) Since the California Air Pollution Emergency Plan does not provide complete, implementable provisions for taking emission control actions necessary to prevent ambient pollutant concentrations from reaching significant harm levels, the requirements of subpart H of this chapter for Priority I and II areas are not met, except in the following areas:

(1) South Coast Air Quality Management District (SCAQMD).
(2) Sacramento County Air Pollution Control District.
(3) Monterey Bay Unified APCD (MBUAPCD).
(4) Santa Barbara Air Quality Management Area portion of the Santa Barbara County Air Pollution Control District.
(5) Bay Area Air Quality Management District.
(6) Ventura County Air Pollution Control District.
(7) San Diego County APCD.
(8) Los Angeles County Air Pollution Control District.
(9) Riverside County Air Pollution Control District.

[42 FR 41122, Aug. 15, 1977]

EDITORIAL NOTE: For Federal Register citations affecting §52.273, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.
(10) San Bernardino County Desert Air Pollution Control District.
(11) Imperial County Air Pollution Control District.
(12) Fresno County Air Pollution Control District.
(13) Kern County Air Pollution Control District.

(b) The requirements of subpart H of this chapter are met in the SCAQMD with the following exceptions:
SCAQMD Regulation VII has no schedule to assure that the emission control actions are fully implementable; does not provide specific emission control actions for interdistrict coordination; has no provisions for nitrogen dioxide, particulate matter, and sulfur dioxide and particulate matter combined episodes; has no criteria or provisions to protect the eight-hour averaged carbon monoxide significant harm level; and has no provisions for implementation of abatement plans for stage 2 or 3 carbon monoxide or oxidant episodes that are attained without being predicted.

(c) Regulation for prevention of air pollution emergency episodes—plan scheduling, interdistrict coordination, episode criteria, and declaration.

(1) The requirements of this paragraph are applicable in the SCAQMD.

(2) The owner or operator of any governmental, industrial, business, or commercial activity listed in Rules 708.1 and 708.3 of Regulation VII of the SCAQMD, as revised on May 6, 1977, shall submit a Stationary Source Curtailment Plan and/or Traffic Abatement Plan to the Administrator within sixty days after the effective date of this paragraph.

(3) The plans submitted pursuant to the requirements of this paragraph, shall be reviewed by the Administrator for approval or disapproval according to the following schedule:
(i) For sources with emissions of hydrocarbons (HC) or nitrogen oxides (NOX) greater than or equal to 454 metric tons (500 tons) per year, or for establishments employing 400 or more employees per shift, within 45 days after receipt.

(ii) For sources with emissions of HC or NOX greater than or equal to 91 metric tons (100 tons) per year and less than 454 metric tons (500 tons) per year, or for establishments employing more than 200 and less than 400 employees per shift, within 90 days after receipt.

(iii) For sources or establishments other than those addressed in paragraphs (c)(3)(i) through (ii) of this section, within 180 days after receipt.

(4) The owner or operator of an industrial, business, governmental or commercial establishment required to submit a plan by this paragraph shall be notified by the Administrator within thirty days after the plan has been evaluated if the plan is disapproved. Any plan disapproved by the Administrator shall be modified to overcome the disapproval and resubmitted to the Administrator within 30 days of the receipt of the notice of disapproval.

(5) In the event specific sources or source areas within the SCAQMD are determined to significantly contribute to a declared air pollution episode in a nearby Air Pollution Control District, emission control actions specified in Regulation VII of the SCAQMD, as revised on May 6, 1977, for that declared episode stage shall be taken in the SCAQMD to abate that episode.

(6) For the purposes of this paragraph, the following episode criteria shall apply to carbon monoxide concentrations averaged over eight hours:
(i) For stage 1, 15 parts per million.

(ii) For stage 2, 30 parts per million.

(iii) For stage 3, 40 parts per million.

(7) The provisions of SCAQMD Regulation VII, as revised on May 6, 1977, relating to carbon monoxide episodes averaged over 12 hours shall apply to carbon monoxide episodes averaged over 8 hours except that the Administrator shall provide for declaration, notification, source inspections, and termination of the episodes.

(8) Whenever the Administrator has determined that the stage 2 or 3 episode level for oxidant or carbon monoxide as specified in Rule 703 of Regulation VII of the SCAQMD, as amended May 6, 1977, is being attained or has been attained, and is predicted to remain at such level for 12 or more hours, or increase, or in the case of oxidant to reoccur within the next 24 hours, unless control actions are taken, the existence of the appropriate episode level and the location of the source-receptor areas shall be declared, and the actions specified in Rules 710(b)(1), 710(b)(2),...
711(b)(1), or 711(b)(2) shall be taken by the Administrator.

(d) Regulation for prevention of air pollution emergency episodes—nitrogen dioxide, particulate matter, and sulfur dioxide and particulate matter combined.

(1) The requirements of this paragraph are applicable in the SCAQMD.

(2) For the purposes of this regulation the following definitions apply:

(i) “Ppm” means parts per million by volume.

(ii) “COH” means coefficient of haze.

(iii) “Ugm$^3$” means micrograms per cubic meter.

(iv) “Administrator” means the Administrator of the Environmental Protection Agency or his authorized representative.

(v) “Major National Holiday” means a holiday such as Christmas, New Year’s Day, or Independence Day.

(vi) “Source/Receptor Areas” are defined for each episode occurrence based on air monitoring, geographical, and meteorological factors: Source area is that area in which contaminants are discharged and a receptor area is that area in which the contaminants accumulate and are measured.

(vii) “Air Contaminants” means nitrogen dioxide, particulate matter, and sulfur dioxide and particulate matter combined.

(3) For the purposes of this regulation, the following episode criteria shall apply:

<table>
<thead>
<tr>
<th>Contaminants</th>
<th>Averaging time (hours)</th>
<th>Stage 1</th>
<th>Stage 2</th>
<th>Stage 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen dioxide</td>
<td>1</td>
<td>0.6 ppm</td>
<td>1.2 ppm</td>
<td>1.6 ppm</td>
</tr>
<tr>
<td></td>
<td>24</td>
<td>0.15 ppm</td>
<td>0.3 ppm</td>
<td>0.4 ppm</td>
</tr>
<tr>
<td></td>
<td>24</td>
<td>3.0 COH</td>
<td>6.0 COH</td>
<td>7.0 COH</td>
</tr>
<tr>
<td>Particulate matter</td>
<td>24</td>
<td>375 ugm$^{-3}$</td>
<td>625 ugm$^{-3}$</td>
<td>875 ugm$^{-3}$</td>
</tr>
<tr>
<td>Sulfur dioxide and particulate matter combined</td>
<td>24</td>
<td>0.2$^1$</td>
<td>0.8$^1$</td>
<td>1.2$^1$</td>
</tr>
<tr>
<td></td>
<td>24</td>
<td>65,000$^2$</td>
<td>261,000$^2$</td>
<td>393,000$^2$</td>
</tr>
</tbody>
</table>

$^1$ Product of sulfur dioxide (ppm) and particulate matter (COH).

$^2$ Product of sulfur dioxide (ugm$^{-3}$) and particulate matter (ugm$^{-3}$).

(4) Whenever the Administrator has determined that any episode level specified in paragraph (d)(3) of this section is being attained or has been attained, and is predicted to remain at such level for 12 or more hours, or increase, unless control actions are taken, the existence of the appropriate episode level and the location of the source-receptor areas shall be declared.

(5) Whenever the available scientific and meteorological data indicate that any episode level declared by paragraph (d)(4) of this section is no longer occurring and is not predicted to immediately increase again to episode levels, such episode shall be declared terminated.

(6) The following shall be notified by the Administrator whenever an episode is predicted, attained or terminated: (i) Public officials; (ii) persons operating any facility or activity named in paragraph (d)(8) of this section; (iii) public health, safety, and emergency agencies; (iv) news media.

(7) Upon request of the Administrator, persons operating any facility or activity named in paragraph (d)(8) of this section shall install, properly maintain, and operate radio-receiving equipment with decoding device capable of receiving broadcasts of the declaration and termination of episodes required under this paragraph and instructions as to the actions to be taken.

(8) Stationary source curtailment plans and traffic abatement plans shall be prepared by industrial, business, commercial, and governmental establishments as follows:

(i) The owner or operator of any industrial, business, commercial, or governmental activity listed below shall submit to the Administrator plans to curtail operations causing stationary source air contaminants in such activity:

(A) Petroleum refinery emitting 23 metric tons (25 tons) or more per year of air contaminants.
(B) Metal-melting plant requiring molten metal temperatures in excess of 540 °C (1,000 °F) or metal-refining plant or metal-smelting plant, in which a total of 1,135 kilograms (2,500 pounds) or more of metal are in a molten state at any one time or are poured in any 1 hour.

(C) Fossil fuel-fired electric generating facility having a total rated capacity of 50 megawatts or more.

(D) Any facility or plant emitting 91 metric tons (100 tons) or more per year of air contaminants.

(ii) The plans required by paragraph (d)(8)(i) of this section shall include the following:

(A) A list of equipment which emits nitrogen oxides, particulate matter, and/or sulfur dioxide, including the SCAQMD permit number, the daily amount of air contaminants emitted, and a statement of the minimum time and recommended time to implement the abatement actions for each episode stage for the equipment listed and the percent reduction in emissions at each episode stage.

(B) The total number of employees at the facility during each shift on a normal weekday and on a major national holiday.

(C) The normal amount of electricity used on a normal weekday and on a major national holiday.

(D) The actions to inform employees of the procedures to be taken in the event of an episode declaration.

(E) The name and telephone numbers of the facility’s episode action coordinator and alternate, who are responsible for implementation of the plan.

(F) For stage 1 episodes:

(1) The measures to voluntarily curtail equipment emitting air contaminants.

(2) The measures to curtail or postpone electrically intensive industrial operations, where feasible.

(3) The measures for electric utilities to import power from outside the basin to the extent feasible.

(G) For stage 2 episodes:

(1) The measures to curtail as much as possible, without upsetting production, equipment operations which emit air contaminants.

(2) The measures to postpone operations which may be postponed until after the episode.

(3) For fossil fuel-fired combustion sources, including electric utilities, with a heat input greater than 50 million BTU per hour:

(i) The measures to burn natural gas.

(ii) To the extent that natural gas is not available, the measures to burn fuel oil with a sulfur content of not more than 0.25 percent by weight or the measures to reduce air contaminant emissions to equivalent discharge. Any combustion source may be exempt from the provisions of this paragraph upon demonstration that fuel oil with the specified sulfur content is not available.

(4) For electric utilities the measures, in addition to those in paragraph (d)(8)(i)(F)(3) of this section, to:

(i) Shift oil burning power generation to non-source areas to the maximum extent consistent with the public health, safety, and welfare.

(ii) Shift oil burning power generation to combined cycle gas turbine generating equipment burning fuel oil containing less than 0.15 percent sulfur to the maximum extent consistent with the public health, safety, and welfare.

(5) For refineries and chemical plants the measures to be taken to reduce air contaminant emissions by 20 percent without jeopardizing the public health or safety, without causing an increase in the emissions of other air contaminants, without damaging the equipment or without reducing production by more than 20 percent.

(6) The measures in paragraph (d)(8)(i)(F) of this section.

(H) For stage 3 nitrogen dioxide episodes:

(1) The measures for petroleum refineries to reduce emissions of nitrogen dioxide by 33 percent, without damaging the equipment or increasing the emissions of other air contaminants.

(2) The measures in paragraph (d)(8)(i)(G) of this section.

(3) A list of equipment and the permit numbers of such equipment not operated on a major national holiday.

(4) A statement as to whether or not the facility operates on a major national holiday.
(I) For stage 3 particulate matter episodes:

(1) The measures for petroleum refineries to reduce emissions of particulate matter by 33 percent, without damaging the equipment or increasing the emissions of other air contaminants.

(2) The measures described in paragraph (d)(8)(ii)(G) of this section.

(3) The measures for any facility or plant, except electrical generating facilities and petroleum refineries, normally emitting 91 metric tons (100 tons) or more per year of particulate matter to eliminate such emissions by starting no new batches, by ceasing feed of new materials, and by phasing down as rapidly as possible without damage to the equipment.

(4) The measures for metal melting, refining, or smelting plants to eliminate emissions of particulate matter by starting no new batches, by ceasing feed of new materials, and by phasing down as rapidly as possible without damage to the equipment.

(5) The measures described in paragraphs (d)(8)(ii)(G) and (I) of this section.

(J) For stage 3 sulfur dioxide and particulate matter combined episodes:

(1) The measures described in paragraphs (d)(8)(ii)(G) and (I) of this section.

(2) The measures for petroleum refineries to reduce emissions of sulfur dioxide by 33 percent, without damaging the equipment or increasing the emissions of other air contaminants.

(3) The measures for any facility or plant, except electrical generating facilities and petroleum refineries, normally emitting 91 metric tons (100 tons) or more per year of sulfur dioxide to eliminate such emissions by starting no new batches, by ceasing feed of new materials, and by phasing down as rapidly as possible without damage to the equipment.

(K) An estimate of the resultant reduction in air contaminant emissions.

(iii) The owner or operator of any industrial, business, commercial, or governmental activity listed below shall submit to the Administrator plans to curtail or cease operations causing air contaminants from vehicle use:

(A) Operators of 50 or more fleet vehicles.

(B) Industrial, business, commercial, or governmental establishments employing more than 100 persons per shift at one business address.

(iv) The plans required by paragraph (d)(8)(iii) of this paragraph shall include the following:

(A) The total number of employees at the facility during each shift on a normal weekday and on a major national holiday.

(B) The number of motor vehicles and vehicle miles traveled for motor vehicles operated:

(1) By the company on company business on a normal weekday and on a major national holiday.

(2) By employees commuting from home to the place of business on a normal weekday and on a major national holiday.

(C) The number of parking spaces used on a normal weekday and on a major national holiday.

(D) The minimum number of motor vehicles to be operated that are necessary to protect public health or safety.

(E) The actions to inform employees of the procedures to be taken in the event of an episode declaration.

(F) The name and telephone numbers of the facility’s episode action coordinator and alternate, who are responsible for implementation of the plan.

(G) For stage 1 episodes, the methods by which employers will encourage the utilization of car pools or otherwise reduce employee motor vehicle travel.

(H) For stage 2 and 3 episodes, the measures within the reasonable control of the employer to reduce the number of vehicle miles driven by employees in commuting to and from work.

(I) An estimate of the reduction in vehicle miles traveled as a result of the measures in this paragraph.

(v) Each owner or operator required to submit a plan by this paragraph shall submit to the Administrator such plan within 60 days of the effective date of this paragraph.

(vi) The plans submitted in accordance with the provisions of this paragraph shall be approved or disapproved by the Administrator according to the following schedule:

(A) For sources with emissions of air contaminants greater than or equal to 454 metric tons (500 tons) per year, or for establishments employing 400 or
§ 52.274

more employees per shift, within 45 days after receipt.

(B) For sources with emissions of air contaminants greater than or equal to 91 metric tons (100 tons) per year and less than 454 metric tons (500 tons) per year, or for establishments employing more than 200 and less than 400 employees per shift, within 90 days after receipt.

(C) For sources with emissions of air contaminants less than 91 metric tons (100 tons) per year, or for establishments employing 100 to 200 employees per shift, within 180 days after receipt.

(vii) The owner or operator required to submit a plan by this paragraph shall be notified by the Administrator within 30 days after the plan has been evaluated if the plan is disapproved. Any plan disapproved by the Administrator shall be modified to

(viii) A copy of the plan approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this section.

(9) The following actions shall be taken in the source and receptor areas upon declaration of a stage 1 episode:

(i) The notifications required by paragraph (d)(6) of this section.

(ii) The Administrator shall advise the public that those individuals with special health problems should follow the precautions recommended by their physicians and health officials.

(iii) The Administrator shall advise school officials to cancel, postpone, or reschedule programs which require outdoor physical activity.

(iv) The Administrator shall request the public to stop all unnecessary driving.

(v) The Administrator shall request the public to operate all privately owned vehicles on a pool basis.

(vi) Persons operating any facility or activity named in paragraph (d)(8) of this section shall implement the appropriate plans specified in paragraph (d)(8) of this section for the declared stage 1 episode and air contaminant(s).

(10) The following actions shall be taken in the source and receptor areas upon declaration of a stage 2 episode:

(i) The actions described in paragraphs (d)(9) (i) through (v) of this section.

(ii) The Administrator shall request suspension of programs that involve physical exertion by participants using public parks or public recreational facilities located in receptor areas.

(iii) The burning of combustible refuse shall be postponed until the episode has been terminated.

(iv) The Administrator shall request the public to reduce the use of electricity by 10 percent.

(v) Persons operating any facility or activity named in paragraph (d)(8) of this section shall implement the appropriate plans specified in paragraph (d)(8) of this section for the declared stage 2 episode and air contaminant(s).

(11) The following actions shall be taken in the source and receptor areas upon declaration of a stage 3 episode:

(i) The actions described in paragraphs (d)(10) (i) through (iii) of this section.

(ii) The Administrator shall request the public to reduce the use of electricity by 40 percent.

(iii) Persons operating any facility or activity named in paragraph (d)(8) of this section shall implement the appropriate plans specified in paragraph (d)(8) of this section for the declared stage 3 episode and air contaminant(s).

(iv) For nitrogen dioxide, the general public, schools, industrial, business, commercial, and governmental activities throughout the District shall operate as though the day were a major national holiday.

(v) For particulate matter and/or sulfur dioxide and particulate matter combined, the Administrator shall request the public to reduce as much as possible activities causing dust emissions including agricultural operations, off-road vehicle use, and driving on unpaved roads. Construction and demolition operation shall be postponed until the episode has been terminated.

(12) In the event specific sources or source areas within the SCAQMD are determined to significantly contribute to a declared air pollution episode in a nearby Air Pollution Control District, emission control actions specified in
this paragraph for that declared episode stage shall be taken in the SCAQMD to abate that episode.

(13) A source inspection plan shall be implemented by the Administrator upon the declaration of any episode stage.

(14) The Administrator shall provide for daily acquisition of forecasts of atmospheric stagnation conditions during any episode stage and updating of such forecasts at least every 12 hours.

(15) Any source that violates any requirement of this section shall be subject to enforcement action under section 113 of the Act.

(16) All submittals or notifications required to be submitted to the Administrator by this section shall be sent to:


(e) The requirements of subpart H of this chapter are met in the Sacramento County Air Pollution Control District with the following exceptions: There are no episode criteria levels, declaration procedures, notification procedures, source inspections, emission control actions or episode termination procedures for carbon monoxide episodes based on 4- and 8-hour averaging times; communication procedures for transmitting status reports and orders as to emission control actions to be taken during an episode stage are not provided for; there are no provisions for the inspection of those sources covered under Rule 122; there is no time schedule for the Air Pollution Control Officer to initiate the call for the submission of individual abatement plans; the requirements for the content of the abatement plans are not sufficiently specific to ensure that adequate plans are submitted; no provisions exist for the daily acquisition of atmospheric stagnation forecasts.

(1) The requirements of this paragraph are applicable in the Sacramento County Air Pollution Control District.

(2) For the purposes of this regulation the following definitions apply:

(i) “Administrator” means the Administrator of the Environmental Protection Agency or his authorized representative.

(ii) “ppm” means parts per million by volume.

(iii) “ug/m$^3$” means micrograms per cubic meter.

(3) For the purposes of this paragraph, the following episode criteria shall apply:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Averaging time (hours)</th>
<th>Stage 1</th>
<th>Stage 2</th>
<th>Stage 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon monoxide</td>
<td>4</td>
<td>125</td>
<td>145</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>115</td>
<td>130</td>
<td>140</td>
</tr>
</tbody>
</table>

*Parts per million by volume.

(4) The provisions of the Sacramento County Air Pollution Control District’s Regulation IX, as submitted on November 4, 1977, relating to carbon monoxide episodes averaged over 1 hour shall apply to carbon monoxide episodes averaged over 4 and 8 hours except that the Administrator shall insure that declaration, notification, source inspections, and termination of such episodes will occur.

(5) Stationary source curtailment plans shall be prepared by business, commercial, industrial, and governmental establishments as follows:

(i) The owner or operator of any business, commercial, industrial, or governmental facility or activity listed below shall submit to the Administrator plans to curtail or cease operations causing stationary source air contaminants in such activity:

(A) Stationary sources which can be expected to emit 100 tons or more per year of hydrocarbons or carbon monoxide.

(ii) The plans required by paragraph (f)(5)(i)(A) of this section shall include the following information:

(A) The information requested by Regulation IX, Rule 125, section d, as submitted to the EPA on November 4, 1977.
(B) The total number of employees at the facility during each shift on a normal weekday.

(C) The amount of energy (gas, fuel oil, and electricity) used on a normal weekday.

(D) For first-stage episodes, the measures to voluntarily curtail equipment emitting air pollutants.

(E) For second-stage episodes:

(i) The measures to curtail, as much as possible, equipment operations that emit air pollutants specific to the type of episode and, in the case of oxidant episodes, the equipment operations that emit hydrocarbons.

(ii) The measures to postpone operations which can be postponed until after the episode.

(F) For third-stage episodes:

(i) A list of equipment, with permit numbers if applicable, which can be shut down without jeopardizing the public health or safety, and an estimate of the resultant reductions in air contaminant emissions.

(ii) A list of all equipment, with permit numbers if applicable, which must be operated to protect the public health or safety, and an estimate of the air contaminant emissions from such equipment.

(iii) Copies of the stationary source curtailment plans approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this paragraph.

(G) The owner or operator of any governmental, business, commercial, or industrial activity or facility listed in paragraph (f)(5) of this section shall submit a stationary source curtailment plan to the Administrator within 60 days after promulgation of final rule-making.

(H) The plans submitted pursuant to the requirements of this paragraph shall be reviewed by the Administrator for approval or disapproval according to the following schedule:

(i) For sources with emissions of hydrocarbons and carbon monoxide greater than or equal to 91 metric tons (100 tons) per year and less than 454 metric tons (500 tons) per year, within 90 days after receipt.

(ii) For sources with emissions of hydrocarbons and carbon monoxide less than 91 metric tons (100 tons) per year, within 180 days after receipt.

(iii) For sources with emissions of hydrocarbons and carbon monoxide less than 91 metric tons (100 tons) per year, within 180 days after receipt.

(8) The owner or operator of any industrial, business, governmental, or commercial establishment required to submit a plan by this paragraph shall be notified by the Administrator within 30 days after the plan has been evaluated. Any plan disapproved by the Administrator shall be modified to overcome the disapproval and resubmitted to the Administrator within 30 days of receipt of the notice of disapproval.

(9) A source inspection plan shall be implemented by the Administrator upon the declaration of any episode stage, and the following facilities shall be inspected to ensure compliance:

(i) Those sources covered under Rule 122, as submitted to the EPA on November 4, 1977, as appropriate.

(10) The Administrator shall ensure that forecasts of atmospheric stagnation conditions during any episode stage and updating of such forecasts are acquired.

(11) Any source that violates any requirement of this regulation shall be subject to enforcement action under section 113 of the Clean Air Act.

(12) All submittals or notifications required to be submitted to the Administrator by this regulation shall be sent to: Regional Administrator, Att: Air and Hazardous Materials Division, Air Technical Branch, Technical Analysis Section (A–4–3) Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105.

(g) Regulation for the prevention of air pollution emergency episodes—Priority II particulate matter emergency episode contingency plan.

(1) The requirements of this paragraph are applicable in the Sacramento County Air Pollution Control District.

(2) For the purposes of this paragraph the following episode criteria shall apply:
(3) Whenever it is determined that any episode level specified in paragraph (g)(2) of this section is predicted to be attained, is being attained, or has been attained and is expected to remain at such levels for 12 or more hours, the appropriate episode level shall be declared.

(4) Whenever the available scientific and meteorological data indicate that any episode level specified in paragraph (g)(2) of this section is no longer being attained and is not predicted to increase again to episode levels, such episode shall be declared terminated.

(5) The following shall be notified whenever an episode is predicted, attained, or terminated:

(i) Public officials.
(ii) Public health, safety, and emergency agencies.
(iii) News media.

(h) The requirements of Subpart H of this chapter are met in the MBUAPCD which the following exceptions: There is no time schedule to assure that stationary source and traffic curtailment plans are submitted and reviewed in a timely manner; curtailment plans are not sufficiently specific; there are no provisions for the acquisition of forecasts of atmospheric stagnation conditions; and adequate mandatory emission control actions are not specified for Third-Stage oxidant episodes.

(i) Regulation for prevention of oxidant air pollution emergency episodes within the MBUAPCD.

(1) The requirements of this paragraph are applicable in the MBUAPCD.

(2) For the purposes of this regulation the following definitions apply:

(i) “Administrator” means the Administrator of the Environmental Protection Agency or his authorized representative.

(ii) “Major national holiday” means a holiday such as Christmas, New Year’s Day or Independence Day.


(3) The plans required by Rule 705(a) of Regulation VII shall include the following information in addition to that required in Rule 705(b) of Regulation VII, and shall be submitted and processed as follows:

(i) Stationary sources.

(A) The total number of employees at the facility during each shift:

(I) On a normal weekday.

(II) On a major national holiday.

(B) The amount and type of fuel used:

(I) On a normal weekday.

(II) On a major national holiday.

(C) For Third-Stage episodes:

(I) A list of equipment and the permit numbers of such equipment not operated on a major national holiday.

(II) A statement as to whether or not the facility operates on a major national holiday.

(2) A statement as to whether or not the facility operates on a major national holiday.

(ii) Indirect sources.

(A) The total number of employees at the facility during each shift:

(I) On a normal weekday.

(II) On a major national holiday.

(B) The number of motor vehicles and vehicle miles traveled for motor vehicles operated:

(I) By the company, on company business, on a normal weekday and on a major national holiday.

(II) By employees commuting between home and the place of business on a normal weekday and on a major national holiday.

(C) The number of parking spaces:

(I) Available.

(II) Normally used on a weekday.

(III) Normally used on a major national holiday.

(3) The number of parking spaces:

(D) The minimum number of motor vehicles to be operated that are necessary to protect the public health or safety.

(E) For Third-Stage episodes, a statement as to whether or not the facility operates on a major national holiday.

(iii) Each owner or operator required to submit a plan as specified under Rule 705(a) of Regulation VII shall submit such plans within 60 days after promulgation of the final rulemaking.

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<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Average time (hours)</th>
<th>Stage 1</th>
<th>Stage 2</th>
<th>Stage 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Particulate matter</td>
<td>24</td>
<td>1375</td>
<td>1625</td>
<td>1875</td>
</tr>
</tbody>
</table>

¹ Micrograms per cubic meter.
(iv) The plans submitted in accordance with the provisions of this paragraph shall be approved or disapproved by the Administrator within 120 days after receipt.

(v) Each owner or operator required to submit a plan as specified under Rule 705(a) of Regulation VII shall be notified within 90 days after the Administrator’s decision.

(vi) Any plan disapproved by the Administrator shall be modified to overcome this disapproval and resubmitted to the Administrator within 30 days of the notice of disapproval.

(vii) A copy of the plan approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this section.

(4) The following actions shall be implemented by the Administrator upon declaration of a Third-Stage oxidant episode: the general public, schools, industrial, business, commercial, and governmental activities throughout the MBUAPCD shall operate as though the day were a major national holiday.

(5) The Administrator shall ensure the acquisition of forecasts of atmospheric stagnation conditions during any episode stage and updating of such forecasts.

(j)–(o) [Reserved]

(p) Regulation for prevention of air pollution emergency episodes—requirements for stationary source curtailment plans and particulate matter episodes.

(1) The requirements of this paragraph are applicable in the Los Angeles County, Riverside County, San Bernardino County Desert and Imperial County Air Pollution Control Districts.

(2) For the purposes of this regulation, the following definitions apply:

(i) “Administrator” means the Administrator of the Environmental Protection Agency or his authorized representative.

(ii) “ug/m\(^3\)” means micrograms per cubic meter.

(iii) “Major national holiday” means a holiday such as Christmas or New Year’s Day.

(3) Stationary source curtailment plans shall be prepared by major stationary sources, as defined by section 169(1) of the Act:

(i) The plans required by this paragraph shall include the following information:

(A) The information requested in the California Air Resources Board’s Criteria for Approval of Air Pollution Emergency Abatement Plans (Executive Order G–63).

(B) The total number of employees at the facility during each work shift on a normal weekday and on a major national holiday.

(C) The amount of energy (gas, fuel oil, and electricity) used on a normal weekday and on a major national holiday.

(D) For first-stage episodes:

(1) The measures to voluntarily curtail equipment emitting air pollutants.

(E) For second-stage episodes:

(1) The measures to curtail, as much as possible, equipment operations that emit air pollutants specific to the type of episode and, in the case of oxidant episodes, the equipment operations that emit hydrocarbons and nitrogen oxides.

(2) The measures to postpone operations which can be postponed until after the episode.

(F) For third-stage episodes:

(1) A list of equipment, with permit numbers if applicable, which can be shut down without jeopardizing the public health or safety, and an estimate of the resultant reductions in hydrocarbons, nitrogen oxides, and particulate matter emissions.

(2) A list of all equipment, with permit numbers if applicable, which must be operated to protect the public health or safety, and an estimate of the hydrocarbons, nitrogen oxides, and particulate matter emissions from such equipment.

(4) A copy of the stationary source curtailment plan approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this paragraph.

(5) The owner or operator of any governmental, business, commercial, or industrial activity or facility listed in paragraph (p)(3) of this section shall submit a stationary source curtailment
Environmental Protection Agency § 52.274

plan to the Administrator within 60 days after promulgation of final rulemaking.

(6) The plans submitted pursuant to the requirements of this paragraph shall be reviewed by the Administrator within 90 days.

(7) The owner or operator of any major stationary source required to submit a plan by this paragraph shall be notified by the Administrator within 30 days after the plan has been approved or disapproved. Any plan disapproved by the Administrator shall be modified to overcome the disapproval and resubmitted to the Administrator within 30 days of receipt of the notice of disapproval.

(8) All submittals or notifications required to be submitted to the Administrator by this regulation shall be sent to:


(9) Any source that violates any requirement of this regulation shall be subject to enforcement action under section 113 of the Act.

(10) For the purposes of this regulation the following episode criteria shall apply to particulate matter episodes:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Averaging time (hours)</th>
<th>Stage 1</th>
<th>Stage 2</th>
<th>Stage 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Particulate matter</td>
<td>24</td>
<td>375</td>
<td>625</td>
<td>875</td>
</tr>
</tbody>
</table>

(q) The requirements of Subpart H of this chapter are met in the Fresno County Air Pollution Control District, with the following exceptions: There are no episode criteria levels, declaration procedures, notification procedures, source inspection procedures, emission control actions, or episode termination procedures for carbon monoxide episodes based on 4- and 8-hour averaging times, or for particulate matter episodes based on 24-hour averaging times; there is no time schedule to initiate the call for the submittal of individual abatement plans; the requirements for the content of the abatement plans are not sufficiently specific to ensure the adequate provisions for requiring abatement plans from operations which attract large numbers of motor vehicles with their related emissions; the Stage 3 photochemical oxidants (ozone) criterion level equals the Federal significant harm level; there are no provisions for adequate mandatory emission control actions.

(r) Regulation for prevention of air pollution emergency episodes—4- and 8-hour carbon monoxide criteria levels, mandatory emission control actions, preplanned abatement strategies, and a Priority I particulate matter emergency episode contingency plan.

(1) The requirements of this paragraph are applicable in the Fresno County Air Pollution Control District.

(2) For the purposes of this regulation the following definitions apply:

(i) “Administrator” means the Administrator of the Environmental Protection Agency or his authorized representative.

(ii) “ppm” means parts per million by volume.

(iii) “μg/m³” means micrograms per cubic meter.

(iv) “Major national holiday” means a holiday such as Christmas or New Year’s Day.

(3) For the purposes of this regulation, the following episode criteria shall apply to carbon monoxide episodes:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Averaging time (hours)</th>
<th>Stage 1 (ppm)</th>
<th>Stage 2 (ppm)</th>
<th>Stage 3 (ppm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon monoxide</td>
<td>4</td>
<td>25</td>
<td>45</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>15</td>
<td>30</td>
<td>40</td>
</tr>
</tbody>
</table>

(4) The provisions of the Fresno County Air Pollution Control District’s Regulation VI, as submitted on October 23, 1974, relating to carbon monoxide episodes averaged over 1 hour shall apply to carbon monoxide episodes averaged over 4 and 8 hours except that the Administrator shall insure that declaration procedures, notification procedures, source inspections, and termination of such episodes occur.

(5) Stationary source curtailment plans and traffic abatement plans shall be prepared by business, commercial,
industrial, and governmental establishments in Fresno County as follows:

(i) The owner or operator of any business, commercial, industrial, or governmental stationary source which can be expected to emit 100 tons or more per year of carbon monoxide, hydrocarbons, or particulate matter shall submit to the Administrator plans to curtail or cease operations causing stationary source air contaminants in such activity:

(ii) The plans required by paragraph (r)(5)(i) of this section shall include the following information:

(A) The information requested in the California Air Resources Board's “Criteria for Approval of Air Pollution Emergency Abatement Plans” (Executive Order G–63).

(B) The total number of employees at the facility during each shift on a normal weekday and on a major national holiday.

(C) The amount of energy (gas, fuel oil, and electricity) used on a normal weekday and on a major national holiday.

(D) For first-stage episodes, the measures to voluntarily curtail equipment emitting air pollutants.

(E) For second-stage episodes:

(1) The measures to curtail, as much as possible, equipment operations that emit air pollutants specific to the type of episode and, in the case of oxidant episodes, the equipment operations that emit hydrocarbons or nitrogen oxides.

(2) The measures to postpone operations which can be postponed until after the episode.

(F) For third-stage episodes:

(1) A list of equipment, with permit numbers if applicable, which can be shut down without jeopardizing the public health or safety, and an estimate of the resultant reductions in carbon monoxide, hydrocarbons, nitrogen oxides, and particulate matter emissions.

(2) A list of all equipment, with permit numbers if applicable, which must be operated to protect the public health or safety, and an estimate of the carbon monoxide, hydrocarbons, nitrogen oxides, and particulate matter emissions from such equipment.

(iii) The owner or operator of any industrial, business, commercial, or governmental facility or activity employing more than 100 persons per shift at any one business address shall submit to the Administrator plans to curtail or cease operations causing air contaminants from vehicle use.

(iv) The plans required by paragraph (r)(5)(iii) of this section shall include the following information:

(A) The information requested in the California Air Resources Board's “Criteria for Approval of Air Pollution Emergency Abatement Plans” (Executive Order G–63).

(B) The total number of employees at the facility during each shift.

(C) The total number of motor vehicles and vehicle miles traveled for motor vehicles operated:

(1) By the company on company business on a normal weekday and a major national holiday.

(2) By employees commuting between home and the place of business on a normal weekday and a major national holiday.

(3) The minimum number of motor vehicles to be operated that are necessary to protect public health or safety.

(6) A copy of the stationary source curtailment and/or traffic abatement plans approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this paragraph.

(7) The owner or operator of any governmental, business, commercial, or industrial activity or facility listed in paragraph (r)(5) of this section shall submit a stationary source curtailment plan and/or traffic abatement plan to the Administrator within 60 days after promulgation of final rulemaking.

(8) The plans submitted pursuant to the requirements of this paragraph shall be reviewed by the Administrator for approval or disapproval according to the following schedule:

(i) For sources with emissions of hydrocarbons, carbon monoxide, or particulate matter greater than or equal to 454 metric tons (500 tons) per year, or for establishments employing 400 or more employees per shift, within 45 days after receipt.
(ii) For sources with emissions of hydrocarbons, carbon monoxide, or particulate matter greater than or equal to 91 metric tons (100 tons) per year and less than 454 metric tons (500 tons) per year, or for establishments employing more than 200 and less than 400 employees per shift, within 90 days after receipt.

(iii) For establishments employing 100 to 200 employees per shift, within 180 days after receipt.

(9) The owner or operator of any industrial, business, governmental or commercial establishment required to submit a plan by this paragraph shall be notified by the Administrator within 30 days after the plan has been evaluated as to whether the plan has been approved or disapproved. Any plan disapproved by the Administrator shall be modified to overcome the disapproval and resubmitted to the Administrator within 30 days of receipt of the notice of disapproval.

(10) Any source that violates any requirement of this regulation shall be subject to enforcement action under section 113 of the Act.

(11) All submittals or notifications required to be submitted to the Administrator by this regulation shall be sent to:


(12) For the purposes of this regulation the following episode criteria shall apply to particulate matter episodes and Stage 3 photochemical oxidants episodes:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Averaging time (hours)</th>
<th>Stage 1</th>
<th>Stage 2</th>
<th>Stage 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Particulate matter</td>
<td>24</td>
<td>375</td>
<td>625</td>
<td>875</td>
</tr>
<tr>
<td>Photochemical oxidants</td>
<td>1</td>
<td></td>
<td></td>
<td>0.5</td>
</tr>
</tbody>
</table>

*Parts per million.

(13) The Fresno County Air Pollution Control District's Regulation VI, as submitted on October 23, 1974, relating to episodes for carbon monoxide and photochemical oxidants averaged over 1 hour, shall apply to particulate matter episodes averaged over 24 hours, except that the Administrator shall insure that declaration procedures, notification procedures, source inspections, and termination of such episodes occur.

(14) The Administrator shall insure that the following actions will be taken in the source and receptor areas on the declaration of a Stage 1, Stage 2 or Stage 3 episode:

(i) For a Stage 1 or Stage 2 episode:

(A) Persons operating any facility or activity named in paragraph (r)(5) of this section shall implement the appropriate plans submitted in accordance with subparagraph (5) of the declared Stage 1 or Stage 2 episode for the appropriate air contaminant(s).

(ii) For a Stage 3 episode:

(A) The general public, schools, industrial, business, commercial, and governmental activities throughout Fresno County shall operate as though the day were a major national holiday.

[43 FR 22721, May 26, 1978]

EDITORIAL NOTE: For Federal Register citations affecting §52.274, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.275 Particulate matter control.

(a) The following rules or portions of rules are retained because they control emissions of particulate matter, and because there is no demonstration that their deletion would not interfere with the attainment and maintenance of the national standards for particulate matter:

(1) Lake County APCD.

(i) Part III–50 and Part V–1B, submitted on October 23, 1974, and previously approved under 40 CFR 52.223.

(2) San Luis Obispo County APCD.

(i) Rule 113, submitted on February 21, 1972, and previously approved under 40 CFR 52.223.

(b) The following regulations are disapproved because they relax the control on particulate matter emissions without any accompanying analyses demonstrating that these relaxations will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.

(1) Amador County APCD.

(i) Rules 211 and 212, submitted on April 21, 1976. (Regulation V, Rules 13 and 14, submitted on June 30, 1972, and previously approved, are retained.)
(ii) Rules 207 and 212, submitted on October 13, 1977. (The analogous Rules 10 and 14 of Regulation V, submitted on June 30, 1972, and previously approved, are retained and shall remain in effect for Federal enforcement purposes.)

(2) Calaveras County APCD.
   (i) Rule 211, submitted on October 13, 1977. (Rule 211, submitted on July 22, 1975, and previously approved, is retained and shall remain in effect for Federal enforcement purposes.)

(3) Del Norte County APCD.
   (i) Rules 410(c)(7) and 420(e), submitted on November 10, 1976.
   (ii) Rules 420(e) and (f), submitted on November 4, 1977.

(4) El Dorado County APCD.
   (i) Rule 212, submitted on April 10, 1975, and Rule 211, submitted on August 2, 1976. (The analogous Rule 55, submitted on February 21, 1972, and previously approved, is retained and shall remain in effect for Federal enforcement purposes.)

(5) Humbolt County APCD.
   (i) Rules 410(c)(7) and 420(e), submitted on November 10, 1976.
   (ii) Rules 420(e) and (f), submitted on November 4, 1977.

(6) Mariposa County APCD.
   (i) Rule 211, submitted on June 6, 1977. (Rule 211, submitted on January 10, 1975, and previously approved, is retained and shall remain in effect for Federal enforcement purposes.)

(7) Mendocino County APCD.
   (i) Rule 410(c)(7), submitted on November 10, 1976.
   (ii) Rules 420(e) and (f), submitted on November 4, 1977.

(8) Nevada County APCD.
   (i) Rule 212, submitted on April 10, 1975, and Rule 211, submitted on April 21, 1976. (Rule 52.1, submitted on June 30, 1972, and previously approved, is retained and shall remain in effect for Federal enforcement purposes.)

(9) Northern Sonoma County APCD.
   (i) Rule 420(e), submitted on November 10, 1976.
   (ii) Rules 420(e) and (f), submitted on November 4, 1977.

(10) Placer County APCD.
    (i) Rule 211, submitted on October 13, 1977. (The analogous Rule 61, submitted on June 30, 1972, and previously approved, is retained and shall remain in effect for Federal enforcement purposes.)
    (ii) Rules 202, 207, and 211, submitted on October 15, 1975; and Section 61, and Rules 202 and 207, previously approved in the June 30, 1972, January 10, 1975, and October 13, 1977 submittals, are retained.

(11) Plumas County APCD.
    (i) Rule 211, submitted on June 6, 1977. (The analogous Rule 211, submitted on January 10, 1975, and previously approved, is retained and shall remain in effect for Federal enforcement purposes.)

(12) San Luis Obispo County APCD.
    (i) Rule 403, submitted on November 10, 1976.

(13) Sierra County APCD.
    (i) Rule 211, submitted on June 6, 1977. (The analogous Rule 211, submitted on January 10, 1975, and previously approved, is retained and shall remain in effect for Federal enforcement purposes.)

(14) Trinity County APCD.
    (i) Rules 410(c)(7) and 420(e), submitted on November 10, 1976.
    (ii) Rules 420(e) and (f), submitted on November 4, 1977.

(c) The following regulations are disapproved because they relax the control on visible emissions without any accompanying analyses demonstrating that these relaxations will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards or any other applicable requirement of the Clean Air Act.

(1) South Coast Air Quality Management District.

[43 FR 25675, June 14, 1978]

EDITORIAL NOTE: For Federal Register citations affecting §52.275, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§52.276 Sulfur content of fuels.

(a) The following rules or portions of rules are disapproved since they represent a relaxation of previously submitted regulations and an adequate control strategy demonstration has not
been submitted showing that the relaxation will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards:

(1) North Central Coast Intrastate Region:

(i) Monterey Bay Unified APCD.

(A) Rule 412(a)(8), Sulfur Content of Fuels, submitted on October 23, 1974.

(b) The deletion of the following rules from the State implementation plan is disapproved since their deletion represents a relaxation of the control strategy, and an adequate demonstration showing that the relaxation will not interfere with the attainment and maintenance of the national ambient air quality standards has not been submitted:

(1) Southeast Desert Intrastate Region:

(i) Imperial County APCD.

(A) Rule 126, Sulfur Contents of Fuels, submitted on June 30, 1972 and previously approved under 40 CFR 52.223.


§ 52.278 Oxides of nitrogen control.

(a) The following regulations are disapproved because they relax the control of nitrogen oxides emissions without an accompanying analysis demonstrating that this relaxation will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.

(1) South central coast intrastate AQCR.

(i) San Luis Obispo County APCD.

(A) Rule 405(A)(1), Nitrogen Oxides Emission Standards Limitations and Prohibitions submitted on November 10, 1976, is disapproved; and Rule 114(4), Gaseous Contaminants Oxides of Nitrogen submitted on February 21, 1972 and previously approved in 40 CFR 52.223, is retained.

[43 FR 34467, Aug. 4, 1978]

§ 52.279 Food processing facilities.

(a) The following regulations are disapproved because they conflict with the requirements of 40 CFR Subpart I [formerly §51.18], “Review of new sources and modifications,” and relax the control on emissions from food processing facilities without any accompanying analyses demonstrating that these relaxations will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.


[52 FR 3646, Feb. 5, 1987, as amended at 55 FR 31835, Aug. 6, 1990]
§ 52.280 Fuel burning equipment.

(a) The following rules and regulations are disapproved because they relax the control on emissions from fuel burning equipment without any accompanying analyses demonstrating that these relaxations will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.

(1) Mountain Counties Intrastate AQCR:

(i) Amador County APCD.

(A) Rules 209, submitted on April 21, 1976 and October 15, 1979, are disapproved; and Regulation V, Rule 19, previously approved in the June 30, 1972 submittal, is retained.

(B) Rule 210(B)(1), submitted on October 16, 1979, is disapproved; and Rules 11 and 210, previously approved in the June 30, 1972 and April 21, 1976 submittals, are retained.

(ii) Calaveras County APCD.

(A) Rule 209, Fossil Fuel-Steam Generator Facility, submitted on October 13, 1977, is disapproved; and Rule 408, Fuel Burning Equipment, previously approved in the June 30, 1972 submittal, is retained and shall remain in effect for Federal enforcement purposes.

(iii) Tuolumne County APCD.

(A) Rule 210, submitted on October 15, 1979, is disapproved; and Rule 407, submitted on October 13, 1977, is disapproved. Rule 407 is retained and shall remain in effect for Federal enforcement purposes.

(iv) Mariposa County APCD.

(A) Rule 210, submitted on October 15, 1979, is disapproved; and Rule 407, previously approved in the June 30, 1972 submittal, is retained.

(b) The deletion of the following rules or portions of rules from the State implementation plan is disapproved since their deletion represents a relaxation of the control strategy and an adequate demonstration showing that the relaxation will not interfere with the attainment and maintenance of the national ambient air quality standards has not been submitted:

(1) Southeast Desert Intrastate Region:

(i) Imperial County APCD.

(A) Rule 131, Fuel Burning Equipment, submitted on February 21, 1972 and previously approved under 40 CFR 52.223.

(ii) San Bernardino County.

(A) Rule 67, Fuel Burning Equipment as applied to new sources. The emission limit of Rule 67 is retained and is applicable only to existing sources already granted a permit.

(c) The emission limits of Rules 67 and 72 are partially retained, applicable only to (existing) sources granted permits prior to June 17, 1981.

(1) South Coast Air Quality Management District.


§ 52.281 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring. The provisions of § 52.26 are hereby incorporated and made part of the applicable plan for the State of California.

(c) Regulations for visibility new source review. The provisions of § 52.27 are hereby incorporated and made part of the applicable plan for the State of California only with respect to:
(1) Mendocino County air pollution control district, 
(2) Monterey County air pollution control district, 
(3) North Coast Unified air quality management district, 
(4) Northern Sonoma County air pollution control district, and 
(5) Sacramento County air pollution control district. 

(d) The provisions of §52.28 are hereby incorporated and made part of the applicable plan for the State of California, except for: 
(1) Monterey County air pollution control district, and 
(2) Sacramento County air pollution control district. 

(e) Long-term strategy. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of California. 

(f) Approval. On March 16, 2009, the California Air Resources Board submitted the “California Regional Haze Plan” (“CRHP”). The CRHP, as amended and supplemented on September 8, 2009 and June 9, 2010, meets the requirements of Clean Air Act section 169B and the Regional Haze Rule in 40 CFR 51.308. 


§52.282 Control strategy and regulations: Ozone. 

(a) Attainment determination. EPA has determined that the Ventura County severe 1-hour ozone nonattainment area attained the 1-hour ozone NAAQS by the applicable attainment date of November 15, 2005. EPA also has determined that the Ventura County severe 1-hour ozone nonattainment area is not subject to the requirements of section 185 of the Clean Air Act (CAA) for the 1-hour standard and that the State is not required to submit a SIP under Section 182(d)(3) of the CAA to implement a section 185 program for the 1-hour standard in this area. In addition, the requirements of section 172(c)(9) (contingency measures) for the 1-hour standard do not apply to the area. 

(b) Approval. On December 19, 2007, the California Air Resources Board submitted a maintenance plan for the 1997 8-hour ozone NAAQS for the Monterey Bay Area as required by section 110(a)(1) of the Clean Air Act, as amended in 1990, and 40 CFR 51.905(a)(4). Elements of the section 110(a)(1) maintenance plan for ozone include a base year (2002) attainment emissions inventory for ozone, a demonstration of maintenance of the ozone NAAQS with projected emissions inventories through the year 2014 for ozone, a plan to verify continued attainment, and a contingency plan. The maintenance plan meets the Federal requirements of Clean Air Act section 110(a)(1) and 40 CFR 51.905(a)(4) and is approved as a revision to the California State Implementation Plan for the above mentioned area. 

(c) Determination of attainment. Effective January 4, 2010, EPA is determining that the Imperial County, California 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard. Under the provisions of EPA’s ozone implementation rule (see 40 CFR 51.918), this determination suspends 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 for as long as the area does not monitor any violations of the 8-hour ozone standard. If a violation of the 1997 ozone NAAQS is monitored in the Imperial County, California 8-hour ozone nonattainment area, this determination shall no longer apply. 

(d) Determinations that Certain Areas Did Not Attain the 1-Hour Ozone NAAQS. EPA has determined that the Los Angeles-South Coast Air Basin Area and the San Joaquin Valley Area extreme 1-hour ozone nonattainment areas did not attain the 1-hour ozone NAAQS by the applicable attainment date of November 15, 2010 and that the Southeast Desert Modified Air Quality Maintenance Area severe-17 1-hour ozone nonattainment area did not attain the 1-hour ozone NAAQS by the applicable attainment date of November 15, 2007.
These determinations bear on the areas’ obligations with respect to the one-hour ozone standard anti-backsliding requirements whose implementation is triggered by a determination of failure to attain by the applicable attainment date: section 172(c)(9) contingency measures for failure to attain and sections 182(d)(3) and 185 major stationary source fee programs.


(1) Approval of applications for extensions of applicable attainment dates. Under section 181(a)(5) of the Clean Air Act, the EPA is approving the applications submitted by the California Air Resources Board dated June 1, 2015, referencing the District’s letter of May 19, 2015, for extensions of the applicable attainment date for the San Luis Obispo (Eastern San Luis Obispo), CA 2008 8-hour ozone nonattainment areas from July 20, 2015 to July 20, 2016.

(2) Determinations of attainment. The EPA has determined that the Calaveras County, Chico (Butte County), San Francisco Bay Area and Tuscan Buttes 2008 8-hour ozone nonattainment areas in California have attained the 2008 8-hour ozone standard by the July 20, 2015 applicable attainment date, based upon complete quality-assured data for 2012–2014. Therefore, the EPA has met its obligation pursuant to CAA section 181(b)(2)(A) to determine, based on the area’s air quality data as of the attainment date, whether the area attained the standard. As a result of these determinations, the Calaveras County, Chico (Butte County), San Francisco Bay Area and Tuscan Buttes 2008 8-hour ozone nonattainment areas in California will not be reclassified for failure to attain by their July 20, 2015, applicable attainment date under section 181(b)(2)(A).

(3) Determinations of attainment. EPA is determining that the Amador and Calaveras Counties, Chico, Kern County, Mariposa and Tuolumne Counties, Nevada County, Sutter County and Ventura County 8-hour ozone nonattainment areas have attained the 1997 8-hour ozone standard, based upon complete quality-assured data for 2008–2011. Under the provisions of EPA’s ozone implementation rule (see 40 CFR 51.918), these determinations suspend the attainment demonstrations and associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning SIPs related to attainment for as long as the areas continue to attain the 1997 8-hour ozone standard. If EPA determines, after notice-and-comment rulemaking, that any of these areas no longer meets the 1997 ozone NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

(f) Determination of attainment. EPA has determined that, as of November 19, 2012, the Sacramento Metro 1-hour ozone nonattainment area has attained the 1-hour ozone standard, based upon complete, quality-assured and certified ambient air quality monitoring data for 2007–2009.

(g) Determination of attainment. EPA has determined that, as of May 15, 2015, the Southeast Desert 1-hour ozone nonattainment area has attained the 1-hour ozone standard, based upon complete, quality-assured and certified ambient air quality monitoring data for 2011–2013.

§ 52.283 Interstate Transport.

(a) Approval. On November 16, 2007, the California Air Resources Board submitted the “Interstate Transport State Implementation Plan (SIP) for the 1997 8-hour Ozone Standard and PM2.5 to satisfy the Requirements of Clean Air Act section 110(a)(2)(D)(i) for the State of California (September 21, 2007)” (“2007 Transport SIP”). The 2007 Transport SIP and the additional plan elements listed below meet the following specific requirements of Clean Air Act section 110(a)(2)(D)(i) for the 1997 8-hour ozone and 1997 PM2.5 NAAQS (“1997 standards”).

(1) The requirements of section 110(a)(2)(D)(i)(II) regarding interference with other states’ measures to protect visibility for the 1997 standards are met by chapter 3 (Emissions Inventory), chapter 4 (California 2018 Progress Strategy), and chapter 8 (Consultation)

(2) The requirements of CAA section 110(a)(2)(D)(i)(I) regarding significant contribution to nonattainment of the 1997 standards in any other State and interference with maintenance of the 1997 standards by any other State.

(3) The requirements of section 110(a)(2)(D)(i)(II) regarding interference with any other State’s measures required under title I, part C of the Clean Air Act to prevent significant deterioration of air quality, except that these requirements are not fully met in the Air Pollution Control Districts (APCDs) or Air Quality Management Districts (AQMDs) listed in this paragraph.

(i) Amador County APCD
(ii) Butte County AQMD
(iii) Calaveras County APCD
(iv) Feather River AQMD
(v) Northern Sierra AQMD
(vi) Mariposa County APCD
(vii) Tuolumne County APCD
(viii) North Coast Unified AQMD
(ix) All other areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270.

(b) [Reserved]

(c) 2006 PM$_{2.5}$ NAAQS and 2012 PM$_{2.5}$ NAAQS: The 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, and the additional plan elements listed below meet the following specific requirements of Clean Air Act section 110(a)(2)(D)(i) for the 2006 PM$_{2.5}$ NAAQS and 2012 PM$_{2.5}$ NAAQS.

(1) The requirements of section 110(a)(2)(D)(i)(II) regarding interference with any other State’s measures required under title I, part C of the Clean Air Act to prevent significant deterioration of air quality, except that these requirements are not fully met in the Air Pollution Control Districts (APCDs) or Air Quality Management Districts (AQMDs) listed in this paragraph.

(i) Mendocino County AQMD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only)
(ii) North Coast APCD (PSD requirements for the regulation of PM$_{2.5}$, PM$_{2.5}$ precursors, condensable PM$_{2.5}$, PM$_{2.5}$ increments, and NO$_X$ as an ozone precursor, only)
(iii) Northern Sonoma County APCD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only)
(iv) South Coast AQMD (PSD requirements for the NAAQS, only).
(v) All other areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270.

(2) The requirements of section 110(a)(2)(D)(i)(II) regarding interference with other states’ measures to protect visibility are met by chapter 3 (Emissions Inventory), chapter 4 (California 2018 Progress Strategy), and chapter 8 (Consultation) of the “California Regional Haze Plan,” adopted January 22, 2009.

(d) 2008 ozone NAAQS: The 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, and the additional plan elements listed below meet the following specific requirements of Clean Air Act section 110(a)(2)(D)(i) for the 2008 ozone NAAQS.

(1) The requirements of section 110(a)(2)(D)(i)(II) regarding interference with any other State’s measures required under title I, part C of the Clean Air Act to prevent significant deterioration of air quality, except that these requirements are not fully met in the Air Pollution Control Districts (APCDs) or Air Quality Management Districts (AQMDs) listed in this paragraph.

(i) Mendocino County AQMD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only)
(ii) North Coast APCD (PSD requirements for the regulation of PM$_{2.5}$, PM$_{2.5}$ precursors, condensable PM$_{2.5}$, PM$_{2.5}$ increments, and NO$_X$ as an ozone precursor, only)
(iii) Northern Sonoma County APCD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only)
(iv) South Coast AQMD (PSD requirements for the NAAQS, only).
(v) All other areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270.

(2) The requirements of section 110(a)(2)(D)(i)(II) regarding interference with other states’ measures to protect visibility are met by chapter 3 (Emissions Inventory), chapter 4 (California 2018 Progress Strategy), and chapter 8
§ 52.283  


(e) 2008 Pb NAAQS: The 2011 Pb Infrastructure SIP, submitted on September 22, 2011, and the 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, and the additional plan elements listed below meet the following specific requirements of Clean Air Act section 110(a)(2)(D)(i) for the 2008 Pb NAAQS.

1. The requirements of CAA section 110(a)(2)(D)(i)(I) regarding significant contribution to nonattainment of the 2008 Pb NAAQS in any other State and interference with maintenance of the 2008 Pb NAAQS by any other State.

2. The requirements of section 110(a)(2)(D)(i)(II) regarding interference with any other state’s measures required under title I, part C of the Clean Air Act to prevent significant deterioration of air quality, except that these requirements are not fully met in the Air Pollution Control Districts (APCDs) or Air Quality Management Districts (AQMDs) listed in this paragraph.

   (i) Mendocino County AQMD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only)

   (ii) North Coast APCD (PSD requirements for the regulation of PM$_{2.5}$, PM$_{2.5}$ precursors, condensable PM$_{2.5}$, PM$_{2.5}$ increments, and NO$_X$ as an ozone precursor, only)

   (iii) Northern Sonoma County APCD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only)

   (iv) South Coast AQMD (PSD requirements for the NAAQS, only)

   (v) All other areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270.

3. The requirements of section 110(a)(2)(D)(i)(II) regarding interference with other states’ measures to protect visibility are met by chapter 3 (Emissions Inventory), chapter 4 (California 2018 Progress Strategy), and chapter 8 (Consultation) of the “California Regional Haze Plan,” adopted January 22, 2009.

(f) 2010 NO$_2$ NAAQS: The 2012 NO$_2$ Infrastructure SIP, submitted on November 15, 2012, and the 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, and the additional plan elements listed below meet the following specific requirements of Clean Air Act section 110(a)(2)(D)(i) for the 2010 NO$_2$ NAAQS.

1. The requirements of CAA section 110(a)(2)(D)(i)(I) regarding significant contribution to nonattainment of the 2010 NO$_2$ NAAQS in any other State and interference with maintenance of the 2010 NO$_2$ NAAQS by any other State.

2. The requirements of section 110(a)(2)(D)(i)(II) regarding interference with any other state’s measures required under title I, part C of the Clean Air Act to prevent significant deterioration of air quality, except that these requirements are not fully met in the Air Pollution Control Districts (APCDs) or Air Quality Management Districts (AQMDs) listed in this paragraph.

   (i) Mendocino County AQMD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only)

   (ii) North Coast APCD (PSD requirements for the regulation of PM$_{2.5}$, PM$_{2.5}$ precursors, condensable PM$_{2.5}$, PM$_{2.5}$ increments, and NO$_X$ as an ozone precursor, only)

   (iii) Northern Sonoma County APCD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only)

   (iv) South Coast AQMD (PSD requirements for the NAAQS, only).

   (v) All other areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270.

3. The requirements of section 110(a)(2)(D)(i)(II) regarding interference with other states’ measures to protect visibility are met by chapter 3 (Emissions Inventory), chapter 4 (California 2018 Progress Strategy), and chapter 8 (Consultation) of the “California Regional Haze Plan,” adopted January 22, 2009.

(g) 2010 SO$_2$ NAAQS: The 2014 Multi-pollutant Infrastructure SIP, submitted on March 6, 2014, and the additional plan elements listed below meet the following specific requirements of Clean Air Act section 110(a)(2)(D)(i) for the 2010 SO$_2$ NAAQS.

1. The requirements of section 110(a)(2)(D)(i)(II) regarding interference with any other state’s measures required under title I, part C of the Clean Air Act to prevent significant deterioration of air quality, except that these
requirements are not fully met in the Air Pollution Control Districts (APCDs) or Air Quality Management Districts (AQMDs) listed in this paragraph.

(i) Mendocino County AQMD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only)

(ii) North Coast APCD (PSD requirements for the regulation of PM$_{2.5}$, PM$_{2.5}$ precursors, condensable PM$_{2.5}$, PM$_{2.5}$ increments, and NO$_x$ as an ozone precursor, only)

(iii) Northern Sonoma County APCD (PSD requirements for a baseline date for PM$_{2.5}$ increments, only)

(iv) South Coast AQMD (PSD requirements for the NAAQS, only).

(v) All other areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270.

(2) The requirements of section 110(a)(2)(D)(i)(II) regarding interference with other states’ measures to protect visibility are met by chapter 3 (Emissions Inventory), chapter 4 (California 2018 Progress Strategy), and chapter 8 (Consultation) of the “California Regional Haze Plan,” adopted January 22, 2009.

[76 FR 34611, June 14, 2011, as amended at 76 FR 34876, June 15, 2011; 76 FR 48006, Aug. 8, 2011; 81 FR 18780, Apr. 1, 2016]

Subpart G—Colorado

§ 52.320 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State Implementation Plan for Colorado 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 or other requirements under the Clean Air Act.

(b) Incorporation by reference. (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to June 1, 2015, 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 submitted by the state to EPA, and notice of any change in the material will be published in the Federal Register. Entries for paragraphs (c) and (d) of this section with EPA approval dates after June 1, 2015, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 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, 2015.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202–1129; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, West Building, 1301 Constitution Ave. NW., Washington, DC 20460; and, the National Archives and Records Administration (NARA). For information on the availability of materials from the docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to http://www.archives.gov/federal-register/cfr/ibr-locations.html. Copies of the Colorado regulations we have approved are also available at http://www.epa.gov/region8/air/sip.html. For information on the availability of this material at NARA, call (202) 741–6030, or go to http://www.archives.gov/federal-register/cfr/ibr-locations.html. Copies of the Colorado regulations we have approved are also available at http://www.epa.gov/region8/air/sip.html.

(c) EPA-approved regulations.

<table>
<thead>
<tr>
<th>Title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Implementation Plan</td>
<td>3/30/1998</td>
<td>5/10/2012</td>
<td>77 FR 21461, 04/10/12</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>State effective date</td>
<td>EPA Effective date</td>
<td>Final rule citation/date</td>
<td>Comments</td>
</tr>
<tr>
<td>-------</td>
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</tr>
<tr>
<td>5 CCR 1001–01, Procedural Rules</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Implementation Plan</td>
<td>3/30/1998</td>
<td></td>
<td>77 FR 21451, 04/10/12</td>
<td></td>
</tr>
<tr>
<td>5 CCR 1001–02, Common Provisions Regulation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Definitions, Statement of Intent, and General Provisions Applicable to all Emission Control Regulations adopted by the Colorado Air Quality Control Commission.</td>
<td>1/30/10</td>
<td>2/24/16</td>
<td>81 FR 3963, 1/25/16</td>
<td>Except I.G. Definitions, “Construction” and “Day”</td>
</tr>
<tr>
<td>II. General</td>
<td>1/30/10</td>
<td>2/24/16</td>
<td>81 FR 3963, 1/25/16</td>
<td>Except II.I, II.J.5.</td>
</tr>
<tr>
<td>5 CCR 1001–03, Regulation Number 1, Emission Control for Particulate Matter, Smoke, Carbon Monoxide, and Sulfur Oxides</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Definitions</td>
<td>10/2/2005</td>
<td>2/17/2012</td>
<td>77 FR 2466, 01/18/12.</td>
<td></td>
</tr>
<tr>
<td>I. Applicability: Referenced Federal Regulations.</td>
<td>10/2/2005</td>
<td>2/17/2012</td>
<td>77 FR 2466, 01/18/12.</td>
<td></td>
</tr>
<tr>
<td>II. Smoke and Opacity</td>
<td>10/2/2005</td>
<td>2/17/2012</td>
<td>77 FR 2466, 01/18/12.</td>
<td></td>
</tr>
<tr>
<td>III. Particulate Matter</td>
<td>10/2/2005</td>
<td>2/17/2012</td>
<td>77 FR 2466, 01/18/12.</td>
<td></td>
</tr>
<tr>
<td>IV. Continuous Emission Monitoring Requirements for New or Existing Sources.</td>
<td>10/2/2005</td>
<td>2/17/2012</td>
<td>77 FR 2466, 01/18/12.</td>
<td></td>
</tr>
<tr>
<td>V. Emission Standards for Existing Iron and Steel Plant Operations.</td>
<td>10/2/2005</td>
<td>2/17/2012</td>
<td>77 FR 2466, 01/18/12.</td>
<td></td>
</tr>
<tr>
<td>VI. Sulfur Dioxide Emission Regulations</td>
<td>10/2/2005</td>
<td>2/17/2012</td>
<td>77 FR 2466, 01/18/12.</td>
<td></td>
</tr>
<tr>
<td>VII. Emission Regulations for Certain Electric Generating Stations Owned and Operated by the Public Service Company of Colorado.</td>
<td>10/2/2005</td>
<td>2/17/2012</td>
<td>77 FR 2466, 01/18/12.</td>
<td></td>
</tr>
<tr>
<td>VIII. Restrictions on the Use of Oil as a Backup Fuel.</td>
<td>10/2/2005</td>
<td>2/17/2012</td>
<td>77 FR 2466, 01/18/12.</td>
<td></td>
</tr>
<tr>
<td>IX. Emission Regulations Concerning Areas Which Are Nonattainment for Carbon Monoxide—Refinery Fluid Bed Catalytic Cracking Units.</td>
<td>10/2/2005</td>
<td>2/17/2012</td>
<td>77 FR 2466, 01/18/12.</td>
<td></td>
</tr>
<tr>
<td>Appendix A, Method of Measuring Opacity from Fugitive Particulate Emission Sources.</td>
<td>5/30/1982</td>
<td>1/2/1987</td>
<td>51 FR 43609, 12/03/86.</td>
<td></td>
</tr>
<tr>
<td>5 CCR 1001–05, Regulation Number 3, Part A, Concerning General Provisions Applicable to Reporting and Permitting</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II. Air Pollutant Emission Notice (APEN) Requirements.</td>
<td>12/15/2010</td>
<td>2/24/16</td>
<td>81 FR 3963, 1/25/16</td>
<td></td>
</tr>
<tr>
<td>V. Certification and Trading of Emission Reduction Credits Offset and Netting Transactions.</td>
<td>12/15/2010</td>
<td>2/24/16</td>
<td>81 FR 3963, 1/25/16</td>
<td></td>
</tr>
<tr>
<td>VI. Fees</td>
<td>12/15/2010</td>
<td>2/24/16</td>
<td>81 FR 3963, 1/25/16</td>
<td></td>
</tr>
<tr>
<td>VIII. Technical Modeling and Monitoring Requirements.</td>
<td>12/15/2010</td>
<td>2/24/16</td>
<td>81 FR 3963, 1/25/16</td>
<td></td>
</tr>
<tr>
<td>Appendix B, Non-criteria Reportable Pollutants (Sorted by BIN).</td>
<td>12/15/2010</td>
<td>2/24/16</td>
<td>81 FR 3963, 1/25/16</td>
<td></td>
</tr>
<tr>
<td>5 CCR 1001–05, Regulation Number 3, Part B, Concerning Construction Permits</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Environmental Protection Agency

### § 52.320

<table>
<thead>
<tr>
<th>Title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>II. General Requirements for Construction Permits.</td>
<td>12/15/2010</td>
<td>2/24/16</td>
<td>81 FR 3963, 1/25/16</td>
<td></td>
</tr>
<tr>
<td>III. Construction Permit Review Procedures</td>
<td>12/15/2010</td>
<td>2/24/16</td>
<td>81 FR 3963, 1/25/16</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12/15/2011</td>
<td>2/24/16</td>
<td>81 FR 3963, 1/25/16</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2/15/2013</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5 CCR 1001–05, Regulation Number 3, Part D, Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration

| I. Applicability | 12/15/2010 | 2/24/16 | 81 FR 3963, 1/25/16 |  |
| II. Definitions | 12/15/2010 | 2/24/16 | 81 FR 3963, 1/25/16 | Except II.A.26.d., the phrase "and only PM\textsubscript{2.5} emissions can be used to evaluate the net emissions increase for PM\textsubscript{2.5}" |
| III. Permit Review Procedures | 12/15/2011 | 2/24/16 | 81 FR 3963, 1/25/16 |  |
| IV. Public Comment Requirements | 4/30/2008 | 3/17/2014 | 79 FR 8632, 02/13/14 |  |
| V. Requirements Applicable to Nonattainment Areas. | 12/15/2010 | 2/24/16 | 81 FR 3963, 1/25/16 |  |
| VI. Requirements applicable to attainment and unclassifiable areas and pollutants implemented under Section 110 of the Federal Act (Prevention of Significant Deterioration Program). | 12/15/2010 | 2/24/16 | 81 FR 3963, 1/25/16 |  |
| | 2/15/2013 | | |  |
| VIII. Area Classifications | 4/30/2008 | 3/17/2014 | 79 FR 8632, 02/13/14 |  |
| IX. Redesignation | 4/30/2008 | 3/17/2014 | 79 FR 8632, 02/13/14 |  |
| X. Air Quality Limitations | 12/15/2011 | 2/24/16 | 81 FR 3963, 1/25/16 |  |
| XI. Exclusions From Increment Consumption | 4/30/2008 | 3/17/2014 | 79 FR 8632, 02/13/14 |  |
| XIII. Federal Class I Areas | 12/15/2011 | 2/24/16 | 81 FR 3963, 1/25/16 |  |
| XIV. Visibility | 12/15/2010 | 2/24/16 | 81 FR 3963, 1/25/16 |  |
| XV. Actuals PALs | 12/15/2010 | 2/24/16 | 81 FR 3963, 1/25/16 |  |

5 CCR 1001–05, Regulation Number 3, Part F, Regional Haze Limits—Best Available Retrofit Technology (BART) and Reasonable Progress (RP)

| VI. Regional Haze Determinations | 2/14/2011 | 1/30/2013 | 77 FR 76871, 12/31/12 |  |
| VII. Monitoring, Recordkeeping, and Reporting for Regional Haze Limits. | 2/14/2011 | 1/30/2013 | 77 FR 76871, 12/31/12 |  |

5 CCR 1001–06, Regulation Number 4, New Wood Stoves and the Use of Certain Woodburning Appliances During High Pollution Days

<table>
<thead>
<tr>
<th>Title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV. Enforcement</td>
<td>8/30/1993</td>
<td>5/19/1997</td>
<td>62 FR 18716, 04/17/97</td>
<td></td>
</tr>
<tr>
<td>V. List of Certified Wood Stoves</td>
<td>8/30/1993</td>
<td>5/19/1997</td>
<td>62 FR 18716, 04/17/97</td>
<td></td>
</tr>
<tr>
<td>VI. High Pollution Days</td>
<td>8/30/1993</td>
<td>5/19/1997</td>
<td>62 FR 18716, 04/17/97</td>
<td></td>
</tr>
<tr>
<td>VII. Requirements for Installation of Fireplaces</td>
<td>8/30/1993</td>
<td>5/19/1997</td>
<td>62 FR 18716, 04/17/97</td>
<td></td>
</tr>
<tr>
<td>VIII. Implementation of Local Control Strategies</td>
<td>8/30/1993</td>
<td>5/19/1997</td>
<td>62 FR 18716, 04/17/97</td>
<td></td>
</tr>
<tr>
<td>IX. References</td>
<td>8/30/1993</td>
<td>5/19/1997</td>
<td>62 FR 18716, 04/17/97</td>
<td></td>
</tr>
</tbody>
</table>

5 CCR 1001-06, Regulation Number 6, Standards of Performance for New Stationary Sources

<table>
<thead>
<tr>
<th>Title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV. Standards of Performance for New Sources of Sulfur Dioxide</td>
<td>3/30/1981</td>
<td>1/6/1982</td>
<td>46 FR 59536, 12/07/81</td>
<td></td>
</tr>
</tbody>
</table>

5 CCR 1001–09, Regulation Number 7, Control of Ozone Via Ozone Precursors (Emissions of Volatile Organic Compounds and Nitrogen Oxides)

<table>
<thead>
<tr>
<th>Title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Applicability</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>II. General Provisions</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>III. General Requirements for Storage and Transfer of Volatile Organic Compounds.</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>IV. Storage of Highly Volatile Organic Compounds</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>V. Disposal of Volatile Organic Compounds</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>VI. Storage and Transfer of Petroleum Liquid</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>VII. Crude Oil</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>VIII. Petroleum Processing and Refining</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>IX. Surface Coating Operations</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>X. Use of Solvents for Degreasing and Cleaning</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>XI. Use of Cutback Asphalt</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>XIII. Graphic Arts</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>XIV. Pharmaceutical Synthesis</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>XV. Control of Volatile Organic Compound Leaks from Vapor Collection Systems and Vapor Control Systems Located at Gasoline Terminals, Gasoline Bulk Plants, and Gasoline Dispensing Facilities.</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>XVI. Control of Emissions from Stationary and Portable Engines in the 8-Hour Ozone Control Area.</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>70 FR 48652, 08/05/11</td>
<td></td>
</tr>
<tr>
<td>XVII. E.S.a., (Regional Haze SIP) Rich Burn Reciprocating Internal Combustion Engines.</td>
<td>2/14/2011</td>
<td>1/30/2013</td>
<td>77 FR 76871, 12/31/12</td>
<td>12.</td>
</tr>
<tr>
<td>Appendix A. Criteria for Control of Vapors from Gasoline Transfer to Storage Tanks.</td>
<td>10/30/1989</td>
<td>6/29/95</td>
<td>60 FR 28055, 05/30/95</td>
<td>95.</td>
</tr>
<tr>
<td>Appendix B. Criteria for Control of Vapors from Gasoline Transfer at Bulk Plants (Vapor Balance System).</td>
<td>10/30/1989</td>
<td>6/20/1995</td>
<td>60 FR 28055, 05/30/95</td>
<td>95.</td>
</tr>
<tr>
<td>Appendix D. Test Procedures for Annual Pressure/Vacuum Testing of Gasoline Transport Tanks.</td>
<td>10/30/1989</td>
<td>6/29/95</td>
<td>60 FR 28055, 05/30/95</td>
<td>95.</td>
</tr>
</tbody>
</table>
### Environmental Protection Agency § 52.320

<table>
<thead>
<tr>
<th>Title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix E. Emission Limit Conversion Procedure.</td>
<td>10/30/1989</td>
<td>6/29/1995</td>
<td>60 FR 28055, 05/30/95</td>
<td></td>
</tr>
<tr>
<td>5 CCR 1001–12, Regulation Number 10, Criteria for Analysis of Conformity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II. Definitions</td>
<td>1/30/2012</td>
<td>4/3/2014</td>
<td>79 FR 12079, 03/04/14</td>
<td></td>
</tr>
<tr>
<td>III. Interagency Consultation</td>
<td>1/30/2012</td>
<td>4/3/2014</td>
<td>79 FR 12079, 03/04/14</td>
<td></td>
</tr>
<tr>
<td>IV. Emission reduction credit for certain control measures.</td>
<td>1/30/2012</td>
<td>4/3/2014</td>
<td>79 FR 12079, 03/04/14</td>
<td></td>
</tr>
<tr>
<td>V. Enforceability of design concept and scope and project-level mitigation and control measures</td>
<td>1/30/2012</td>
<td>4/3/2014</td>
<td>79 FR 12079, 03/04/14</td>
<td></td>
</tr>
<tr>
<td>I. Applicability</td>
<td>1/30/2006</td>
<td>10/16/2007</td>
<td>72 FR 46148, 08/17/07</td>
<td></td>
</tr>
<tr>
<td>II. Definitions</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>III. Exemption from Section 42–4–314, C.R.S. for Department of Defense Personnel Participating in the Privately Owned Vehicle Import Control Program.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>IV. Clean Screen/Remote Emissions Sensing</td>
<td>1/30/2006</td>
<td>10/16/2007</td>
<td>72 FR 46148, 08/17/07</td>
<td></td>
</tr>
<tr>
<td>I. Approval of the Colo ‘94 Test Analyzer Systems.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>II. Application for Approval of Colo ‘94 Test Analyzer Systems Equipment Manufacturers.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>III. Performance and Design Specification for the Colo ‘94 Exhaust Gas Analyzers.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>IV. Span Gases For Use With Colo ‘94 Test Analyzer Systems.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>V. Documentation, Logistics, and Warranty Requirements.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>VI. Calibration of Colorado ‘94 Test Analyzer Systems.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>VII. Approval of the Colorado Automobile Dealers Transient Mode Test Analyzer System.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>VIII. Applications for Approval of the Colorado Automobile Dealers Transient Mode Test Analyzer System.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>IX. Requests for Approval of Clean Screen Test Analyzer Systems.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>I. Pre-inspection Requirements</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>II. Exhaust Emissions Inspection Procedures.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>III. Emissions Control Systems Inspection Procedures.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>IV. Evaporative Fuel Control Inspection Procedures.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>State effective date</td>
<td>EPA Effective date</td>
<td>Final rule citation/date</td>
<td>Comments</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------------</td>
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<td>---------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>V. Detection of Chlorofluorocarbons</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19'/05.</td>
<td></td>
</tr>
<tr>
<td>VI. Free Reinspection</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19'/05.</td>
<td></td>
</tr>
<tr>
<td>VII. Repair Information</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19'/05.</td>
<td></td>
</tr>
<tr>
<td>VIII. Certification of Emissions Control</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19'/05.</td>
<td></td>
</tr>
<tr>
<td>IX. Adjustment Procedures</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19'/05.</td>
<td></td>
</tr>
<tr>
<td>XII. Clean Screen Inspection Program Procedures</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19'/05.</td>
<td></td>
</tr>
</tbody>
</table>

5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part D, Qualification and Licensing of Emissions Mechanics, Emissions Inspectors and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities and Enhanced Inspection Centers; Qualification of Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians

II. Qualification and Licensing of Emission Mechanics, and Emissions Inspectors.
III. Registration of Emissions Related Repair Facilities.
IV. Requirements for Clean Screen/Remote Sensing Sites.
V. Qualification of Clean Screen Emissions Inspectors.
VI. Requalification Requirements for all Clean Screen Emissions Inspectors.
VII. Transmittal of Letters of Qualification and Issuance of Clean Screen Inspector Licenses.
VIII. Lapse of Certificate of Qualification for Clean Screen Inspector.
IX. Program License Application Performance Review Criteria.

5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part E, Prohibited Acts and Penalties to Ensure Proper Inspection Procedures, Adherence to Prescribed Procedures and Effective Emissions Related Repairs

I. The Grounds Upon Which The License Of An Emissions Mechanic, Emissions Inspector Or Any Type Of AIR Program Inspection Business May Be Suspended, For A Period Of Time Not Less Than Six Months, Or Revoked.


I. The Idle Short Test Concentration Limits For Light-Duty Vehicles And Heavy-Duty Trucks Specified In Sections I (A) And II (A) Respectively Of This Part F Are Those Necessary To Comply With Emissions Reductions As The Program Matures.
II. Heavy-Duty Vehicles (1978 and Earlier Greater Than 6000 lbs. GVWR) Subject to Idle Short Test(s).
III. Transient Test Mass Emissions Limits In Grams/Mile (GPM).
Environmental Protection Agency  
§ 52.320

<table>
<thead>
<tr>
<th>Title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV. Evaporative Emissions Control Standards</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>V. Vehicles shall not exhibit any continuous gray, blue, blue-black, or black smoke of greater than 5% opacity from the engine crankcase and/or tailpipe(s) during any engine operating conditions of applicable inspection procedures.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>VI. Clean Screen Program Maximum Allowable Emissions Limits.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
</tbody>
</table>

V 5 CCR 1001–13, Regulation Number 11, Appendices

<table>
<thead>
<tr>
<th></th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix A, Specifications for Colorado 94 Analyzer.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>Appendix B, Standards and Specifications for the Suppliers of Span and Calibration Gases.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
</tbody>
</table>

V 5 CCR 1001–14, Emission Budgets for Nonattainment Areas in the State of Colorado

<table>
<thead>
<tr>
<th></th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
</table>

5 CCR 1001–18, Regulation Number 16, Street SANDING Emissions

| II. Street SANDING Requirements Specific to the Denver PM–10 Attainment/Maintenance Area. | 4/19/2001 | 10/16/2002 | 67 FR 58335, 09/16/02. | |

V 5 CCR 1001–20, Nonattainment-Attainment/Maintenance Areas

| I. Pagosa Springs Attainment/Maintenance Area. | 5/30/2000 | 8/14/2001 | 66 FR 32556, 06/15/01. | |
| II. Telluride Attainment/Maintenance Area | 5/30/2000 | 8/14/2001 | 66 FR 32556, 06/15/01. | |
| III. Aspens/Pitkin County PM–10 Attainment/Maintenance Area. | 2/28/2001 | 7/14/2003 | 68 FR 26212, 05/15/03. | |
| V. Canon City PM–10 Nonattainment Area | 12/30/1993 | 2/13/1995 | 59 FR 64332, 12/14/94. | |

5 CCR 1001–05, Regulation Number 3, Part F, Regional Haze Limits—Best Available Retrofit Technology (BART) and Reasonable Progress (RP)

<table>
<thead>
<tr>
<th></th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>VI. Regional Haze Determinations</td>
<td>2/14/2011</td>
<td>1/30/2013</td>
<td>77 FR 76871, 12/31/12.</td>
<td></td>
</tr>
<tr>
<td>VII. Monitoring, Recordkeeping, and Reporting for Regional Haze Limits.</td>
<td>2/14/2011</td>
<td>1/30/2013</td>
<td>77 FR 76871, 12/31/12.</td>
<td></td>
</tr>
</tbody>
</table>

5 CCR 1001–06, Regulation Number 4, New Wood Stoves and the Use of Certain Woodburning Appliances During High Pollution Days


483
<table>
<thead>
<tr>
<th>Title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>IX. References</td>
<td>8/30/1993</td>
<td>5/19/1997</td>
<td>62 FR 18716, 04/17/97</td>
<td></td>
</tr>
<tr>
<td>IV. Standards of Performance for New Sources of Sulfur Dioxide</td>
<td>3/30/1981</td>
<td>1/6/1982</td>
<td>46 FR 59536, 12/07/81</td>
<td></td>
</tr>
<tr>
<td>VI. Storage and Transfer of Petroleum Liquid</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11.</td>
<td></td>
</tr>
<tr>
<td>VII. Crude Oil</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11.</td>
<td></td>
</tr>
<tr>
<td>VIII. Petroleum Processing and Refining</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11.</td>
<td></td>
</tr>
<tr>
<td>IX. Surface Coating Operations</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11.</td>
<td></td>
</tr>
<tr>
<td>X. Use of Solvents for Degreasing and Cleaning</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11.</td>
<td></td>
</tr>
<tr>
<td>XI. Use of Cutback Asphalt</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11.</td>
<td></td>
</tr>
<tr>
<td>XIII. Graphic Arts</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>76 FR 47443, 08/05/11.</td>
<td></td>
</tr>
<tr>
<td>XVI. Control of Emissions from Stationary and Portable Engines in the 8-Hour Ozone Control Area</td>
<td>1/30/2009</td>
<td>9/6/2011</td>
<td>70 FR 48652, 08/05/11.</td>
<td></td>
</tr>
<tr>
<td>Appendix B. Criteria for Control of Volat</td>
<td>10/30/1989</td>
<td>6/29/1995</td>
<td>60 FR 28055, 05/30/95.</td>
<td></td>
</tr>
</tbody>
</table>

### 5 CCR 1001–12, Regulation Number 10, Criteria for Analysis of Conformity

### Title: Environmental Protection Agency § 52.320

<table>
<thead>
<tr>
<th>Title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>V. Enforceability of design concept and scope and project-level mitigation and control measures.</td>
<td>1/30/2012</td>
<td>4/3/2014</td>
<td>79 FR 12079, 03/04/14.</td>
<td></td>
</tr>
<tr>
<td>II. Definitions ...................................................................</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>I. Approval of the Colo '94 Test Analyzer Systems.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>II. Application for Approval of Colo '94 Test Analyzer Systems Equipment Manufacturers.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>IV. Span Gases For Use With Colo '94 Test Analyzer Systems.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>V. Documentation, Logistics, and Warranty Requirements.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>VI. Calibration of Colorado '94 Test Analyzer Systems.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>VII. Approval of the Colorado Automobile Dealers Transient Mode Test Analyzer System.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>VIII. Applications for Approval of the Colorado Automobile Dealers Transient Mode Test Analyzer System.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>IX. Requests for Approval of Clean Screen Test Analyzer Systems.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>I. Pre-inspection Requirements ............................................</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>II. Exhaust Emissions Inspection Procedures.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>IV. Evaporative Fuel Control Inspection Procedures.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>V. Detection of Chlorofluorocarbons ....................................</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>VI. Free Reinspection ......................................................</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>VII. Repair Information ...................................................</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>VIII. Certification of Emissions Control ................................</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>IX. Adjustment Procedures ................................................</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>State effective date</td>
<td>EPA Effective date</td>
<td>Final rule citation/date</td>
<td>Comments</td>
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<td>----------</td>
</tr>
<tr>
<td>XI. Engine Changes</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td>XII. Clean Screen Inspection Program Procedures</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
</tbody>
</table>

5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part D, Qualification and Licensing of Emissions Mechanics, Emissions Inspectors and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities and Enhanced Inspection Centers; Qualification of Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians

| II. Qualification and Licensing of Emission Mechanics, and Emissions Inspectors. | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| III. Registration of Emissions Related Repair Facilities.             | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| IV. Requirements for Clean Screen/Remote Sensing Sites.               | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| V. Qualification of Clean Screen Emissions Inspectors.                | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| VI. Requalification Requirements for all Clean Screen Emissions Inspectors. | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| VII. Transmittal of Letters of Qualification and Issuance of Clean Screen Inspector Licenses. | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| VIII. Lapse of Certificate of Qualification for Clean Screen Inspector. | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| IX. Program License Application Performance Review Criteria.         | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |

5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part E, Prohibited Acts and Penalties to Ensure Proper Inspection Procedures, Adherence to Prescribed Procedures and Effective Emissions Related Repairs

| I. The Grounds Upon Which The License Of An Emissions Mechanic, Emissions Inspector Or Any Type Of AIR Program Inspection Business May Be Suspended, For A Period Of Time Not Less Than Six Months, Or Revoked. | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |


| I. The Idle Short Test Concentration Limits For Light-Duty Vehicles And Heavy-Duty Trucks Specified In Sections I (A) And II (A) Respectively Of This Part F Are Those Necessary To Comply With Emissions Reductions As The Program Matures. | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| II. Heavy-Duty Vehicles (1978 and Earlier Greater Than 6000 lbs. GVWR) Subject to Idle Short Test(s). | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| III. Transient Test Mass Emissions Limits In Grams/Mile (GPM).        | 1/30/2006 | 1/22/2013 | 77 FR 75388, 12/20/12  |          |
| IV. Evaporative Emissions Control Standards                            | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| V. Vehicles shall not exhibit any continuous gray, blue, blue-black, or black smoke of greater than 5% opacity from the engine crankcase and/or tailpipe(s) during any engine operating conditions of applicable inspection procedures. | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
| VI. Clean Screen Program Maximum Allowable Emissions Limits.         | 5/31/2004 | 9/19/2005 | 70 FR 48652, 08/19/05 |          |
### Environmental Protection Agency

#### § 52.320

<table>
<thead>
<tr>
<th>Title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation/date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5 CCR 1001–13, Regulation Number 11, Appendices</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appendix A, Specifications for Colorado 94 Analyzer.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td>Appendix B, Standards and Specifications for the Suppliers of Span and Calibration Gases.</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05.</td>
<td></td>
</tr>
<tr>
<td><strong>5 CCR 1001–14, Emission Budgets for Nonattainment Areas in the State of Colorado</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>5 CCR 1001–18, Regulation Number 16, Street SANDING Emissions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II. Street Sanding Requirements Specific to the Denver PM–10 Attainment/Maintenance Area.</td>
<td>4/19/2001</td>
<td>10/16/2002</td>
<td>67 FR 58335, 09/16/02.</td>
<td></td>
</tr>
<tr>
<td><strong>5 CCR 1001–20, Nonattainment-Attainment/Maintenance Areas</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Pagosa Springs Attainment/Maintenance Area.</td>
<td>5/30/2000</td>
<td>8/14/2001</td>
<td>66 FR 32556, 06/15/01.</td>
<td></td>
</tr>
<tr>
<td>II. Telluride Attainment/Maintenance Area.</td>
<td>5/30/2000</td>
<td>8/14/2001</td>
<td>66 FR 32556, 06/15/01.</td>
<td></td>
</tr>
<tr>
<td>III. Aspen/Pitkin County PM–10 Attainment/Maintenance Area.</td>
<td>2/28/2001</td>
<td>7/14/2003</td>
<td>68 FR 26212, 05/15/03.</td>
<td></td>
</tr>
<tr>
<td>V. Canon City PM–10 Nonattainment Area.</td>
<td>12/30/1993</td>
<td>2/13/1995</td>
<td>59 FR 64332, 12/14/94.</td>
<td></td>
</tr>
<tr>
<td>(d) EPA-approved source-specific requirements.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>State effective date</td>
<td>EPA effective date</td>
<td>Final rule citation/date</td>
<td>Comments</td>
</tr>
<tr>
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<td>--------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Revision of Colorado’s State Implementation Plan for Class I Visibility Protection Craig Station Units 1 and 2 Requirements.</td>
<td>4/19/2001</td>
<td>8/5/2001</td>
<td>66 FR 35374, 07/05/01.</td>
<td></td>
</tr>
<tr>
<td>(e) EPA-approved nonregulatory provisions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>State effective date</td>
<td>EPA effective date</td>
<td>Final rule citation/date</td>
<td>Comments</td>
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</tr>
<tr>
<td>Legislation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concerning Air Pollution Control, and, in connection therewith, revising the Air Program to comply with requirements of the Federal “Clean Air Act Amendments of 1990”. Concerning Legislative Procedures for the Approval of State Implementation Plans and Regulations Related to Air Pollution.</td>
<td>7/1/1993</td>
<td>12/8/1994</td>
<td>59 FR 55584, 11/08/94.</td>
<td></td>
</tr>
<tr>
<td>Maintenance Plans</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aspen</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canon City</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>State effective date</td>
<td>EPA effective date</td>
<td>Final rule citation/date</td>
<td>Comments</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------------</td>
<td>--------------------</td>
<td>--------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>PM\textsubscript{10} Maintenance Plan for Canon City</td>
<td>11/20/2008</td>
<td>9/3/2013</td>
<td>78 FR 41307, 07/10/13</td>
<td></td>
</tr>
<tr>
<td><strong>Colorado Springs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Denver Metropolitan Area</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM\textsubscript{10} Redesignation Request and Maintenance Plan For the Denver Metropolitan Area</td>
<td>4/19/2001</td>
<td>10/16/2002</td>
<td>67 FR 58335, 09/16/02</td>
<td></td>
</tr>
<tr>
<td>Revision to the Colorado State Implementation Plan: Concerning the removal of the Colorado Clean Vehicle Fleet Program from the SIP, and the adoption of a replacement program.</td>
<td>3/1/2000</td>
<td>1/14/2002</td>
<td>66 FR 64751, 12/14/01</td>
<td></td>
</tr>
<tr>
<td>Early Action Compact Ozone Action Plan</td>
<td>5/31/2004</td>
<td>9/19/2005</td>
<td>70 FR 48652, 08/19/05</td>
<td></td>
</tr>
<tr>
<td><strong>Fort Collins</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revised Carbon Monoxide Maintenance Plan, Fort Collins Attainment/Maintenance Area.</td>
<td>12/16/2010</td>
<td>11/12/2013</td>
<td>78 FR 56164, 09/12/13</td>
<td></td>
</tr>
<tr>
<td><strong>Greeley</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greeley Carbon Monoxide Maintenance Plan</td>
<td>12/17/2009</td>
<td>10/1/2013</td>
<td>78 FR 46816, 08/02/13</td>
<td></td>
</tr>
<tr>
<td><strong>Lamar</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM\textsubscript{10} Redesignation Request and Maintenance Plan for the Lamar Area.</td>
<td>12/30/2001</td>
<td>11/25/2005</td>
<td>70 FR 61963, 10/25/05</td>
<td></td>
</tr>
<tr>
<td><strong>Longmont</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pagosa Springs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Revised PM\textsubscript{10} Maintenance Plan for the Pagosa Springs Attainment/Maintenance Area.</td>
<td>11/19/2009</td>
<td>4/9/2014</td>
<td>79 FR 13256, 03/10/14</td>
<td></td>
</tr>
<tr>
<td><strong>Steamboat Springs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revised PM\textsubscript{10} Maintenance Plan for theSteamboat Springs Attainment/Maintenance Area.</td>
<td>1/30/2012</td>
<td>3/23/2015</td>
<td>80 FR 2827, 01/21/15</td>
<td></td>
</tr>
<tr>
<td><strong>Telluride</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revised PM\textsubscript{10} Attainment/Maintenance Plan Telluride Attainment/Maintenance Area.</td>
<td>11/19/2009</td>
<td>3/13/2014</td>
<td>79 FR 8090, 02/11/14</td>
<td></td>
</tr>
<tr>
<td><strong>Local Ordinances/Resolutions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adopting the Fort Collins Better Air Campaign for Inclusion in the Fort Collins Element of the State Implementation Plan for Air Quality.</td>
<td>9/5/1989</td>
<td>6/17/1991</td>
<td>56 FR 15499, 04/17/91</td>
<td></td>
</tr>
</tbody>
</table>
§ 52.323 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Colorado’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 I, of the Clean Air Act as amended in 1977, except as noted below.

(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 have the potential to emit 75,000 tpy CO$_2$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$_2$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$_2$e; or

[80 FR 58205, Sept. 28, 2015, as amended at 81 FR 3966, Jan. 25, 2016]
(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO$_2$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$_2$e or more.

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$_2$ equivalent emissions (CO$_2$e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(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)(i)(A) of this section for each gas to compute a tpy CO$_2$e.

(iii) the term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in paragraphs I.A.2. through I.A.3. and I.B of Part D of Colorado’s Air Quality Commission’s Regulation Number 3) and a significant net emissions increase (as defined in paragraphs II.A.26 and II.A.42.a of Part D of Colorado’s Air Quality Commission’s Regulation Number 3) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO$_2$e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and “significant” is defined as 75,000 tpy CO$_2$e instead of applying the value in paragraph II.A.42.b of Part D of Colorado’s Air Quality Commission’s Regulation Number 3.

[75 FR 82553, Dec. 30, 2010]

§ 52.324 Legal authority.

(a) The requirements of §51.230(f) of this chapter are not met since the State lacks the authority to require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such stationary sources.

(b) Delegation of authority: Pursuant to section 114 of the Act, Colorado requested a delegation of authority to enable it to require sources to install and maintain monitoring equipment and to report periodically on the nature and amount of their emissions. The Administrator has determined that Colorado is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates to Colorado his authority under section 114(a)(1)(B) and (C) of the Act, i.e., authority to require sources within the State of Colorado to install and maintain monitoring equipment and to report periodically on the nature and amount of their emissions.


§ 52.325 [Reserved]

§ 52.326 Area-wide nitrogen oxides (NO$_x$) exemptions.

The Denver Regional Council of Governments (DRCOG) submitted a NO$_x$ exemption petition to the EPA on May 25, 1994 and submitted supporting documentation via a letter dated August 1, 1994. This petition requested that the Denver metropolitan area, a transitional ozone nonattainment area, be exempted from the requirement to meet the NO$_x$ provisions of the Federal transportation and general conformity rule with respect to ozone. The exemption petition was based on monitoring data which demonstrated that the National Ambient Air Quality Standard for ozone had been attained in this area for the 3 years prior to the petition. The EPA approved this exemption request on July 28, 1995.

[60 FR 40291, Aug. 8, 1995]

§§ 52.327–52.328 [Reserved]

§ 52.329 Rules and regulations.

(a) On January 14, 1993, the Governor of Colorado submitted revisions to the State’s nonattainment new source review permitting regulations to bring the State’s regulations up to date with the 1990 Amendments to the Clean Air...
Act. With these revisions, the State’s regulations satisfy the part D new source review permitting requirements for the following nonattainment areas: the Canon City, Lamar, Pagosa Springs, Aspen, Telluride, and Steamboat Springs moderate PM$_{10}$ nonattainment areas, the Denver/Metro Boulder, Longmont, Colorado Springs, and Fort Collins moderate carbon monoxide nonattainment areas, the Greeley not classified carbon monoxide nonattainment area, and the Denver transitional ozone nonattainment area.

(b) On January 14, 1993 and on August 25, 1994, the Governor of Colorado submitted revisions to the State’s nonattainment new source review permitting regulations to bring the State’s regulations up to date with the 1990 Amendments to the Clean Air Act. With these revisions, the State’s regulations satisfy the part D new source review permitting requirements for the Denver metropolitan moderate PM–10 nonattainment area.

(c) A revision to the State Implementation Plan was submitted by the State of Colorado on July 31, 2002. The submittal revises the Common Provisions regulation by adding affirmative defense provisions for source owners and operators for excess emissions during periods of startup and shutdown. The affirmative defense provisions are contained in section II.J. As indicated in 40 CFR 52.320(c)(109), EPA approved the affirmative defense provisions contained in sections II.J.1 through II.J.4 of the Common Provisions regulation, adopted August 16, 2001 and effective September 30, 2001, is disapproved.

(d) On August 7, 2007, the Colorado submitted two packages with revisions to Colorado’s Regulation 3 Regulation, 5 CCR 1001–5, Part A. One change adopts language to treat nitrogen dioxide as an ozone precursor. The State also adopted an increase in fees used to pay for the State’s increased workload from the processing of Air Pollutant Emission Notices (APENs) and permits. Annual and permit processing fees shall be $16.54 for regulated pollutants and $114.96 for Hazardous Air Pollutants. One grammatical change was made to the text of Part A, Section 1.B.9.d:

(1) Regulation 3, 5 CCR 1001–5, Air Contaminant Emissions Notices, Part A, Concerning General Provisions Applicable to Reporting and Permitting, Section I, Applicability, Section I.B.9.d, Applicable Requirement, effective October 2006: Any standard or other requirement under section 112 of the Federal Act (hazardous air pollutants, including any requirement concerning accident prevention under section 112(r)(7) of the Federal Act) (Regulation No. 8) but not including the contents of any risk management plan required under section 112(r) of the Federal Act.

(2) Regulation 3, 5 CCR 1001–5, Air Contaminant Emissions Notices, Part A, Concerning General Provisions Applicable to Reporting and Permitting, Section I, Applicability, Section I.B.16, Criteria Pollutants, effective October 2006:

(i) Those pollutants for which the U.S. EPA has established national ambient air quality standards, including: carbon monoxide, nitrogen dioxide (direct emissions and as a precursor to ozone), sulfur dioxide, PM$_{10}$, total suspended particulate matter, ozone, volatile organic compounds (as a precursor to ozone), and lead.

(ii) For the purpose of Air Pollutant Emission Notice reporting, criteria pollutants shall also include nitrogen oxides, fluorides, sulfurous acid mist, hydrogen sulfide, total reduced sulfur, reduced sulfur compounds, municipal waste combustor organics, municipal waste combustor metals, and municipal waste combustor acid gases.

(3) Regulation 3, 5 CCR 1001–5, Air Contaminant Emissions Notices, Part A, Concerning General Provisions Applicable to Reporting and Permitting, Section VI Fees; Section VI.D.1, Fee Schedule, effective February 2007: Annual and permit processing fees shall be charged in accordance with and in the amounts specified in the provisions of Colorado Revised Statutes section 25–7–114.7. Annual fees for regulated pollutants shall be $16.54. Annual fees for hazardous air pollutants shall be $114.96.

(e) The State of Colorado submitted revisions on September 16, 1997, June
20, 2003, July 11, 2005, August 8, 2006 and August 1, 2007 to Colorado’s 5 CCR 1001–5 Regulation Number 3, Part A, Section II. One of the revisions deleted two provisions from Section II and moved them to Section I of Regulation Number 3, Part A. The revised regulatory provisions read as follows:

1. 5 CCR 1001–5, Regulation 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements, Part A, Concerning General Provisions Applicable to Reporting and Permitting, Section I, Applicability, Section I.B.16, Criteria Pollutants; effective June 30, 2004:
   (i) Those pollutants for which the U.S. EPA has established national ambient air quality standards, including: carbon monoxide, nitrogen dioxide, sulfur dioxide, PM$_{10}$, total suspended particulate matter, ozone, volatile organic compounds (as a precursor to ozone), and lead. For the purposes of Air Pollutant Emission Notice reporting, criteria pollutants shall also include nitrogen oxides, fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, reduced sulfur compounds, municipal waste combuster organics, municipal waste combustor metals, and municipal waste combustor acid gases.

2. 5 CCR 1001–5, Regulation 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements, Part A, Concerning General Provisions Applicable to Reporting and Permitting, Section I, Applicability, Section I.B.43, Uncontrolled Actual Emissions; effective June 30, 2004:
   (i) The annual emission rate corresponding to the annual process rate listed on the Air Pollutant Emission Notice form, without consideration of any emission control equipment or procedures. The division may allow a source to forego calculating or estimating its uncontrolled actual emissions of hazardous air pollutants upon a showing by the source and a determination by the division that the creation of such data is unreasonably costly, technically impractical or not reasonably related to information necessary for making regulatory decisions with respect to that source. The division’s final determination may be appealed to the commission by the source.

(f) On August 8, 2006, Dennis E. Ellis, Executive Director of the Colorado Department of Public Health and Environment, and on behalf of the Governor, submitted revisions to 5 CCR 1001–13, Colorado’s Regulation Number 11—Motor Vehicle Emissions Inspection Program, part F, section III.A.2. These revisions removed from Colorado’s Regulation Number 11 the light duty vehicle emission testing limits that went into effect on January 1, 2006 for 1996 and newer model year vehicles. These revisions were adopted on November 17, 2005, and became state-effective on January 30, 2006. The revised version of section III.A.2, as approved by EPA, reads as follows:

   (1) The following emissions standards shall apply to those tests performed on model year 1996 and newer vehicles, on and after January 1, of the dates specified:

   | Calendar year | HC | CO | NO$_x$
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<td>2002</td>
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<tr>
<td>2003</td>
<td>1.2</td>
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§ 52.330 Control strategy: Total suspended particulates.

(a) Part D—Conditional Approval: The Pueblo plan is approved assuming the State demonstrates by December 31, 1981, through air quality modeling, attainment of the 24-hour and annual standards, while considering emissions from all sources in the nonattainment area. In addition, the State must re-promulgate Regulation No. 1 to satisfy reasonably available control technology requirements in accordance with the following schedule:

   (1) The Commission will consider and adopt for public hearing any changes or additions to Regulation No. 1 by February 15, 1981.

   (2) The proposed regulations will be published in the Colorado Register by March 10, 1981.

   (3) Public hearing will be held by May 14, 1981.

   (4) Regulations will be approved with an effective date no later than July 1,
1981, and submitted to EPA by the same date.

[46 FR 26302, May 12, 1981]

§ 52.331 Committal SIP for the Colorado Group II PM$_{10}$ areas.

On April 14, 1989, the Governor submitted a Committal SIP for the Colorado Group II PM$_{10}$ areas. The SIP commits the State to continue to monitor for PM$_{10}$, report data and to submit a full SIP if a violation of the PM$_{10}$ National Ambient Air Quality Standards is detected.

[54 FR 43178, Oct. 23, 1989]

§ 52.332 Control strategy: Particulate matter.

(a) On April 9, 1992, the Governor of Colorado submitted the moderate PM$_{10}$ nonattainment area plan for the Canon City area. The submittal was made to satisfy those moderate PM$_{10}$ nonattainment area SIP requirements which were due for Canon City on November 15, 1991.

(b)(1) On February 24, 1992, and December 9, 1993, the Governor of Colorado submitted the moderate PM$_{10}$ nonattainment area plan for the Pagosa Springs area. The submittal was made to satisfy those moderate PM$_{10}$ nonattainment area SIP requirements which were due for Pagosa Springs on November 15, 1991.

(2) On August 2, 1996, the Governor of Colorado submitted minor revisions to the Pagosa Springs Element of the Colorado PM$_{10}$ SIP.

(c) On May 27, 1993, the Governor of Colorado submitted the moderate PM$_{10}$ nonattainment area plan for the Lamar area. The submittal was made to satisfy those moderate PM$_{10}$ nonattainment area SIP requirements which were due for Lamar on November 15, 1991.

(d) On December 9, 1993, the Governor of Colorado submitted the moderate PM$_{10}$ nonattainment area SIP requirements for the moderate PM$_{10}$ nonattainment areas of Canon City, Lamar, and Pagosa Springs. The submittal was made to satisfy the moderate PM$_{10}$ nonattainment area requirements for contingency measures due for Canon City, Lamar, and Pagosa Springs on November 15, 1993.

(e)(1) On January 15, 1992, March 17, 1993, and December 9, 1993, the Governor of Colorado submitted the moderate PM$_{10}$ nonattainment area plan for the Aspen area. The submittals were made to satisfy those moderate PM$_{10}$ nonattainment area SIP requirements which were due for Aspen on November 15, 1991. The December 9, 1993 submittal was also made to satisfy the PM$_{10}$ contingency measure requirements which were due for Aspen on November 15, 1993.

(2) On March 13, 1995, the Governor of Colorado submitted minor revisions to the Aspen Element of the Colorado PM$_{10}$ SIP.

(2) On March 13, 1995, and November 17, 1995, the Governor of Colorado submitted the moderate PM$_{10}$ nonattainment area plan for the Denver area. The March 30, 1995 submittal was made to satisfy those moderate PM$_{10}$ nonattainment area SIP requirements due for the Denver PM$_{10}$ nonattainment area on November 15, 1991. The November 17, 1995 submittal was also made to satisfy the PM$_{10}$ contingency measure requirements which were due for Denver on November 15, 1993.

(g) On March 17, 1993, December 9, 1993, and April 22, 1996, the Governor of Colorado submitted the moderate PM$_{10}$ nonattainment area plan for Telluride. The submittals were made to satisfy those moderate PM$_{10}$ nonattainment area SIP requirements which were due for Telluride on November 15, 1991. The December 9, 1993 submittal was also made to satisfy the PM$_{10}$ contingency measure requirements which were due for Telluride on November 15, 1993.

(h) On September 16, 1997 the Governor of Colorado submitted the moderate PM$_{10}$ nonattainment area plan for Steamboat Springs. The submittal was made to satisfy those moderate PM$_{10}$ nonattainment area SIP requirements which were due for Steamboat Springs on July 20, 1995.

(I) On September 22, 1997, the State of Colorado submitted a maintenance plan for the Canon City PM$_{10}$ nonattainment area and requested that the area be redesignated to attainment for the PM$_{10}$ National Ambient Air Quality Standards. An April 24, 2000 letter from Margie Perkins, Director, Colorado Air Pollution Control Division, to
Richard Long, Director, EPA Region VIII Air and Radiation Program, was sent to clarify the requirements of the contingency plan section of the Canon City maintenance plan. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(j) On May 10, 2000, the State of Colorado submitted maintenance plans for the Telluride and Pagosa Springs PM\textsubscript{10} nonattainment areas and requested that these areas be redesignated to attainment for the PM\textsubscript{10} National Ambient Air Quality Standards. The redesignation request and maintenance plans satisfy all applicable requirements of the Clean Air Act.

(k) Determination—EPA has determined that the Steamboat Springs PM\textsubscript{10} “moderate” nonattainment area attained the PM\textsubscript{10} national ambient air quality standard by December 31, 2000. This determination is based on air quality monitoring data from 1998, 1999, and 2000.

(l) On July 30, 2001, the State of Colorado submitted a maintenance plan for the Denver PM\textsubscript{10} nonattainment area (“PM–10 Redesignation Request and Maintenance Plan For the Denver Metropolitan Area,” Chapter 4: “Maintenance Plan,” adopted April 19, 2001 by the Colorado Air Quality Control Commission and effective April 19, 2001) and requested that the area be redesignated to attainment for the PM\textsubscript{10} National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(m) On November 9, 2001, the State of Colorado submitted a maintenance plan for the Aspen PM\textsubscript{10} nonattainment area and requested that this area be redesignated to attainment for the PM\textsubscript{10} National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(n) On July 31, 2002, the State of Colorado submitted a maintenance plan for the Steamboat Springs PM\textsubscript{10} nonattainment area and requested that this area be redesignated to attainment for the PM\textsubscript{10} National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(o) On July 31, 2002, the State of Colorado submitted a maintenance plan for the Lamar PM\textsubscript{10} nonattainment area and requested that this area be redesignated to attainment for the PM\textsubscript{10} National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(p) Revisions to the Colorado State Implementation Plan, PM10 Revised Maintenance Plan for Canon City, as adopted by the Colorado Air Quality Control Commission on December 15, 2005, State effective on March 2, 2006, and submitted by the Governor’s designee on September 25, 2006. The revised maintenance plan satisfies all applicable requirements of the Clean Air Act.

(q) Revisions to the Colorado State Implementation Plan, PM\textsubscript{10} Revised Maintenance Plan for Telluride, as adopted by the Colorado Air Quality Control Commission on November 19, 2009, State effective on December 30, 2009, and submitted by the Governor’s designee on March 31, 2010. The revised maintenance plan satisfies all applicable requirements of the Clean Air Act.

(r) Revisions to the Colorado State Implementation Plan, Final Revised PM\textsubscript{10} Maintenance Plan for the Pagosa Springs Attainment/Maintenance Area, as adopted by the Colorado Air Quality Control Commission on November 19, 2009, and submitted by the Governor’s designee on March 31, 2010. The revised maintenance plan satisfies all applicable requirements of the Clean Air Act.

(s) Revisions to the Colorado State Implementation Plan, Final Revised PM\textsubscript{10} Maintenance Plan for the Pagosa Springs Attainment/Maintenance Area, as adopted by the Colorado Air Quality Control Commission on November 19, 2009, and submitted by the Governor’s designee on March 31, 2010. The revised
maintenance plan satisfies all applicable requirements of the Clean Air Act.


[58 FR 68038, Dec. 23, 1993]

EDITORIAL NOTE: For Federal Register citations affecting § 52.332, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§§ 52.333–52.342 [Reserved]

§ 52.343 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met for the following categories of sources for preventing the significant deterioration of air quality:

(1) Sources locating on Indian lands.

(2) Sources locating on Indian Reservations.

(3) Sources which constructed prior to September 2, 1986 and which have not otherwise subjected themselves to Colorado’s PSD permitting regulations after September 2, 1986, either through application to Colorado for a PSD permit (in the case of those sources which improperly constructed without obtaining a PSD permit) or through application to Colorado for a major modification to the source.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Colorado for the sources identified in paragraph (a) of this section as not meeting the requirements of sections 160–165 of the Clean Air Act.

The State of Colorado has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in NRDC v. Thomas, 838 F. 2d 1224 (DC Cir. 1988). In a letter to Mr. Douglas M. Skie, EPA, dated May 9, 1988, Bradley J. Beckham, Director of the Colorado Air Pollution Control Division stated:

** * * * All PSD permits reviewed by the Division will use the revised modeling guideline mentioned above [Guideline on Air Quality Models (Revised), EPA 450/2-78-027R including Supplement A (July 1987)] for determining if the air quality models, data bases, and other requirements are generally approved by EPA. Any future revisions (including appendices or supplement) will be incorporated into the Division’s protocol for reviewing modeling for PSD permits.


§ 52.344 Visibility protection.

(a) A revision to the SIP was submitted by the Governor on December 21, 1987, for visibility general plan requirements, monitoring, and long-term strategies.

(b) The Visibility NSR regulations are approved for industrial source categories regulated by the NSR and PSD regulations which have previously been approved by EPA. However, Colorado’s NSR and PSD regulations have been disapproved for certain sources as listed in 40 CFR 52.343(a)(1). The provisions of 40 CFR 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of Colorado for these sources.


§ 52.345 Stack height regulations.

The State of Colorado has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in NRDC v. Thomas, 838 F. 2d 1224 (DC Cir. 1988). In a letter to Mr. Douglas M. Skie, EPA, dated May 9, 1988, Bradley J. Beckham, Director of the Colorado Air Pollution Control Division stated:

** * * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA’s response to the NRDC remand modified the July 8, 1985, regulations, EPA will
§ 52.346 Air quality monitoring requirements.

In a letter and submittal dated July 7, 1993, from the Governor of Colorado to the EPA Region VIII Administrator, the State submitted a revised Air Quality Monitoring State Implementation Plan. The plan was adopted by the State on March 18, 1993, and completely replaces the previous version of the Air Quality Monitoring plan as identified at 40 CFR 52.320 (c)(17). The revisions updated the plan to bring it into conformance with the Federal requirements for air quality monitoring as found in 40 CFR part 58. The State commits to meet these Federal requirements.

[58 FR 49435, Sept. 23, 1993]

§ 52.347 [Reserved]

§ 52.348 Emission inventories.

(a) The Governor of the State of Colorado submitted the 1990 carbon monoxide base year emission inventories for the Colorado Springs, Denver/Longmont, and Fort Collins nonattainment areas on December 31, 1992, as a revision to the State Implementation Plan (SIP). The Governor submitted revisions to the Colorado Springs and Fort Collins inventories by a letter dated March 23, 1995. The Governor submitted revisions to the Denver/Longmont inventory by letters dated July 11, 1994, and October 21, 1994. The inventories address emissions from point, area, on-road mobile, and nonroad sources. These 1990 base year carbon monoxide inventories satisfy the requirements of section 187(a)(1) of the Clean Air Act for each of these nonattainment areas.

(b) On September 16, 1997, the Governor of Colorado submitted the 1993 Carbon Monoxide Periodic Emission Inventories for Colorado Springs, Denver, Fort Collins, and Longmont as revisions to the Colorado State Implementation Plan. These inventories address carbon monoxide emissions from stationary point, area, non-road mobile, and on-road mobile sources.

(c) On September 16, 1997, the Governor of Colorado submitted the 1990 Carbon Monoxide Base Year Emission Inventory for Greeley as a revision to the Colorado State Implementation Plan. This inventory addresses carbon monoxide emissions from stationary point, area, non-road, and on-road mobile sources.

(d) On May 10, 2000, the Governor of Colorado submitted the 1996 Carbon Monoxide Periodic Emission Inventories for Denver and Fort Collins, as a revision to the Colorado State Implementation Plan. The inventories address carbon monoxide emissions from stationary point, area, non-road mobile, and on-road mobile sources.


§ 52.349 Control strategy: Carbon monoxide.


(b) On June 25, 1996, the Governor of Colorado submitted a revision to the Colorado Springs element of the carbon monoxide (CO) portion of the Colorado State Implementation Plan (SIP). The revision to the Colorado Springs element was submitted to satisfy certain requirements of part D and section 110 of the Clean Air Act (CAA) as amended 1990. The revision substitutes Colorado’s oxygenated gasoline program for the Colorado Springs bus purchase program as a source of emissions reductions credits in the Colorado Springs CO element of the SIP. This revision removes the bus purchase program from the EPA-approved SIP. EPA originally approved the bus purchase program as part of the Colorado Springs CO element of the SIP on December 12, 1983 (48 FR 55284).
(c) Revisions to the Colorado State Implementation Plan, Carbon Monoxide Redesignation Request and Maintenance Plan for Colorado Springs, as adopted by the Colorado Air Quality Control Commission on January 15, 1998, State effective March 30, 1998, and submitted by the Governor on August 19, 1998. The Maintenance Plan removes the Clean Air Campaign from the SIP. The Clean Air Campaign was approved into the SIP at 40 CFR 52.320(c)(43)(i)(A).


(f) Determination. EPA has determined that the Denver carbon monoxide “serious” nonattainment area attained the carbon monoxide national ambient air quality standard by December 31, 2000. This determination is based on air quality monitoring data from 1998, 1999, and 2000.


(m) Revisions to the Colorado State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Denver, as adopted by the Colorado Air Quality Control Commission on December 15, 2005, State effective on March 2, 2006, and submitted by the Governor’s designee on September 25, 2006.

(n) Revisions to the Colorado State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Longmont, as adopted by the Colorado Air Quality Control Commission on December 15, 2005, State effective on
March 2, 2006, and submitted by the Governor’s designee on September 25, 2006.

(o) Revisions to the Colorado State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Colorado Springs, as adopted by the Colorado Air Quality Control Commission on December 17, 2009 and submitted by the Governor’s designee on March 31, 2010.

(p) Revisions to the Colorado State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Greeley, as adopted by the Colorado Air Quality Control Commission on December 17, 2009 and submitted by the Governor’s designee on March 31, 2010.

(q) Revisions to the Colorado State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Fort Collins, as adopted by the Colorado Air Quality Control Commission on December 16, 2010 and submitted by the Governor’s designee on May 25, 2011.

[66 FR 11782, Mar. 10, 1999]

EDITORIAL NOTE: For Federal Register citations affecting §52.349, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.350 Control strategy: Ozone.


(c) Revisions to the Colorado State Implementation Plan for the 1997 8-hour ozone NAAQS entitled “Denver Metro Area & North Front Range 8-Hour Ozone Attainment Plan,” excluding the last paragraph on page IV–1, the first paragraph on page IV–2, the words “federally enforceable” in the second to last paragraph on page V–6, and the reference to Attachment A in the Table of Contents and on page IV–3, as adopted by the Colorado Air Quality Control Commission on December 12, 2008, and submitted by the Governor to EPA on June 18, 2009.


§ 52.351 United States Postal Service substitute Clean Fuel Fleet Program.

Revisions to the Colorado State Implementation Plan, carbon monoxide NAAQS, United States Postal Service substitute clean-fuel vehicle program, as allowed under section 182(c)(4)(B) of the Clean Air Act, to address the requirements of section 246 of the Clean Air Act for the Denver Metropolitan carbon monoxide nonattainment area. The revisions were adopted by the Colorado Air Quality Control Commission on March 16, 2000, State effective May 30, 2000, and submitted by the Governor on May 7, 2001. Administrative corrections to the Governor’s May 7, 2001, submittal were submitted by the Colorado Attorney General’s office on May 30, 2001.

[66 FR 64758, Dec. 14, 2001]

§ 52.352 Interstate transport.

(a) Addition to the Colorado State Implementation Plan of the Colorado Interstate Transport regarding the 1997 8-Hour Ozone Standard for the “significant contribution,” the “interference with maintenance” requirements, and the addition of “interference with visibility protection” requirements regarding the 1997 8-Hour Ozone and PM$_{2.5}$ Standards, submitted by the Governor’s designee on June 18, 2009 and March 31, 2010.

(b) Addition to the Colorado State Implementation Plan of the Colorado Interstate Transport SIP regarding the 1997 8-Hour Ozone and 1997 PM$_{2.5}$ Standards for the “interference with prevention of significant deterioration” requirement, and the addition of the

498
“significant contribution” and “interference with maintenance” requirements regarding the 1997 PM$_{2.5}$ Standards, submitted by the Governor’s designee on March 31, 2010.

(c) Addition to the Colorado State Implementation Plan of the Colorado Interstate Transport SIP regarding 2006 PM$_{2.5}$ Standards for all four of the CAA section 110(a)(2)(D)(i) requirements submitted by the Governor’s designee on May 11, 2012.


§ 52.353 Section 110(a)(2) infrastructure requirements.

(a) On January 7, 2008, James B. Martin, Executive Director of the Colorado Department of Public Health and Environment for the state of Colorado, submitted a certification letter which provides the state of Colorado’s SIP provisions for meeting the requirements of CAA Section 110(a)(1) and (2) relevant to the 1997 8-hour ozone NAAQS. The State’s Infrastructure SIP is approved with respect to the requirements of the following elements of section 110(a)(2) of the CAA for the 1997 8-hour ozone NAAQS: (A), (B), (C) with respect to PSD and minor NSR requirements, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

(b) On April 4, 2008, James B. Martin, Executive Director, Colorado Department of Public Health and Environment, provided a submission to meet the infrastructure requirements for the State of Colorado for the 1997 PM$_{2.5}$ NAAQS. On June 4, 2010, Martha E. Rudolph, Executive Director, Colorado Department of Public Health and Environment, provided a submission to meet the infrastructure requirements for the State of Colorado for the 2006 PM$_{2.5}$ NAAQS. The State’s Infrastructure SIP is approved with respect to the 1997 and 2006 PM$_{2.5}$ NAAQS with respect to section 110(a)(1) and the following elements of section 110(a)(2): (A), (B), (C) with respect to PSD and minor NSR requirements, (E), (F), (G), (H), (J) with respect to PSD requirements and the requirements of sections 121 and 127 of the Act, (K), (L), and (M).

(c) The Colorado Department of Public Health and Environment provided submissions to meet infrastructure requirements for the State of Colorado for the 2008 ozone, 2008 lead, and 2010 NO$_{2}$ NAAQS were received on December 31, 2012, July 26, 2012, and March 7, 2013, respectively. The State’s Infrastructure SIP is approved with respect to the 2008 ozone, 2008 lead, and 2010 NO$_{2}$ NAAQS with respect to section 110(a)(1) and the following elements of section 110(a)(2): (A), (C) with respect to minor NSR and PSD requirements, (D)(i)(II) elements 3 and 4, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M); (B) for the 2008 Pb and 2008 ozone NAAQS and conditional approval of (B) for the 2010 NO$_{2}$ NAAQS; and D(i)(I) elements 1 and 2 for the 2008 Pb and 2010 NO$_{2}$ NAAQS.

§ 52.354 Original identification of plan.

(a) This section identifies the original “Air Implementation Plan for the State of Colorado” and all revisions submitted by Colorado that were federally approved prior to June 1, 2015.

(b) The plan was officially submitted on January 26, 1972.

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

(1) Request for legal authority submitted February 14, 1972, by the Governor.

(2) Request for 110(e) extensions submitted March 20, 1972, by the Governor.

(3) Statements by State Air Pollution Control Commission (APCC) related to public inspection of emission data, emergency episodes, and transportation control submitted May 1, 1972, by the APCC. (Non-regulatory)

(4) List of sources under compliance schedules submitted May 1, 1972, by the State Department of Health.

(5) Transportation Control Plans submitted June 4, 1973, by the Governor.

(6) Statements relating to transportation control plans submitted July 16, 1973, by the Governor.

(7) Plan revisions submitted November 21, 1973, by the Governor which delete Section III of Regulation No. 1
only as it relates to existing sources in Appendix P concerning SO₂.

(8) On June 7, 1974, the Governor submitted five Air Quality Maintenance Area designations.

(9) Supplemental information about the Air Quality Maintenance Areas was submitted by the Governor on January 29, 1975.

(10) Procedural rules for all proceedings before the Air Pollution Control Commission, submitted May 5, 1977, by the Governor.

(11) On January 2, 1979, the Governor submitted the nonattainment area plan for all areas designated nonattainment as of March 3, 1978. EPA is taking no action on areas for which the Governor has requested redesignations (Larimer-Weld TSP and ozone; El Paso County ozone).

(i) Regulation 9, “Trip Reduction,” previously approved on October 5, 1979, and now deleted without replacement.

(12) Extension request for attainment of CO and O₃ was submitted by the Governor on January 5, 1979.

(13) On July 5, 1979, the governor submitted the Air Pollution Control Commission’s final comment on our May 11, 1979, proposal. This included a clarification that the “No-Drive Day” was not part of the State Implementation Plan and transportation control measures schedules for Larimer-Weld.

(14) On July 18, 1979, the Commission committed to revising Regulation 7.

(15) On July 23, 1979, the Governor submitted House Bill 1090 and Senate Bill 1 as part of the plan.

(16) On July 27, 1979, the Governor submitted the Denver Regional Council of Governments schedules for implementing the transportation control strategies, and clarified that the Transportation Development Plan was part of the plan.

(17) On March 4, 1980, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR part 58, subpart C, §58.20.

(18) On May 29, 1980, the Governor submitted written evidence of the State’s legal authority to implement and enforce an automobile emissions control program as well as schedules for implementing that program and a demonstration that it will achieve a 25% reduction in exhaust emissions by 1987.

(19) On January 22 and February 6, 1980 the Governor submitted schedules for the implementation of transportation control measures for Denver and Larimer-Weld elements of the State Implementation Plan, respectively.

(20) On April 21, 1980, the Governor submitted a plan revision to meet the data reporting requirements of section 127 of the Clean Air Act.

(21) On June 22, 1980, the Governor submitted the following amended rules:

REPEAL AND REPROMULGATION OF REGULATION NO. 3 “A Regulation Requiring Air Pollutant Emission Notice, Emission Permits and Fees.” REVISIONS TO COMMON PROVISIONS REGULATION as they relate to changes in Regulation No. 3.

(22) On June 5, 1980, the Governor submitted the following rules:

REPEAL AND REPROMULGATION OF REGULATION NO. 7 “A Regulations to Control Emissions of Volatile Organic Compounds” and revisions to the Common Provisions Regulations as they relate to changes in Regulation No. 7.


(24) Provisions to meet the requirements of sections 110 and 172 of the Clean Air Act, as amended in 1977, regarding control of Group II VOC sources were submitted on January 6, 1981, and the supplemental information received on August 20, 1981.

(25) On December 29, 1980, the Governor submitted the following rule: Regulation No. 11, covering procedures for garage licensing (including mechanic testing and licensing), equipment requirements (including standards and specifications for exhaust gas analyzers), requirements for inspections, and emission standards as part of the Colorado motor vehicle inspection program.

(26) On March 23, 1981, the Governor submitted revised regulations limiting sulfur dioxide emissions from certain oil shale production facilities.
(27) On April 12, 1982, the Governor submitted the plan revisions to show attainment of the lead National Ambient Air Quality Standard.

(28) Regulation Number 7 is part of the plan.

(29) Provisions to meet the requirements of Part D of the Clean Air Act for carbon monoxide in Colorado Springs, Fort Collins, and Greeley and ozone in Denver were submitted on June 24, 1982, and supplemented by information submitted on May 4, 1983, by the Colorado Air Quality Control Commission.

(30) Revisions to Air Pollution Control Commission Regulation No. 1 related to fugitive particulate emissions, were submitted by the Governor on June 22, 1982; on December 6, 1982; and on March 23, 1983, with a technical clarification dated August 5, 1982. Included is approval of requirements for continuous emission monitoring (CEM) of sulfur dioxide on fossil fuel fired steam generator with greater than 250 million BTU per hour heat input. Also addressed is the reinstatement of the 40% opacity limitation for wigwam waste-wood burners into Regulation No. 1. With this is the addition of operation and maintenance (O&M) requirements to promote improved operation of the wigwam burners.

(i) Incorporation by reference. (A) Emission Control Regulations for Particulates, Smokes and Sulfur Oxides for the State of Colorado, Regulation No. 1.II (Smoke and Opacity); III (Particulates); IV (Continuous Emission Monitoring Requirements for Existing Sources); VII (Statements of Basis and Purpose); and Appendices A and B; which were effective on May 30, 1982.

(B) Colorado Air Quality Control Commission Common Provisions Regulation which was effective on May 30, 1982.

(C) Letter of August 5, 1982, from the State of Colorado to EPA, Clarification of the SIP Re: Continuous Emission Requirements for Oxides of Sulfur from Fossil Fueled Steam Generators.

(31) Revisions to Air Pollution Control Commission Regulation No. 11 related to the Colorado Inspection and Maintenance (IM) program for exhaust emission inspection of motor vehicles, submitted by the Governor on December 10, 1984.

(32) Revisions to Air Pollution Control Commission Regulation No. 1, section II.A.6 and III.C.2 (a) and (b), submitted by the Governor on April 9, 1985.

(i) Incorporation by reference. (A) Revisions to Air Pollution Control Commission Regulation No. 1. “Emission Control Regulation for Particulates, Smokes, and Sulfur Oxides for the State of Colorado,” sections II.A.6 and III.C.2 (a) and (b), effective March 2, 1985.

(33) A revision to Regulation No. 4, “Regulation on the Sale of New Woodstoves”, to control emissions from new woodstoves was submitted by the Governor on October 24, 1986.


(34) [Reserved]


(36) “Revisions to Colorado Regulation No. 3 Requiring Air Contaminant Emission Notices, Emission Permits and Fees as it Relates to the Prevention of Significant Deterioration” and “Revisions to Common Provision Regulation as Related to Regulation 3.” Changes submitted April 18, 1983, by the Governor.

(37) Supplemental information submitted on December 16, 1985, by the Colorado Department of Health concerning compliance with EPA’s stack height regulations in issuing PSD permits.


(B) Supplemental information submitted on December 16, 1985, by the
Colorado Department of Health concerning compliance with EPA’s stack height regulation in issuing PSD permits.

(38) Revisions to Regulation 1 to control emissions from alfalfa dehydrators were submitted by the Governor on July 29, 1987.

(i) Incorporation by reference. (A) Section II.A.6 and introductory text of Section III.C.2.a of Regulation 1 adopted by the Colorado Air Quality Control Commission on January 15, 1987, effective on March 2, 1987.

(39) Regulation 12, to control emissions from diesel fleets with nine or more vehicles over 7,500 pounds empty weight, registered in the AIR Program area (the Colorado I/M program), was submitted by the Governor on December 21, 1987.


(40) A revision to the Colorado SIP was submitted by the Governor on May 8, 1986, for Visibility New Source Review.

(i) Incorporation by reference. (A) Revision to the Colorado State Implementation Plan regarding Revision to Regulation No. 3, Section XIV was submitted by the Governor on April 18, 1983, and was adopted on March 10, 1983.

(B) Revision to the Colorado State Implementation Plan regarding Revision to Regulation No. 3, Section IV was submitted by the Governor on May 8, 1986, and was adopted on March 20, 1986.

(41) A revision to the SIP was submitted by the Governor on December 21, 1987, for visibility general plan requirements, monitoring, and long-term strategies.

(i) Incorporation by reference. (A) Letter dated December 21, 1987, from Governor Roy Romer submitting the Colorado Visibility SIP revision.


(42) Revisions to Air Pollution Control Regulation No. 1, requiring reasonably available control technology RACT for carbon monoxide control on petroleum refinery catalytic cracking units were submitted by the Governor on May 8, 1986.

(i) Incorporation by reference. (A) Revisions to Section IV., paragraphs IV.A., IV.D.2. and IV.E., and Section VII., Regulation No. 1, emission control regulations for particulates, smokes, carbon monoxide, and sulfur oxides for the State of Colorado requiring CEM and RACT on petroleum refinery catalytic cracking units in the metro Denver area effective on April 30, 1986.

(43) On June 15, 1988, the Governor submitted revisions to the CO SIP for Colorado Springs. The revisions contain a new measure, the Clean Air Campaign. EPA considers all other aspects of the submittal to be surplus.


(44) A revision to Regulation No. 4 of the Colorado SIP which exempts certain woodburning devices from the certification requirements of Regulation No. 4 was submitted by the Governor of Colorado on September 10, 1988.

(i) Incorporation by reference. (A) In a letter dated September 10, 1988, Roy Romer, Governor of Colorado, submitted a revision to Regulation No. 4 of the Colorado SIP.

(B) Paragraph (I)(A)(10)–(13) and (II)(C), revisions to Regulation No. 4, “Regulation on the Sale of New Woodstoves,” of the Colorado SIP became effective on June 30, 1986.

(45) In a letter dated May 8, 1986, the Governor submitted revisions to the Colorado Regulation No. 3 (Regulation Requiring an Air Contaminant Emission Notice, Emission Permit Fees) of the Colorado SIP modifying stack evaluations. The changes consisted of (1) new definitions of dispersion techniques, good engineering practice, nearby, and excessive concentrations (Section XII.D.) and (2) rules clarifying technical modeling and monitoring requirements (Section XII.C.).

(i) Incorporation by reference. (A) Revisions to the Colorado Regulation No.
3 (Regulation Requiring and Air Contaminant Emission Notice, Emission Permit Fees). Section XII, adopted March 20, 1986, by the Colorado Air Quality Control Commission.

(46) On July 29, 1987, the Governor submitted:
(1) Amendments to Colorado Regulation No. 11 (Inspection/Maintenance (I/M) program) and
(2) Regulation No. 13 (oxygenated fuels program).


(48) [Reserved]

(49) A revision to Regulation No. 4 of the Colorado SIP submitted on June 29, 1990, prohibits persons from operating a wood-burning stove or fireplace during a high pollution day in specified areas.


(50) [Reserved]

(51) On June 29, 1990, the Governor of Colorado submitted revisions to the plan. The revisions include amendments to the Common Provisions Regulations and Regulation No. 3 for emission permit fees and prevention of significant deterioration of air quality (PSD) regulations to incorporate the nitrogen dioxide (NO\textsubscript{2}) increments.

(i) Incorporation by reference. (A) Amendments to the Colorado Air Quality Control Regulations, Common Provisions Regulation and Regulation No. 3, which were effective on June 30, 1990.

(ii) Additional material. (A) October 22, 1990 letter from Douglas Skie, EPA, to Bradley Beckham, Director, Air Pollution Control Division.

(B) November 5, 1990 letter from Bradley Beckham, Director, Air Pollution Control Division, to Douglas Skie, EPA.

(52) [Reserved]

(53) Revisions to the Colorado State Implementation Plan were submitted by the Governor of Colorado on July 13, 1990. The revision adds a voluntary educational Better Air Campaign to the Ft. Collins Carbon Monoxide element of the Colorado SIP.

(i) Incorporation by reference. (A) The Fort Collins Better Air Campaign as defined in Exhibit “A” and adopted on September 5, 1989, through Resolution 89-161.

(54) On November 17, 1988 the Governor submitted revisions to Regulation No. 3 and the Common Provisions Regulation which included:

Provisions for the review of new sources to protect the PM-10 national ambient air quality standards (NAAQS) and for consistency with EPA requirements;

Amendments to address deficiencies and previous EPA disapprovals as identified in the May 26, 1988 SIP Call;

Provisions for the certification and trading of emission offset credits; and

Amendments to increase permit processing and annual fees.

§ 52.354

(1) Additional material. (A) Letter dated April 29, 1991 from the Colorado Air Pollution Control Division to EPA.

(55) [Reserved]

(56) Revisions to the Colorado State Implementation Plan were submitted by the Governor in letters dated October 25, 1989, and October 30, 1991. The revisions consist of amendments to Regulation No. 12, “Reduction of Diesel Vehicle Emissions.”


(ii) Common Provisions Regulation, 5 CCR 1001–2, Section III., Smoking Gasoline Powered Motor Vehicle Control Region, is deleted without replacement, effective September 30, 2002, as described in (c)(118) below.

(60) Revisions to the Long-Term Strategy of the Colorado State Implementation Plan for Class I Visibility Protection were submitted by the Governor in a letter dated November 18, 1992. The submittal completely replaces the previous version of the Long-Term Strategy and includes amendments to Air Quality Control Commission Regulation No. 3, “Air Contaminant Emissions Notices.”

(i) Incorporation by reference. (A) Revisions to the Visibility Chapter of Regulation No. 3 as follows: XV.F.1.c. as adopted on August 20, 1992, and effective on September 30, 1992.

(61) The Governor of Colorado submitted a portion of the requirements for the moderate nonattainment area $PM_{10}$ State Implementation Plan (SIP) for Denver, Colorado with a letter dated June 7, 1993, and subsequent submittals dated September 3, 1993, and October 20, 1993, fulfilling most of the commitments made in the June 7, 1993, letter. The submittals were made to...
satisfy those moderate PM\(_{10}\) nonattainment area SIP requirements due for the Denver PM\(_{10}\) nonattainment area on November 15, 1991. EPA is approving, for the limited purpose of strengthening the SIP, the control measures contained in the SIP revisions identified above. (EPA is not approving, at this time, the control measures limiting the emissions from Purina Mills and Electron Corporation.)

(i) Incorporation by reference. (A) Revisions to Regulation No. 4, “Regulation on the Sale of New Woodstoves and the Use of Certain Woodburning Appliances During High Pollution Days,” as adopted by the Air Quality Control Commission on June 24, 1993, effective August 30, 1993, as follows: insert new Section VIII and recodification of References Section. This revision pertains to local jurisdiction implementation and enforcement of ordinances and resolutions restricting wood burning on high pollution days.

(B) Regulation No. 16, “Concerning Material Specifications for, Use of, and Clean-up of Street Sanding Material,” as adopted by the Air Quality Control Commission on June 24, 1993, effective August 30, 1993, as follows: recodification of Regulation and addition of Sections II and III, which regulate emissions from street sanding and sweeping in the Denver PM\(_{10}\) nonattainment area.

(C) Revisions to Regulation No. 1, “Emission Control Regulations for Particulates, Smokes, Carbon Monoxide, and Sulfur Oxides for the State of Colorado,” as adopted by the Air Quality Control Commission on August 19, 1993, effective October 30, 1993, as follows: insert new Sections VII and VIII and recodification of the two following Sections, “Emission Regulations Concerning Areas Which are Nonattainment for Carbon Monoxide—Refinery Fluid Bed Catalytic Cracking Units”, and “Statements of Basis and Purpose” Sections. The revisions pertain to restrictions on the use of oil as a back-up fuel for certain sources and set new emission limits at the following Public Service Company Power Plants: Cherokee, Arapahoe, and Valmont.

(D) Coors Glass Plant allowable emission limitations on three furnaces.

1. Permit 92JE129-1, effective date January 19, 1993, regulating emissions at the KTG glass melting furnace #1.
2. Permit 92JE129-2, effective date January 19, 1993, regulating emissions at the KTG glass melting furnace #2.
3. Permit 92JE129-3, effective date January 19, 1993, regulating emissions at the KTG glass melting furnace #3.

(E) Conoco Refinery allowable emission limitations from the refinery.

1. Permit 90AD524, effective date March 20, 1991, regulating a Tulsa natural gas fired 20MMbtu/hour heater equipped with low-Nox burners.
2. Permit 90AD053, effective date March 20, 1991, regulating process heaters H–10, H–11 and H–27 and process boilers B4, B6, and B8 all burning fuel gas only.
3. Permit 91AD180–3, effective December 28, 1992, regulating the three stage Claus sulfur recovery unit with tail gas recovery unit.

(ii) Additional material. (A) Regional Air Quality Council, “Guidelines for Reducing Air Pollution from Street Sanding” sets voluntary guidelines for public works departments to follow to reduce the amount of street sand applied, and includes recommendations for increasing the effectiveness of street cleaning operations.


(62) On February 24, 1993, and December 9, 1993, the Governor of Colorado submitted revisions to the Colorado State implementation plan (SIP) to satisfy those moderate PM–10 nonattainment area SIP requirements for Pagosa Springs, Colorado due to be submitted by November 15, 1993. Included in the December 9, 1993 submittal were PM–10 contingency measures for Pagosa Springs to satisfy the requirements of section 172(c)(9) of the Act due to be submitted by November 15, 1993.

(63) On November 18, 1992, the Governor of Colorado submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Colorado State Implementation Plan as required by section 507 of the Clean Air Act.


(ii) Additional materials. (A) November 18, 1992 letter from the Governor of Colorado submitting a Small Business Assistance Program plan to EPA.


(64) On December 9, 1993, the Governor of Colorado submitted PM10 contingency measures for the moderate nonattainment PM10 areas of Canon City and Lamar, Colorado. The submittal was made to satisfy the moderate PM10 nonattainment area requirements for contingency measures due for Canon City and Lamar on November 15, 1993.


(65) On January 15, 1992, March 17, 1993, and December 9, 1993, the Governor of Colorado submitted revisions to the Colorado State implementation plan (SIP) to satisfy those moderate PM10 nonattainment area SIP requirements for Aspen, Colorado due to be submitted by November 15, 1991. Included in the December 9, 1993 submission were PM10 contingency measures for Aspen to satisfy the requirements of section 172(c)(9) of the Act due to be submitted by November 15, 1993.

(i) Incorporation by reference. (A) Colorado Air Quality Control Commission Nonattainment Areas regulation, all of Section III. “Aspen/Pitkin County PM10 Nonattainment Area” except Section III.C.6., adopted on January 21, 1993 effective on March 2, 1993, with revisions adopted on November 12, 1993, effective on December 30, 1993.

(66) On January 14, 1993, the Governor of Colorado submitted revisions to the new source review and prevention of significant deterioration requirements in the Common Provisions Regulation and Regulation No. 3, as well as a revision to Regulation No. 7 pertaining to volatile organic compounds of negligible photochemical reactivity.

(i) Incorporation by reference. (A) Air Quality Control Commission Common Provisions Regulation, Section I.C. and Section I.G., definitions of “adverse environmental effect,” “air pollutant,” “best available control technology,” “federal act,” “federally enforceable,” “hazardous air pollutant,” paragraph h. in “net emissions increase,” “ozone depleting compound,” and “significant;” revised 11/19/92, effective 12/30/92.


(C) Air Quality Control Commission Regulation No. 7 Emissions of Volatile Organic Compounds, Section II.B.; revised 11/19/92, effective 12/30/92.

(67) On November 27, 1992, the Governor of Colorado, submitted a revision to the Colorado SIP. This revision replaces previous versions of Regulation No. 13 with the amended Regulation No. 13 (oxygenated gasoline program) adopted September 17, 1992. Regulation No. 13 requires the oxygenated gasoline programs to be implemented in the Fort Collins-Loveland, Colorado Springs, and Boulder-Denver Metropolitan Statistical Areas (MSA) as required by Section 211(m) of the Clean Air Act Amendments of 1990.

(i) Incorporation by reference. (A) Revision to Regulation No. 13, “Oxygenated Gasoline Program,” as adopted by the Colorado Air Quality Control Commission on September 17,
1992, effective October 10, 1992, as follows: entire Regulation revision. This regulation supersedes and replaces all previous revisions to Regulation No. 13, (40 CFR, 52.320(46)(2)).

(68) The Governor of Colorado submitted a portion of the requirements for the moderate nonattainment area PM\textsubscript{10} State Implementation Plan (SIP) for Telluride, Colorado with a letter dated March 17, 1993. The submittal was made to satisfy those moderate PM\textsubscript{10} nonattainment area SIP requirements due for Telluride on November 15, 1991; however, the submittal did not contain quantitative milestones to provide for maintenance of the PM\textsubscript{10} National Ambient Air Quality Standards through December 1997. The Governor of Colorado submitted moderate PM\textsubscript{10} nonattainment area contingency measures for Telluride with a letter dated December 9, 1993. This submittal was intended to satisfy the requirements of section 172(c)(9) of the Clean Air Act due on November 15, 1993.


(ii) Additional material. (A) The commitment and schedule for the adoption and implementation of PM\textsubscript{10} control measures that are necessary to demonstrate maintenance of the 24-hour PM\textsubscript{10} standard in Telluride, which were submitted in an April 21, 1994 letter from Thomas Getz, Air Pollution Control Division, to Douglas M. Skie, EPA.

(69) On January 14, 1994 and on June 24, 1994, Roy Romer, the Governor of Colorado, submitted SIP revisions to the Implementation Plan for the Control of Air Pollution. This revision establishes and requires the implementation of an enhanced motor vehicle inspection and maintenance program in the Denver and Boulder urbanized areas as required by section 187(a)(6) of the Clean Air Act Amendments of 1990. This material is being incorporated by reference for the enforcement of Colorado’s enhanced I/M program only.


(B) Regulation No. 11 (Inspection/Maintenance Program) as adopted by the Colorado Air Quality Control Commission (AQCC) on March 17, 1994.


(70) Revisions to the Colorado State Implementation Plan were submitted by the Governor on September 27, 1989, and August 30, 1990. The revisions consist of amendments to the Ozone provisions in Regulation No. 7, “Regulation To Control Emissions of Volatile Organic Compounds.”

(i) Incorporation by reference. (A) Revisions to Regulation No. 7, Sections 7.I (Applicability), 7.II (General Provisions), 7.III (General Requirements for Storage and Transfer of Volatile Organic Compounds), 7.IV (Storage of Highly Volatile Organic Compounds), 7.V (Disposal of Volatile Organic Compounds), 7.VI (Storage and Transfer of Petroleum Liquid), 7.VIII (Petroleum Processing and Refining), 7.IX (Surface Coating Operations), 7.X (Use of Solvents for Degreasing and Cleaning), 7.XI (Use of Cutback Asphalt), 7.XII (Control of VOC Emissions from Dry Cleaning Facilities Using Perchloroethylene as a Solvent), 7.XIII (Graphic Arts), 7.XIV (Pharmaceutical Synthesis), 7.XV (Control of Volatile Organic Compound Leaks from Vapor Collection Systems Located at Gasoline Terminals, Bulk Plants, and Gasoline Dispensing Facilities), and Appendices A (Criteria for Control of Vapors from Gasoline Transfer to Storage Tanks), B (Criteria for Control of Vapors from Gasoline Transfer at Bulk Plants-Vapor Balance System), and D (Test Procedures for Annual Pressure/Vacuum Testing of Gasoline Transport Trucks). The following new emission sources and appendices were added to Regulation No. 7: 7.IX.A.7 (Fugitive Emission Control), 7.IX.M (Flat Wood Paneling Coating), 7.IX.N. (Manufacture of Pneumatic Rubber Tires), and

(ii) Additional material. (A) February 5, 1992, letter from John Leary, Acting Director, Colorado Air Pollution Control Division, to Douglas Skie, EPA. This letter contained the State’s commitment to conduct capture efficiency testing using the most recent EPA capture efficiency protocols, and the commitment to adopt federal capture efficiency test methods after they are officially promulgated by EPA.

(71) The Governor of Colorado submitted carbon monoxide contingency measures for Colorado Springs and Fort Collins with a letter dated February 18, 1994. This submittal was intended to satisfy the requirements of section 172(c)(9) of the Clean Air Act for contingency measures which were due on November 15, 1993.


(72) On November 12, 1993, August 25, 1994, September 29, 1994, November 17, 1994, and January 29, 1996, the Governor of Colorado submitted revisions to the State’s construction permitting requirements in Regulation No. 3 and the Common Provisions Regulation. These revisions included nonattainment new source review permitting requirements for new and modified major sources of PM–10 precursors locating in the Denver moderate PM–10 nonattainment area, changing from the dual source definition to the plantwide definition of source in nonattainment new source review permitting, other changes to Regulation No. 3 to make the construction permitting program more compatible with the State’s title V operating permit program, and correction of deficiencies. In addition, the Governor submitted revisions to the Common Provisions Regulation on April 9, 1992 and January 14, 1993.

(i) Incorporation by reference. (A) Common Provisions Regulation, 5 CCR 1001–2, Section I.G., definitions of “baseline area” and “reconstruction;” adopted 10/17/91, effective 11/30/91.

(B) Common Provisions Regulation, 5 CCR 1001–2, Section I.G., definitions of “net emissions increase” and “stationary source;” adopted 8/20/92, effective 9/30/92.

(C) Common Provisions Regulation, 5 CCR 1001–2, Section I.A. and Section I.G., definitions of “emission control regulation” and “volatile organic compound;” adopted 11/19/92, effective 12/30/92.

(D) Regulation No. 3, Air Contaminant Emissions Notices, 5 CCR 1001–5, revisions adopted 8/18/94, effective 9/30/94, as follows: Part A (with the exception of the last sentence in the definition of “Federally enforceable” in Section I.B.22 and with the exception of Section IV.C.3) and Part B (with the exception of Sections V.B. and VII.A.5.). This version of Regulation No. 3, as incorporated by reference here, supersedes and replaces all versions of Regulation No. 3 approved by EPA in previous actions.


(F) Previously approved in paragraph (c)(72)(i)(D) under Regulation No. 3, Air Contaminant Emissions Notices, 5 CCR 1001–5. These sections are now deleted without replacement: II.B.7., II.B.8., II.B.9., II.B.10., and II.D.7, effective October 30, 2006.

(G) 1001–5, Colorado Regulation No. 3, Air Contaminant Emissions Notices, Part A, Concerning General Provisions Applicable to Reporting and Permitting, Sections II.D.1.m., II.D.1.ee, II.D.1.uu, II.D.1.ddd, and II.D.1.eeee, previously approved in paragraph (c)(72)(i)(D) of this section, were repealed by the State of Colorado effective January 30, 2009 and are removed without replacement.

(i) Additional material. (A) July 3, 1995 letter from Martha E. Rudolph,
First Assistant Attorney General, Colorado Office of the Attorney General, to Jonah Staller, EPA.

(73) On January 14, 1994 and on June 24, 1994, Roy Romer, the Governor of Colorado, submitted SIP revisions to the State Implementation Plan for the Control of Air Pollution. This revision requires the implementation of a basic motor vehicle inspection and maintenance program in the urbanized areas of El Paso (Colorado Springs), Larimer (Fort Collins), and Weld (Greeley) Counties meeting the requirements of the Clean Air Act Amendments of 1990. This material is being incorporated by reference for the enforcement of Colorado’s basic I/M program only.

(i) Incorporation by reference. (A) Colorado Revised Statutes §§ 42-4-306.5–42-4-316 adopted June 8, 1993 as House Bill 93-1340, effective July 1, 1993.

(B) Regulation No. 11 (Inspection/Maintenance Program) as adopted by the Colorado Air Quality Control Commission (AQCC) on March 17, 1994, effective April 30, 1994.


(75) The Governor of Colorado submitted revisions to the PM$_{10}$ moderate nonattainment area State Implementation Plan (SIP) for Telluride, Colorado with a letter dated April 22, 1996. The submittal was made to satisfy the State’s commitment to adopt additional control measures necessary to demonstrate continued maintenance of the PM$_{10}$ National Ambient Air Quality Standards through 1997. Due to the satisfaction of this commitment, the SIP now adequately meets the quantitative milestone requirement.


(77) On September 29, 1995, Roy Romer, the Governor of Colorado, submitted a SIP revision to the State Implementation Plan for the Control of Air Pollution. This revision provides a replacement Regulation No. 11, Inspection/Maintenance Program which limits dealer self-testing. This material is being incorporated by reference for the enforcement of Colorado’s I/M program.

Plan requirements for emission trading for Pioneer Metal Finishing Inc. and crossline averaging for Lexmark International Inc.


(79) On August 23, 1996, the Governor of Colorado submitted a revision to the long-term strategy portion of Colorado’s State Implementation Plan (SIP) for Class I Visibility Protection. The revision was made to incorporate into the SIP, among other things, emissions reduction requirements for the Hayden Station (a coal-fired steam generating plant located near the town of Hayden, Colorado) that are based on a consent decree addressing numerous air pollution violations at the plant. This SIP revision replaces the previous existing impairment portion of the long-term strategy as it relates to the Mt. Zirkel Wilderness Area.

(i) Incorporation by reference. (A) Long-Term Strategy Review and Revision of Colorado’s State Implementation Plan (SIP) for Class I Visibility Protection Part I: Hayden Station Requirements, as follows: Section VI., effective on August 15, 1996.

(80) On July 11, 1994, July 13, 1994, September 29, 1995, and December 22, 1995, the Governor of Colorado submitted revisions to the Colorado State Implementation Plan (SIP) to satisfy those CO nonattainment area SIP requirements for Denver and Longmont, Colorado due to be submitted by November 15, 1992, and further revisions to the SIP to shorten the effective period of the oxygenated fuels program. EPA is not taking action on the SIP provision submitted on July 11, 1994 that calls for a prohibition of the registration of abandoned and impounded vehicles.


(81) On August 1, 1996, the Governor of Colorado submitted revisions to the prevention of significant deterioration regulations in Regulation No. 3 to incorporate changes in the Federal PSD permitting regulations for PM–10 increments and to make other minor administrative revisions.

(i) Incorporation by reference. (A) Regulation No. 3, Air Contaminant Emissions Notices, 5 CCR 1001–5, revisions adopted 8/17/95, effective 10/30/95, as follows: Part A, Section I.B., as follows: the definition of “baseline area” in subsection 10, the definition of “minor source baseline date” in subsection 35, and the definition of “net emissions increase” in subsection 37; Part A: Sections IV.B., V.C.1., and V.D.11.c.; Part B: Sections IV.D.3.b.(v), VI.B.1., and X.D.

EPA is approving the SIP. This approval replaces the previous limited approval at 40 CFR 52.320(c)(61).

(i) Incorporation by reference. (A) Regulation No. 4, “Regulation on the Sale of New Woodstoves and the Use of Certain Woodburning Appliances During High Pollution Days,” 5 CCR 1001–6, as adopted by the Air Quality Control Commission on June 24, 1993, effective August 30, 1993.

(B) Local woodburning ordinances and resolutions.

(1) Arvada, Colorado. Ordinance number 2451, effective November 2, 1987, regarding woodburning restrictions.

(2) Aurora, Colorado. Ordinance numbers 87–118 and 92–14, effective May 22, 1987 and May 22, 1992, respectively, regarding woodburning restrictions.

(3) Boulder, Colorado. Ordinance numbers 5007 and 5445, adopted November 25, 1986 and April 21, 1992, respectively, regarding woodburning restrictions.

(4) Broomfield, Colorado. Ordinance number 794, effective November 24, 1988, regarding woodburning restrictions.


(9) Glendale, Colorado. Ordinance numbers 2 and 14, adopted January 5, 1988 and effective on October 20, 1992, respectively, regarding woodburning restrictions.

(10) Greenwood Village, Colorado. Ordinance numbers 17 and 9, effective July 9, 1988 and March 23, 1992, respectively, regarding woodburning restrictions.


(13) Lakewood, Colorado. Ordinance numbers 0–86–113 and 0–92–61, effective December 1, 1986 and November 28, 1992, respectively, regarding woodburning restrictions.

(14) Littleton, Colorado. Ordinance numbers 51 and 26, passed on December 6, 1988 and August 13, 1992, respectively, regarding woodburning restrictions.

(15) Longmont, Colorado. Ordinance number 0–89–1, adopted December 27, 1988, regarding woodburning restrictions.


(17) Sheridan, Colorado. Ordinance numbers 22 and 1, approved October 25, 1988 and February 9, 1993, respectively, regarding woodburning restrictions.


(19) Westminster, Colorado. Ordinance numbers 1742 and 2092, enacted on November 9, 1987 and December 28, 1992, respectively, regarding woodburning restrictions.

(C) Regulation No. 16, “Concerning Material Specifications for, Use of, and Clean-up of Street Sanding Material,” 5 CCR 1001–18, as adopted by the Air Quality Control Commission on September 22, 1994, effective November 30, 1994.


(E) Public Service Company Cherokee facility SO2 emission limitations for the power facility.
§ 52.354  

(1) Permit 86AD352(1), effective date November 13, 1986, regulates SO2 emissions at Unit #1.  

(2) Permit 86AD352-2, effective date April 30, 1992, regulates SO2 emissions at Unit #4.  

(F) Purina Mills Inc. total PM10 emissions limitations at the animal feed manufacturing facility.  

(I) Permit 93AD1008–1, effective date October 19, 1993, regulating emissions at the finished product loadout facility.  

(2) Permit 93AD1008–2, effective date October 19, 1993, regulating emissions at the grain receiving facility.  

(G) Electron Corporation total PM10 emission limitations at the gray iron foundry.  

(I) Permit 93AR1363–1, effective date January 12, 1994, regulating emissions at the Table shot blaster and associated baghouse.  

(2) Permit 93AR1363–2, effective date January 12, 1994, regulating emissions at the five grinding booths-stand and associated baghouse.  

(3) Permit 93AR1363–3, effective date January 12, 1994, regulating emissions at the five grinding booths-hand and associated baghouse.  

(4) Permit 93AR1363–4, effective date January 12, 1994, regulating emissions at the Muller-25 sand system and associated baghouse.  

(5) Permit 93AR1363–5, effective date January 12, 1994, regulating emissions at the Coleman core oven-sand.  

(6) Permit 93AR1363–6, effective date January 12, 1994, regulating emissions at the Spinner wheelabrator and associated baghouse.  

(7) Permit 93AR1363–7, effective date January 12, 1994, regulating emissions at the Sand sile-core room and associated baghouse.  

(8) Permit 93AR1363–8, effective date January 12, 1994, regulating emissions at two tumble blast machines and associated baghouse.  

(9) Permit 93AR1363–9 effective date January 12, 1994, regulating emissions at three tumble blast machines and associated baghouse.  

(10) Permit 93AR1363–10, effective date January 12, 1994, regulating emissions at two mullers-80A and associated baghouse.  

(11) Permit 93AR1363–11, effective date January 12, 1994, regulating emissions at the Casting shakeout hood and associated baghouse.  

(12) Permit 93AR1363–12, effective date January 12, 1994, regulating emissions at the Casting-disamatic mold and associated baghouse.  

(13) Permit 93AR1363–13, effective date January 12, 1994, regulating emissions at the Sand silo-disamatic and associated baghouse.  

(14) Permit 93AR1363–14, effective date January 12, 1994, regulating emissions at two electric induction furnaces and associated baghouse.  

(15) Permit 93AR1363–15, effective date January 12, 1994, regulating emissions at two electric induction furnaces model #2000/4, serial nos. 40102 and 40103, and associated baghouse.  

(17) Permit 93AR1363–17, effective date January 12, 1994, regulating emissions from chemicals used in core making process.  

(18) Permit 93AR1363–18, effective date January 12, 1994, regulating emissions at the Loop shakeout and associated baghouse.  

(19) Permit 93AR1363–19, effective date January 12, 1994, regulating emissions at the Floor shakeout and associated baghouse.  

(20) Permit 93AR1363–20, effective date January 12, 1994, regulating emissions at the Reclaim sand and associated baghouse.  

(21) Permit 93AR1363–21 effective date January 12, 1994, regulating emissions at the Sand heater/cooler and associated baghouse.  

(22) Permit 93AR1363–22, effective date January 12, 1994, regulating emissions at the Paint spray booth.  

(H) TRIGEN-Colorado Energy Corporation permit emissions limitations at two boilers.  

(1) Permit 10JE660, effective date February 25, 1997, regulating emissions at the #4 boiler: tangential fired cogeneration steam boiler.  

(2) Permit 11JE305–1, effective date February 19, 1997, regulating emissions...
Environmental Protection Agency

§ 52.354

at the #5 boiler: tangential fired cogeneration steam boiler.

(I) Rocky Mountain Bottle Company emission limitations on three furnaces.

(1) Permit 92JE129–1, effective date June 29, 1995, regulating emissions at the KTG glass melting furnaces #1, #2 and #3.

(J) Conoco Refinery allowable emission limitations from the refinery.

(1) Permit 90AD524, effective date March 20, 1991, regulating a Tulsa natural gas fired 20MMbtu/hour heater equipped with low-NOX burners.

(2) Permit 90AD053, effective date March 20, 1991, regulating process heaters H–10, H–11 and H–27 and process boilers B4, B6, and B8 all burning fuel gas only.

(3) Permit 91AD180–3, effective December 28, 1992, regulating the three stage Claus sulfur recovery unit with tail gas recovery unit.

(ii) Additional material. (A) Regional Air Quality Council, “Guidelines for Reducing Air Pollution from Street Sanding” sets voluntary guidelines for public works departments to follow to reduce the amount of street sand applied, and includes recommendations for increasing the effectiveness of street cleaning operations.

(83) A revision to the Colorado State Implementation Plan was submitted by the Governor of the State of Colorado on April 22, 1996. The revision consists of an amendment to Colorado Air Quality Control Commission Regulation No. 7, “Regulation To Control Emissions of Volatile Organic Compounds,” to provide an exemption for beer production and associated beer container storage and transfer operations involving volatile organic compounds under 1.5 psia from certain bottom or submerged filling requirements that Regulation No. 7 otherwise imposes. The revision consists of the addition of paragraph C to section III, “General Requirements for Storage and Transfer of Volatile Organic Compounds,” of Regulation No. 7.


(84) The Governor of Colorado submitted the Denver PM10 mobile source emissions budget State Implementation Plan (SIP) with a letter dated July 18, 1995. The Governor submitted the Denver NOX mobile source emissions budget State Implementation Plan (SIP) with a letter dated April 22, 1996. The PM10 and NOX mobile source emissions budgets and other provisions in these SIP submittals are used to assess conformity of transportation plans, transportation improvement programs, and transportation projects.

(i) Incorporation by reference. (A) Colorado Air Quality Control Commission, “Ambient Air Quality Standards” regulation 5CCR 1001–14, Section A.1. Budgets for the Denver Nonattainment Area (Modeling Domain) PM10, Sections A.2. and A.3., and Sections B and C, adopted on February 16, 1995, effective April 30, 1995, as amended by the Colorado General Assembly through enactment of Colorado Senate Bill 95–110, which Bill was enacted on May 5, 1995 and signed by the Governor of Colorado on May 31, 1995. (See paragraph (c)(84)(i)(B) of this section).


(85) On September 16, 1997, the Governor of Colorado submitted revisions to Regulation No. 10 “Criteria for Analysis of Conformity” that incorporate the General Conformity requirements of 40 CFR part 51, Subpart W into State regulation.

(i) Incorporation by reference. (A) Regulation No. 10 “Criteria for Analysis of Conformity”, 5 CCR 1001–12, as adopted on October 17, 1996, effective December 30, 1996.

(86) On October 1, 1998, the Governor of Colorado submitted revisions to Regulation No. 13 “Oxygenated Fuels Program” that shortened the effective time period of the oxygenated fuels
program for Denver/Boulder, Colorado Springs, Fort Collins, and Longmont carbon monoxide nonattainment areas and also reduced the required oxygen content during certain periods.


(87) On September 16, 1997, the Governor of Colorado submitted revisions to Regulations No. 3 and 7 and the Common Provisions Regulation to update the State’s list of negligibly reactive volatile organic compounds (VOCs) and to consolidate the list of negligibly reactive VOCs from Regulations No. 3 and 7 into the Common Provisions Regulation. The Governor also submitted revisions to Parts A and B of Regulation No. 3 on September 16, 1997 to amend the definition of “applicable requirement” and to correct typographical errors. On August 19, 1998, the Governor submitted revisions to the Common Provisions Regulation to update its list of negligibly reactive VOCs. The Governor also submitted revisions to Regulation No. 7 to repeal the requirements for control of VOC emissions from dry cleaning facilities using perchloroethylene as a solvent.

(i) Incorporation by reference. (A) Common Provisions Regulation, 5 CCR 1001–2, Section I.G., definition of “negligibly reactive VOCs (NRVOCs)” and subsection h. of the definition of “net emissions increase,” adopted 12/21/95, effective 3/1/96.

(B) Regulation No. 3, “Air Contaminant Emission Notices,” 5 CCR 1001–5, adopted 12/21/95, effective 3/1/96, as follows: Part A, subsection h. of the definition of “net emissions increase” in Section I.B.9.; and Part B, Section IV.D.4.

(C) Regulation No. 7, “Emissions of Volatile Organic Compounds,” 5 CCR 1001–9, Section II.B., adopted 12/21/95, effective 3/1/96.

(D) Regulation No. 3, “Air Contaminant Emission Notices,” 5 CCR 1001–5, adopted 6/20/96, effective 8/30/96, as follows: Part A, definition of “applicable requirement” in Section I.B.9., definition of “major source (for the purposes of Part C—operating permits)” in Section I.B.9., and Section V.C.12; and Part B, Section III.D.2.

(E) Common Provisions Regulation, 5 CCR 1001–12, Section I.G., definition of “negligibly reactive VOCs (NRVOCs)” adopted 11/21/96, effective 1/30/97.

(F) Regulation No. 7, “Emissions of Volatile Organic Compounds,” 5 CCR 1001–9, Section XII., adopted 11/21/96, effective 1/30/97.

(88) On April 26, 1996, the Governor of Colorado submitted revisions to Regulation No. 3 to allow a source to voluntarily request a permit to limit potential to emit and to require that such permits be subject to public participation.

(i) Incorporation by reference. (A) Regulation No. 3, “Air Contaminant Emission Notices,” 5 CCR 1001–5, revisions adopted 5/18/95, effective 7/30/95, as follows: part B, sections III.A.4, III.A.7, and IV.C.4.

(89) On May 10, 2000, the Governor of Colorado submitted revisions to Regulation No. 13 “Oxygenated Fuels Program” that eliminated the Oxygenated Fuels Program for El Paso County and the Colorado Springs CO attainment/maintenance area.

(i) Incorporation by reference. (A) Regulation No. 13 “Oxygenated Fuels Program”, 5 CCR 1001–16, as adopted on February 17, 2000, effective April 30, 2000, as follows: Sections I.D.19, II.A.11A.1, II.A.2, II.C.1.a, II.C.1.b., and II.C.1.c.

(90) On May 10, 2000, the State of Colorado submitted maintenance plans for the Telluride and Pagosa Springs PM$_{10}$ nonattainment areas and requested that these areas be redesignated to attainment for the PM$_{10}$ National Ambient Air Quality Standards. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

(i) Incorporation by reference. (A) Colorado Air Quality Control Commission, “State Implementation Plan Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Elements),” 5 CCR 1001–20, revisions adopted 3/16/00, effective 5/30/00, as follows: Section I., Pagosa Springs Attainment/Maintenance Area and Section II., Telluride Attainment/Maintenance Area.
(i) Additional material. (A) January 24, 2001 letter from Margie Perkins, Director, Colorado Air Pollution Control Division, to Richard Long, Director, EPA Region VIII Air and Radiation Program, clarifying the commitments of the Verification of Continued Attainment section of the Telluride and Pagosa Springs maintenance plans.

(ii) On May 10, 2000, the Governor of Colorado submitted revisions to the Colorado State Implementation Plan consisting of: Revisions to Regulation 12 to remove the “Reduction of Diesel Vehicle Emissions” program from areas outside the Denver PM10 non-attainment area, and Regulation 9 “Trip Reduction,” effective on January 30, 1979, is rescinded.


(92) On May 11, 2012, Colorado submitted a revision to its State Implementation Plan (SIP) that addresses updates to Colorado’s Regulation Number 10, Criteria for Analysis of Conformity, of the Colorado SIP. EPA is approving the May 11, 2012 revisions to Regulation No. 10 that update sections I, II, III, IV, and V so as to meet federal transportation conformity consultation requirements. EPA is also approving the removal of former Part A, Determining Conformity of General Federal Actions to State or Federal Implementation Plans, from the SIP.

(i) Incorporation by reference. (A) Colorado’s Regulation Number 10, Criteria for Analysis of Conformity, except section VI, Statements of Basis, Specific Statutory Authority, and Purpose, as adopted by the Colorado Air Quality Control Commission on December 15, 2011 and state effective on January 30, 2012.

(93) On June 7, 2001, the Governor of Colorado submitted a revision to the long-term strategy portion of Colorado’s State Implementation Plan (SIP) for Class I Visibility Protection. The revision was made to incorporate the SIP emissions reduction requirements for the Craig Station (a coal-fired steam generating plant located near the town of Craig, Colorado). This SIP revision is expected to remedy Craig Station’s contribution to visibility impairment in the Mt. Zirkel Wilderness Area.

(i) Incorporation by reference. (A) Revision of Colorado’s State Implementation Plan for Class I Visibility Protection: Craig Station Units 1 and 2 Requirements, Section III, effective on April 19, 2001.

(94) On August 8, 1996, the Governor of Colorado submitted revisions to Regulation No. 3, “Air Contaminant Emissions Notices,” that exempt gasoline stations located in ozone attainment areas from construction permit requirements, with the exception of those gasoline stations located in the Denver Metro ozone attainment maintenance area. The Governor also submitted revisions to Regulation No. 7, “Emissions of Volatile Organic Compounds,” that state the provisions of Regulation No. 7 shall apply only to ozone nonattainment areas and the Denver Metro Attainment Maintenance Area with the exception of Section V, Paragraphs VI.B.1 and 2., and Subsection VII.C., which shall apply statewide.


(B) Section I.A.1 of Regulation No. 7 “Emissions of Volatile Organic Compounds”, 5 CCR 1001–9, as adopted on March 21, 1996, effective May 30, 1996.

(95) On July 30, 2001, the State of Colorado submitted a maintenance plan for the Denver PM10 nonattainment area and requested that the area be redesignated to attainment for the PM10 National Ambient Air Quality Standards. The maintenance plan deletes from the SIP Regulation No. 12, “Diesel Inspection/Maintenance Program” and permits for six stationary sources incorporated by reference in regulation paragraphs (c)(91)(I)(A) and (c)(82)(I)(E) through (J), of this section respectively. In conjunction with the maintenance plan, Colorado revised previously approved regulations and requirements to control particulate matter (Regulation No. 1 and Regulation No. 16.) Among other changes, the revision to Regulation No. 1 includes the
deletion of section VII.B of Regulation No. 1 from the SIP. Among other changes, the revision to Regulation No. 16 includes the deletion of sections III and IV of Regulation No. 16 from the SIP. The redesignation request, maintenance plan, and revisions to Regulations Nos. 1 and 16 satisfy all applicable requirements of the Clean Air Act.

(i) Incorporation by reference. (A) Section VII and VIII.A of Regulation No. 1, “Emission Control for Particulates, Smokes, Carbon Monoxide, & Sulfur Oxides,” 5 CCR 1001–3, as adopted August 16, 2001 and effective September 30, 2001. (See paragraph (c)(95)(ii)(I) of this section regarding clerical error in section VIII.A of Regulation No. 1.)


(ii) Additional material. (A) Letter dated September 5, 2001 from Casey Shpall, Colorado Office of the Attorney General to Cindy Rosenberg, EPA Region 8, clarifying that public notice was given of the proposed changes and transmitting the appropriate documentation.

(B) Fax dated September 6, 2001 from Doug Lempke, Colorado Department of Public Health and Environment, to Cindy Rosenberg, EPA Region 8, submitting Colorado Attorney General’s opinion concerning revisions to Regulation No. 16.

(C) Letter dated September 10, 2001 from Kevin Briggs, Colorado Department of Public Health and Environment, to Kevin Golden, EPA Region 8, transmitting model input files for maintenance demonstration.

(D) Letter dated September 13, 2001 from Casey Shpall, Colorado Office of the Attorney General to Cindy Rosenberg, EPA Region 8, explaining that an error occurred in the publication of Colorado Regulation No. 1.

(E) Letter dated November 27, 2001 from Margie Perkins, Colorado Department of Public Health and Environment, to Richard Long, EPA Region 8, transmitting the justification for the revised street sweeping credits used in the PM_{10} maintenance plan.

(F) Letter dated April 5, 2002 from Margie Perkins, Colorado Department of Public Health and Environment, to Richard Long, EPA Region 8, transmitting a supplement to the Technical Support Documentation correcting the emission rates used in the PM_{10} maintenance plan for Conoco and Ultramar Diamond Shamrock.

(G) Complaint and Consent Decree in United States v. Conoco Inc., entered by the United States District Court for the Southern District of Texas on April 29, 2002.

(H) July 31, 2002 memorandum from Cindy Rosenberg, EPA Region 8, to the Denver PM_{10} Redesignation and Maintenance Plan Docket, regarding the August 16, 2001 version of Regulation No. 1, “Emission Control for Particulates, Smokes, Carbon Monoxide, & Sulfur Oxides.”

(I) Letter dated July 31, 2002 from Frank R. Johnson, Assistant Attorney General, Colorado Department of Law, to Jonah Staller, EPA Region 8, explaining a clerical error in the version of Regulation No. 1 referenced in paragraph (c)(95)(i)(A) of this section, assuring the continued enforceability of section VIII.A of Regulation No. 1 regardless of the air quality classification of the Denver area, and indicating that the clerical error will be promptly remedied.

(96) On May 10, 2000, the Governor of Colorado submitted SIP revisions to Colorado’s Regulation No. 11 “Motor Vehicle Emissions Inspection Program” that supersede and replace all earlier versions of the Regulation (except Appendices A and B of Regulation No. 11 as approved in paragraph (c)(80)) and make several changes to the motor vehicle inspection and maintenance requirements including the implementation of a remote sensing device (RSD) program for the Denver metropolitan area. On May 10, 2000, the Governor also submitted SIP revisions to Colorado’s Regulation No. 13: “Oxygenated Fuels Program” that supersede and replace all earlier versions of the Regulation and modify the oxygenated fuel requirements for the Denver metropolitan area.

(i) Incorporation by reference. (A) Regulation No. 11 “Motor Vehicle Emissions Inspection Program”, 5 CCR 1001–13, as adopted on January 10, 2000, effective March 1, 2000, as follows: Part

(B) Regulation No. 13 “Oxygenated Fuels Program”, 5 CCR 1001-16, as adopted on January 10, 2000, as follows: Sections I.D., II.A., II.B., II.C., II.D., II.E., II.F., II.G., and II.H.

(97) On November 9, 2001, the State of Colorado submitted a maintenance plan for the Aspen PM_{10} nonattainment area and requested that this area be redesignated to attainment for the PM_{10} National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(98) On November 5, 1999 the Governor of Colorado submitted a revision to Regulation No. 1, “Emission Control for Particulates, Smokes, Carbon Monoxide and Sulfur Dioxide.” The November 5, 1999 submittal exempts military training exercises at the United States Army Installation Fort Carson and United States Army Pinon Canon Maneuver Site (PCMS) from opacity limits. A new subsection D to Regulation No. 1, section II, has been approved into the SIP.

(99) On August 9, 2002, the Governor of Colorado submitted SIP revisions to Colorado’s Regulation No. 11 “Motor Vehicle Emissions Inspection Program” that eliminate the oxygenated fuel requirements for Larimer County (which includes the Fort Collins area) after January 1, 2004, and make changes to sections I.D., II.A., II.B., II.C., II.D., II.E., II.F., II.G., and II.H. On August 9, 2002, the Governor also submitted SIP revisions to Colorado’s State Implementation Plan Specific Regulations for Nonattainment and Attainment/Maintenance Areas (Local Elements) that eliminate Clean Air Act section 172(c)(9) carbon monoxide contingency measures for the Fort Collins area. We originally approved these contingency measures on December 23, 1997, and our approval was codified in paragraph (c)(71) of this section.

(100) EPA is approving a SIP revision submitted by the Governor of Colorado on July 31, 2002, concerning the use of credible evidence for determining compliance and establishing violations. The July 31, 2002 submittal revises Colorado Air Quality Control Commission (AQCC) Common Provisions Regulation by adding Section II.I, Compliance Certifications. Section II.I of Colorado AQCC Common Provisions Regulation is approved into the SIP.

(101) On July 31, 2002, the State of Colorado submitted a maintenance plan for the Steamboat Springs PM_{10} nonattainment area and requested that this area be redesignated to attainment for the PM_{10} National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(i) Incorporation by reference. (A) Colorado Air Pollution Control Division, “State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Areas),” 5 CCR 1001–20, revisions adopted January 11, 2001, effective February 28, 2001 as follows: Section III, which is titled “Aspen/Pitkin County PM_{10} At- tainment/Maintenance Area,” and which supersedes and replaces all prior versions of Section III.

(ii) Incorporation by reference. (A) Colorado Air Pollution Control Division, “State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Areas),” 5 CCR 1001–20, revisions adopted January 11, 2001, effective February 28, 2001 as follows: Section III, which is titled “Aspen/Pitkin County PM_{10} At- tainment/Maintenance Area,” and which supersedes and replaces all prior versions of Section III.

(i) Incorporation by reference. (A) Colorado Air Pollution Control Division, “State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Areas),” 5 CCR 1001–20, revisions adopted January 11, 2001, effective February 28, 2001 as follows: Section III, which is titled “Aspen/Pitkin County PM_{10} At- tainment/Maintenance Area,” and which supersedes and replaces all prior versions of Section III.

(i) Incorporation by reference. (A) Colorado Air Pollution Control Division, “State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Areas),” 5 CCR 1001–20, revisions adopted January 11, 2001, effective February 28, 2001 as follows: Section III, which is titled “Aspen/Pitkin County PM_{10} At- tainment/Maintenance Area,” and which supersedes and replaces all prior versions of Section III.

(i) Incorporation by reference. (A) Colorado Air Pollution Control Division, “State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Areas),” 5 CCR 1001–20, revisions adopted January 11, 2001, effective February 28, 2001 as follows: Section III, which is titled “Aspen/Pitkin County PM_{10} At- tainment/Maintenance Area,” and which supersedes and replaces all prior versions of Section III.
Air Quality Standards. The redesignation request and maintenance plan satisfies all applicable requirements of the Clean Air Act.

(i) Incorporation by reference. (A) Colorado Air Quality Control Commission, “State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Elements),” 5 CCR 1001–20, revisions adopted November 15, 2001, effective December 30, 2001 as follows: Section VIII., titled “Steamboat Springs PM\textsubscript{10} Attainment/Maintenance Area” and supersedes and replaces all prior versions of Section VIII.

(102) [Reserved]

(103) On April 12, 2004, the Governor of Colorado submitted revisions to Regulation No. 11 “Motor Vehicle Emissions Inspection Program” that eliminated the Federal applicability of the Basic I/M program for El Paso County and the Colorado Springs CO attainment/maintenance area.


(104) On June 20, 2003, the Governor of Colorado submitted SIP revisions to Colorado’s Regulation No. 11 “Motor Vehicle Emissions Inspection Program” that eliminate the requirement in the SIP to implement a motor vehicle inspection and maintenance program in Weld County (which includes the Greeley area) after January 1, 2004. On June 20, 2003, the Governor also submitted SIP revisions to Colorado’s Regulation No. 13 “Oxygenated Fuels Program” that eliminate the oxygenated fuel requirements for Weld County (which includes the Greeley area) after January 1, 2004.


(105) Revisions to the Long-Term Strategy of Colorado’s State Implementation Plan for Class I Visibility Protection (Visibility SIP), as submitted by the Governor on April 12, 2004. The revisions update strategies, activities, and plans that constitute reasonable progress toward the National visibility goal.


(106) On July 31, 2002, the State of Colorado submitted a maintenance plan for the Lamar PM\textsubscript{10} nonattainment area and requested that this area be redesignated to attainment for the PM\textsubscript{10} National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(i) Incorporation by reference. (A) Colorado Air Quality Control Commission, “State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Elements),” 5 CCR 1001–20, revisions adopted November 15, 2001, effective December 30, 2001 as follows: Section IV, titled “Lamar Attainment/Maintenance Area,” and which supersedes and replaces all prior versions of Section IV.

§ 52.354


(ii) Additional material. (A) March 22, 2005, letter from Margie Perkins, Director, Air Pollution Control Division, Colorado Department of Public Health and Environment, to Richard Long, Director, Air and Radiation Program, EPA Region VIII. This letter contained commitments from the State to adhere to and address the continuing planning process requirements contained in the “Maintenance for Growth” provisions of EPA’s “Protocol for Early Action Compacts Designed to Achieve and Maintain the 8-Hour Ozone Standards.”

(108) Revisions to the Long-Term Strategy of Colorado’s State Implementation Plan for Class I Visibility Protection (Visibility SIP), as submitted by the Governor on March 24, 2005. The revisions update strategies, activities, and monitoring plans that constitute reasonable progress toward the National visibility goal.


(109) A revision to the State Implementation Plan was submitted by the State of Colorado on July 31, 2002. The submittal revises the Common Provisions regulation by adding affirmative defense provisions for source owners and operators for excess emissions during periods of startup and shutdown.

(i) Incorporation by reference.

(110) A Revision to the State Implementation Plan was submitted by the State of Colorado on April 12, 2004. The revision corrects a clerical error in Section VIII.A of Regulation No. 1.

(i) Incorporation by reference.


(111) On August 8, 2006, the Governor of Colorado submitted SIP revisions to Colorado’s Regulation No. 11 “Motor Vehicle Emissions Inspection Program” that repeals the basic vehicle emissions inspection program in the Fort Collins and Greeley areas.

(i) Incorporation by reference.


(112) On August 3, 2007, the Governor of Colorado submitted revisions to Colorado’s Regulation Number 1 to be incorporated into the Colorado SIP. The submittal revised Section III.B.2. by adding “and air curtain destructors subject to 40 CFR 60” to the first sentence of Section III.B.2.

(i) Incorporation by reference.


(i) Incorporation by reference.


(1) The submittal revises Section I.G by removing the definition of “upset conditions” and replacing it with the definition of “malfunction.”


(2) The submittal revises Section I.E by removing language which provided an exemption for excess emissions during upset conditions and breakdowns and replacing it with an affirmative defense provision for source owners and operators for excess emissions during malfunctions.

(114) On August 1, 2007, the State of Colorado submitted revisions to Colorado Regulation Number 1 to be incorporated into the Colorado SIP. The submittal revised Section III.B.2. by adding “and air curtain destructors subject to 40 CFR 60” to the first sentence of Section III.B.2.

(i) Incorporation by reference.

for in Section V.A.2. Sections VI.A.3.e, VI.A.3.f, VI.B.4.e, and VI.B.4.g(ii) are modified regarding the methods used for the averaging of emissions over a 24 hour period.

(i) Incorporation by reference.
(A) 5 CCR 1001–3, Regulation 1, Emission Control for Particulates, Smokes, Carbon Monoxide and Sulfur Oxides, Section II, Smoke and Opacity, Section II.C.2.d, effective March 2, 2002.

(1) The submittal contains Section V.A.2 with the language:
"Emissions from gas-cleaning device shall not exceed a mass emission rate of 0.00520 gr/dscf of filterable particulates maximum two-hour average, as measured by EPA Methods 1–4 and the front half of Method 5 (40 CFR 60.275, and Appendix A, Part 60), or by other credible method approved by the Division. This particulate emissions standard does not include condensable emissions, or the back half emissions of Method 5". The language "or by other credible method approved by the Division" is disapproved. The language "Appendix A, Part 60" is changed to "appendices A1 through A3, Part 60" in order to comply with the current nomenclature of Part 60.

(D) 5 CCR 1001–3, Regulation 1, Emission Control for Particulates, Smokes, Carbon Monoxide and Sulfur Oxides, Section VI, Sulfur Dioxide Emission Regulations, Sections VI.A.3.e, VI.A.3.f, VI.B.4.e, and VI.B.4.g(ii), effective September 30, 2001.

(1) Sections VI.B.4.e and VI.B.4.g(ii) list an emission rate of 0.7 lbs. sulfur dioxide, for the sum of all SO\textsubscript{2} emissions from a given refinery per barrel of oil processed, per day. This emission rate is disapproved. The emission rate remains unchanged at 0.3 lbs. All remaining language within Sections VI.B.4.e and VI.B.4.g(ii) is approved.

(116) On June 20, 2003, the State of Colorado submitted revisions to Colorado’s Regulation 3 Regulation, 5 CCR 1001–5, that place restrictions on increment consumption, add innovative control technology as an alternative to BACT requirements, and changed or deleted numerous definitions in Part A. The State in Part B revised construction permit review requirements regarding RACT for minor sources in attainment/maintenance areas. The State made the restrictions on maximum allowable increases of sulfur dioxide concentrations over baseline concentrations in Class I areas also applicable to certain Class II areas, such as certain National Monuments that are not Class I areas. Increment consumption restrictions were added to limit major stationary sources from consuming more than 75 percent of an applicable increment. The State added the use of innovative control technology by a source in lieu of BACT requirements in order to encourage the use of such technology. The revisions to both Parts and B also included minor changes designed to fix ambiguous language, to make the definitions more readable or to delete obsolete or duplicative definitions. On April 12, 2004, the State of Colorado submitted a minor revision to Part A, Section I.A regarding the availability of material incorporated by reference.

(i) Incorporation by reference.
(A) Regulation 3, 5 CCR 1001–5, AIR CONTAMINANT EMISSIONS NOTICES, Part A, Concerning General Provisions Applicable to Construction Permits and Operating Permits, effective December 2002 and April 2003 with the following exceptions:
(1) Section I.B.36.b.(iii)(G) provisions related to Pollution Control Projects
(2) Section I.B.40.c.(ii) Submittal of an application for a nonroad engine permit, State-only requirement
(3) Section IV. C., Emissions Trading under Permit Caps
(4) Section V.F.5, Criteria for Approval of all Transactions, deleting the requirement that trading transactions may not be used inconsistently with or to circumvent requirements of LAER.
(B) Regulation 3, 5 CCR 1001–5, AIR CONTAMINANT EMISSIONS NOTICES, Part B, Concerning Construction Permits including Regulations for the Prevention of Significant Deterioration (PSD), Area Classifications, Part B, Section V.B., effective December 2002 with the following exceptions:

(1) Section III.D.1.c(iii), Exemption from Construction Permit Requirements, Uncontrolled Emissions

(2) Section IV.B.2, Application for a Construction Permit, and Section IV.H.8, Application for a Final Permit, regarding operating and maintenance plans and recordkeeping formats.


(118) On June 20, 2003, the State of Colorado submitted revisions to Colorado’s Common Provisions Regulation, 5 CCR 1001–2, that revised the definitions of continuous monitoring system, emergency power generator, enforceable, federally enforceable, manufacturing process or process equipment, and volatile organic compounds. Deleted definitions included but were not limited to actual emissions, Best Available Control Technology (BACT),
Lowest Achievable Emission Rate (LAER), and what conditions determine the modification of a source. These definitions were deleted in the Common Provisions because they appear in Colorado’s Regulation 3. The State clarified that fuel burning equipment emissions are considered a part of the manufacturing process emissions when the emissions are vented through a common stack.

However, fuel burning equipment emissions vented from a separate stack are subject to regulations unique to fuel burning equipment. In addition, the State deleted and reserved Section III of the Common Provisions regarding smoking gasoline powered motor vehicles. The provisions regarding smoking gasoline powered motor vehicles were considered by the State to be obsolete. The revisions to the Common Provisions also included minor changes designed to fix ambiguous language, to make the definitions more readable or to delete obsolete or duplicative definitions.

(i) Incorporation by reference.

(A) 5 CCR 1001–5, COMMON PROVISIONS REGULATION, Section 1., Definitions, Statement of Intent, and General Provisions Applicable to all Emission Control Regulations Adopted by the Colorado Air Quality Control Commission, except I.G, the definitions for “Construction” and “Day”; Section II, General, except II.E, II.I, and II.J; effective on September 30, 2002.

(119) The State of Colorado submitted revisions on September 16, 1997, June 20, 2003, July 11, 2005, August 8, 2006 and August 1, 2007 to Colorado’s 5 CCR 1001–5 Regulation Number 3, Part A, Section II. The August 1, 2007 submittal included a renumbering of sections in II.B and II.D. The incorporation by reference in (c)(119)(i)(A) reflects the renumbered provisions as of the August 1, 2007 submittal. Additionally, the State of Colorado deleted sections II.B.7., II.B.8., II.B.9., II.B.10., and II.D.7. without replacement. The deletion of these provisions has been incorporated by reference at (c)(72)(i)(F) of this section, the paragraph containing the original incorporation by reference of the provisions.

(i) Incorporation by reference.
New Source Review and Prevention of Significant Deterioration, adopted April 16, 2004 and effective June 30, 2004:

(1) Section I, Applicability, Sections I.A., General Applicability; I.A.1;

(2) Section II, Definitions,

(i) II.A;

(ii) II.A.1, Actual Emissions; II.A.1.a (only the language that appears in plain or underlined text and not the language that appears as italicized text); II.A.1.b; II.A.1.e; II.A.1.f;

(iii) II.A.2, Air Quality Related Value;

(iv) II.A.3, Baseline Area;

(v) II.A.4, Baseline Concentration;

(vi) II.A.5, Best Available Control Technology (BACT) (the language that appears in plain or underlined text but not language that appears as italicized text, with the following exception—EPA is incorporating italicized text and is not incorporating underlined text when the combined effect of that action is to replace the phrase “air pollutant regulated under the Federal Act” (or an equivalent phrase) with the term “regulated NSR pollutant”);

(vii) II.A.6, Complete;

(viii) II.A.7, Applicability of Certain Nonattainment Area Requirements Applicable to Any Major Source Baseline Date;

(ix) II.A.8, Federal Land Manager (FLM);

(x) II.A.9, Innovative Control Technology;

(x) II.A.10, Lowest Achievable Emission Rate (LAER); II.A.10.a; II.A.10.b (only the language that appears in plain or underlined text and not the language that appears as italicized text);

(x) II.A.11, Major Modification (the language that appears in plain or underlined text but not language that appears as italicized text, with the following exception—EPA is incorporating italicized text and is not incorporating underlined text when the combined effect of that action is to replace the phrase “air pollutant regulated under the Federal Act” (or an equivalent phrase) with the term “regulated NSR pollutant”); II.A.11.a; II.A.11.d; II.A.11.d.(iv); II.A.11.d.(iv)-(v); II.A.11.d.(v); II.A.11.d.(v)-(viii);

(xii) II.A.12, Major Stationary Source;

(xii) II.A.13, Major Stationary Source and Significant Emissions Increase;

(x) II.A.14, Net Emissions Increase; II.A.14.a; (the language that appears in plain or underlined text and the addition of the italicized phrase “With respect to any regulated NSR pollutant emitted by any major stationary source”); II.A.16.a.(i) (only the language that appears in plain or underlined text and not the language that appears as italicized text); II.A.16.a.(ii) (only the language that appears in plain or underlined text and not the language that appears as italicized text); II.A.16.a.(ii); II.A.16.a.(ii); II.A.16.a.(ii); II.A.16.a.(ii); II.A.16.a.(ii)

(xii) II.A.17, Creditable Decreases for Fuel Switching;

(xiv) II.A.18, Regulated NSR Pollutant; II.A.18.a; II.A.18.b; II.A.18.d; II.A.18.e;

(xv) II.A.19, Secondary Emissions (only the language that appears in plain or underlined text and not the language that appears as italicized text);

(xvi) II.A.20, Significant; II.A.20.a; II.A.20.b; II.A.20.c;

(xvii) II.A.21, Significant Emissions Increase;

(xviii) II.A.22, Applicability, Sections V.A, Major Stationary Sources; V.A.1; V.A.2; V.A.3; V.A.3.d; V.A.4; V.A.5; V.A.6; V.A.7, Applicability of Certain Nonattainment Area Requirements; V.A.7.a; V.A.7.b; V.A.8, Exemptions from Certain Nonattainment Area Requirements;

(xix) II.A.23, Exemptions from Certain Nonattainment Area Requirements Applicable to Any Major Source Baseline Date;
not the language that appears as italicized text; VI.A.2, Source Impact Analysis; VI.A.3, Pre-construction Monitoring and Analysis; VI.A.4, Post-Construction Monitoring; VI.A.5, Operation of Monitoring Stations; VI.A.6, Additional Impact Analysis (only the language that appears in plain or underlined text and not the language that appears as italicized text); VI.B, Applicability of Certain PSD Requirements; VI.B.1 through VI.B.4; VI.B.7; VI.C, Notice to the U.S. EPA; VI.D, Major Stationary Sources in attainment areas affecting nonattainment areas;
(7) Section VII, Negligibly Reactive Volatile Organic Compounds (NRVOCs);
(8) Section VIII, Area Classifications, Sections VIII.A; VIII.C; VIII.D;
(9) Section IX, Redesignation;
(10) Section X, Air Quality Limitations, Sections X.A, Ambient Air Increments; X.A.1, X.A.2; X.A.3; X.A.4, Periodic Review;
(11) Section XI, Exclusions From Increment Consumption;
(12) Section XII, Innovative Control Technology;
(B) Regulation 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements, Part D, Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration, Section II, Definitions; Sections II.A; II.A.22.a; II.A.24.d; II.A.38.c; II.A.42.a; adopted August 17, 2006 and effective October 30, 2006.
(12) On August 8, 2006, the State of Colorado submitted revisions to Colorado's 5 CCR 1001–3, Regulation 1, that allows for the use of obscurants during military exercises at the Fort Carson Military Base and Pinón Canyon Maneuver Site in Colorado while precautionary steps are taken during the exercise to maintain air quality. The State modified the equipment requirements and work practices (abatement and control measures) in Regulation 1 intended to control the emissions of particulates, smokes and SO₂ from new and existing stationary sources. Consistent with its use of the term elsewhere, the State added the attainment/maintenance nomenclature. The revision also provides a new numbering scheme for each section of the regulation.

The State adopted EPA test method 9 (part 60 of this title, Appendix A-4) as it is applied to Standards of Performance for Steel Plants (§60.275a of this title). The State revised manufacturing process emission rates, to clarify that the applicability of the section is to process equipment with a design rate of 30 tons per hour or less. The averaging time for emission standards of all existing sources of SO₂ shall be a three hour rolling average. New sources of SO₂ not specifically regulated within Regulation 1 are limited to two tons per day and are subject to BACT.
(i) Incorporation by reference.
(A) 5 CCR 1001–3, Regulation 1, Emission Control for Particulate Matter, Smoke, Carbon Monoxide, and Sulfur Oxides, Section I., Applicability: Referenced Federal Regulations; Section II., Smoke and Opacity; Section III., Particulate Matter (except Subsection III.A.1.d.); Section IV., Continuous Emission Monitoring Requirements for New or Existing Sources; Section V., Emission Standards for Existing Iron and Steel Plant Operations; Section VI., Sulfur Dioxide Emission Regulations; Section VII., Emission Regulations for Certain Electric Generating Stations Owned and Operated by the Public Service Company of Colorado; Section VIII., Restrictions On The Use of Oil as a Backup Fuel; effective October 2, 2005.
(122) The State of Colorado submitted revisions October 25, 2005 to Colorado's 5 CCR 1001–5 Regulation Number 3, Part A and Colorado's 5 CCR 1001–5 Regulation Number 3, Part D. The October 25, 2005 submittal included language changes and renumbering of Regulation Number 3. The incorporation by reference in (i)(A) and (i)(B) reflects therenumbered sections and language changes as of the October 25, 2005 submittal.
(i) Incorporation by reference.
(A) 5 CCR 1001–5, Regulation 3, Stationary Source Permitting and Air Contaminant Emission Notice Requirements, Part A, Concerning General Provisions Applicable to Reporting and Permitting, adopted April 16, 2004 and effective June 30, 2004:
Section I, Applicability, Sections I.B, Definitions; I.B.7, Allowable Emissions;
§ 52.354  


526

40 CFR Ch. I (7–1–16 Edition)

I.A.3; I.B.5; II.A.1.d; II.A.1.c (only the language that appears as plain or italicized text); II.A.1.a (only the language that appears as plain or italicized text); II.A.29, PAL Effective Date; (xxi) II.A.30, PAL Effective Period; (xxii) II.A.31, PAL Major Modification; (xxiii) II.A.32, PAL Permit; (xxiv) II.A.33, PAL Pollutant; (xxv) II.A.34, Plantwide Applicability Limitation (PAL); (xxvi) II.A.36, Prevention of Significant Deterioration (PSD) Permit; (xxvii) II.A.37, Project; (xxviii) II.A.38, Projected Actual Emissions; (xxix) II.A.39, Reactivation of Very Clean Coal-fired Electric Utility Steam Generating Unit; (xxx) II.A.41, Replacement Unit; (xxxi) II.A.42, Repowering; (xxi) II.A.43, Secondary Emissions; (xxiii) II.A.46, Significant Emissions Unit; (xxiv) II.A.47, Small Emissions Unit; (xxv) II.A.48, Temporary Clean Coal Technology Demonstration Project; (3) Section V, Requirements Applicable to Nonattainment Areas, V.A.7.c (except for the phrases, “a Clean Unit or at”; “a reasonable possibility that”; and “may result in a significant emissions increase”); V.A.7.d;

(4) Section VI, Requirements applicable to attainment and unclassifiable areas and pollutants implemented under section 110 of the Federal Act (Prevention of Significant Deterioration Program), Sections VI.A.1.c (only the language that appears as plain or italicized text); VI.B.5 (except for the phrases, “a Clean Unit or at”; “a reasonable possibility that”; and “may result in a significant emissions increase”); VI.B.6;


(123) Colorado adopted revisions to its procedural rules on January 16, 1998 and submitted part of the revised procedural rules to EPA on November 5, 1999. Colorado’s procedural rules govern all procedures and hearings before the Air Quality Control Commission (Commission) and certain procedures and hearings before the Air Pollution Control Division within the Colorado
Department of Public Health and Environment. The revision to the Commission’s procedural rules was intended to bring the Commission current with all applicable procedural requirements for their official actions. The submitted portion of the revision consisted of changes to Section 1.11.0 of the procedural rules. The section addresses requirements under section 128 of the CAA regarding the composition of the Commission and disclosure by its members of potential conflicts of interest.

(i) Incorporation by reference.


(ii) [Reserved]

(124) On May 25, 2011 the State of Colorado submitted revisions to its State Implementation Plan to address the requirements of EPA’s regional haze rule. On December 31, 2012, EPA issued a final rule approving this submittal and responding to public comments. On May 26, 2015 EPA reissued the final rule with respect to the nitrogen oxides (NOx) best available retrofit technology (BART) determination for the Comanche Generating Station to provide additional responses to public comments.

(i) Incorporation by reference.

(A) Colorado Air Quality Control Commission, Regulation Number 3, 5 CCR 1001–5, Stationary Source Permitting and Air Pollutant Emission Notice Requirements, Part F, Regional Haze Limits—Best Available Retrofit Technology (BART) and Reasonable Progress (RP), Section VI, Regional Haze Determinations, and Section VII, Monitoring, Recordkeeping, and Reporting for Regional Haze Limits; adopted January 7, 2011; effective February 14, 2011.

(B) Colorado Air Quality Control Commission, Regulation Number 7, 5 CCR 1001–9, Control of Ozone and Ozone Precursors (Emissions of Volatile Organic Compounds and Nitrogen Oxides), Section XVII, (State Only, except Section XVII.E.3.a. which was submitted as part of the Regional Haze SIP) Statewide Controls for Oil and Gas Operations and Natural Gas-Fired Reciprocating Internal Combustion Engines, subsection E.3.a., (Regional Haze SIP) Rich Burn Reciprocating Internal Combustion Engines; adopted January 7, 2011; effective February 14, 2011.

(125) On August 21, 2006, the State of Colorado submitted revisions to 5 CCR 1001–5, Regulation Number 3, Air Pollution Emission Notice and Permits. The August 21, 2006, submittal included renumbering and deletions of Regulation Number 3. The incorporation by reference in paragraphs (c)(125)(i)(A) and (B) of this section reflect the renumbered sections, deletions and reference changes as of the August 21, 2006, submittal.

(i) Incorporation by reference


(127) On June 11, 2008, June 18, 2009, and May 25, 2011 the State of Colorado submitted revisions to 5 CCR 1001-5, Regulation 3, Parts A, B, and D. The June 11, 2008 and June 18, 2009 submittals incorporated changes to fee amounts which the State charges for the processing and annual renewal of air emission permits. These fees support Colorado’s construction and operating permit programs. EPA is approving fees submitted by the State on June 18, 2009, which superseded changes submitted on June 11, 2008, to the extent that the fees support the construction permit program. EPA is also approving revisions made to 5 CCR 1001-5, Regulation 3, Parts A, B, and D submitted by the State on May 25, 2011 for Parts A, B and D.

(i) Incorporation by reference.

(ii) Additional material.
(A) Notice of Final Adoption, dated 12/15/2005, signed by Douglas A. Lempke, Administrator, for revisions made to Regulation Number 3, Air Pollution Emission Notice and Permitting Requirements.
(B) On May 11, 2012 and May 13, 2013 the State of Colorado submitted revisions to the State Implementation Plan that incorporate the required elements of the 2008 PM_{2.5} NSR Implementation Rule and the 2010 PM_{2.5} Increment Rule.

(i) Incorporation by reference
Environmental Protection Agency

§ 52.370

II.A.1.e.; II.A.8. Best Available Control Technology (BACT), first paragraph; II.A.20. Lowest Achievable Emissions Rate (LAER), II.A.20.b.; II.A.22. Major Modification, introductory paragraph; II.A.24. Major Stationary Source, II.A.24.b.; II.A.26., Net Emissions Increase, II.A.26.a.(i) and II.A.26.g.(iii); II.A.40.5, Representative Actual Annual Emissions, introductory paragraph and II.A.40.5(a); and, VI. Requirements applicable to attainment and unclassifiable areas and pollutants implemented under Section 110 of the Federal Act (Prevention of Significant Deterioration Program), VI.A. Major Stationary Sources and Major Modifications, VI.A.1., Control Technology Review, VI.A.1.c.; and

(2) With the following exceptions: Section II. Definitions, Section II.A.5., Baseline Area, II.A.5.a and II.A.5.b.; Section II.A.23., Major Source Baseline Date, II.A.23.a., and II.A.23.b.; Section II.A.5.a, Major Source Baseline Date, II.A.25.a., and II.A.25.b., introductory paragraph, and II.A.25.(b); II.A.38, Regulated NSR Pollutant, II.A.38.c.; II.A.42., Significant, II.A.42.a.; Section X, Air Quality Limitations, X.A., Ambient Air Increments, X.A.1.

(28) On May 25, 2011, the State of Colorado submitted revisions to 5 CCR 1001–5, Regulation 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements, parts A, B, and D. The May 25, 2011 submittal addresses the permitting of sources of greenhouse gases (GHGs). The revisions to portions of parts A, B, and D incorporate the provisions of the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule. The revisions establish thresholds for determining which new stationary sources become subject to Colorado’s PSD permitting requirements for their GHG emissions. These revisions are consistent with federal requirements for PSD permitting.

(1) Incorporation by reference.


[37 FR 10855, May 31, 1972]

EDITORIAL NOTE: For Federal Register citations affecting §52.354, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart H—Connecticut

§ 52.369 [Reserved]

§ 52.370 Identification of plan.

(a) Title of plan: “State of Connecticut Air Implementation Plan.”

(b) The plan was officially submitted on March 3, 1972.

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

(1) Miscellaneous non-regulatory additions to the plan and addition of amendment to Chapter 360 of General Statutes which provides authority for delegation of enforcement authority submitted on March 21, 1972, by the Connecticut Department of Environmental Protection.

(2) Miscellaneous non-regulatory additions to the plan submitted on April 6, 1972, by the Connecticut Department of Environmental Protection.

(3) Attainment dates submitted on August 10, 1972, by the Connecticut Department of Environmental Protection.

(4) Regulation 19–508–100 requiring a review of indirect sources submitted on January 9, 1974, by the Connecticut Department of Environmental Protection.

(3) AQMA identification material submitted on April 15, 1974, by the Connecticut Department of Environmental Protection.

(6) Indirect Source Review Regulation 19–508–100 resubmitted on August 26, 1974, by the Connecticut Department of Environmental Protection.
§ 52.370

(7) [Reserved]

(8) Revision to Chapter 8, Air Quality Surveillance, submitted on June 30, 1977, by the Governor.

(9) Revision to Indirect Source Review Regulation 19–508–100 submitted on June 13, 1977, by the Connecticut Department of Environmental Protection.


(11) State Implementation Plan revisions to meet the requirements of part D of the Clean Air Act, as amended in 1977, were submitted on June 22, 1979, and received on June 27, 1979; submitted on December 18, 1979 and received on December 28, 1979; submitted on January 26, 1980, and received on February 1, 1980; submitted and received on May 1, 1980; submitted and received on June 5, 1980; submitted on September 2, 1980, and received on September 8, 1980; and submitted and received on November 12, 1980. Included are plans to attain: The primary TSP standard in Greenwich and Waterbury and the carbon monoxide and ozone standards statewide. A program was also submitted for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. Certain miscellaneous provisions are also included.


(13) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58, was submitted by the Connecticut Department of Environmental Protection on September 9, 1980, and received on November 17, 1980.

(14) Non-regulatory additions to the plan which were submitted on December 19, 1980, and amended on March 11, 1981, by the Connecticut Department of Environmental Protection amending the sulfur control strategy to include an “Air Pollution Control/Energy Trade Option” except for submittal attachments #1 and #2. “Sulfur Dioxide” and “Transport of Sulfur Dioxide” and the section of attachment #3 “Control of Sulfur Oxides” entitled “Sample Analysis of a Btu Bubble Application”.


(16) Revisions to regulation 19–508–4 (source monitoring requirements) and regulation 19–508–5 (stack emissions testing) submitted on November 7, 1977, by the Commissioner of the Connecticut Department of Environmental Protection.


(19) Revisions submitted by the Commissioner of the Connecticut Department of Environmental Protection on November 16, 1981. These provisions supersede portions of the revisions identified under paragraph (c)(18).

(20) Revisions to meet the requirements of part D and certain other sections of the Clean Air Act, as amended, were submitted on December 15, 1980, May 29, 1981, and May 5, 1982. Included are changes to the State Ozone Control Plan involving adoption of Regulation 19–508–20(k) controlling the use of cutback asphalt, the approval of the RFP demonstration for ozone attainment, a refined inventory of miscellaneous stationary sources of Volatile Organic Compounds, changes to Regulation 19–508–3(1) dealing with review of new and modified stationary sources, and an amendment to the State’s Smoke and Opacity monitoring requirements.
(21) [Reserved]

(22) Revisions to the narrative and State Regulation 19–508–18, subparts (d), (f)(1), (f)(2), and part of (f)(3), governing total suspended particulate emissions, submitted by the Commissioner of the Connecticut Department of Environmental Protection on April 8, 1982.

(23) Regulation 19–508–20(cc), Alternative Emission Reductions as it applies to Regulation 19–508–20: (m), can coating; (n), coil coating; (o), fabric and vinyl coating; (p), metal furniture coating; (q), paper coating; (r), wire coating; (s), miscellaneous metal parts; (t), manufacture of synthesized pharmaceutical products and (v), graphic arts—rotogravure and flexography, was submitted on December 15, 1980, and January 11, 1982, by the Commissioner of the Department of Environmental Protection.

(24) Revision for Sikorsky Aircraft Division of United Technologies received from the Commissioner of the Connecticut Department of Environmental Protection on June 2 and July 16, 1982. This provision supersedes a portion of the revisions identified under (c)(18).

(25) Revisions to meet ozone attainment requirements of Part D (Group II CTG regulations), the adoption of a lead standard and the revision of the ozone standard, submitted on December 15, 1980, are approved as follows: Regulations 19–508–20 (s), (t), (v), (w), (aa), (bb), and (dd), Regulation 19–508–8 and Regulation 19–508–24(l)(l).

(26) Revision for Dow Chemical U.S.A. in Gale’s Ferry submitted by the Commissioner of the Connecticut Department of Environmental Protection on December 20, 1982, including state order 7022B signed on May 27, 1982. This provision supersedes a portion of the revisions identified under paragraph (c)(18).

(27) Revision for Lydall and Foulds Division of Lydall, Inc., submitted by the Commissioner of the Connecticut Department of Environmental Protection on December 17, 1982, and January 5, 1983, allowing the facility to burn higher sulfur oil under the State Energy Trade Program.

(28) Revision for Simkins Industries, Inc., in New Haven submitted by the Commissioner of the Connecticut Department of Environmental Protection on January 19, 1983, allowing the facility to burn higher sulfur oil under the Sulfur Energy Trade Program.

(29) Attainment plan revisions to meet the requirements of Part D for ozone were submitted by the Department of Environmental Protection on December 10, 1982, and May 19, 1983. These revisions control volatile organic compound (VOC) emissions from solvent metal cleaners through emission limitations contained in Regulation 19–508–20(l) and supporting narrative committing the DEP to implement an educational program for automobile repair facilities. Approval of these revisions allowed EPA to rescind the moratorium on construction and modification of major sources of VOCs which had been in effect since October 1982.

(30) Revision for Loomis Institute in Windsor, submitted by the Commissioner of the Connecticut Department of Environmental Protection on March 30 and July 13, 1983, allowing the facility to burn 2.0 percent sulfur oil under the Sulfur Energy Trade Program.

(31) Revisions demonstrating the attainment and maintenance of the lead standard were submitted on October 18, 1983.

(32) Attainment plan revisions to meet the requirements of part D for ozone and carbon monoxide were submitted by the Department of Environmental Protection on December 10, 1982, January 7, 1983, January 21, 1983, May 19, 1983, June 15, 1983, September 19, 1983, and December 15, 1983. The revisions control volatile organic compound (VOC) and carbon monoxide emissions through a mix of stationary and mobile source controls. EPA approval includes the following regulatory provisions:

(i) Regulation 22a–174–20(ee) limiting emissions from major nonCTG source categories, and

(ii) Regulations 22a–174–27 and 14–164c describing the requirements for Connecticut’s motor vehicle Inspection and Maintenance Program.

(33) Revision to Regulation 19–508–20(cc), “Alternative Emission Reductions” [made part of the SIP under paragraph (c)(23) of this section] to add Regulation 19–508–20(ee) to the list of...
VOC regulations that may be met by bubbling under Connecticut’s generic rule after source-specific RACT determinations have been made part of the SIP. Revisions requiring sources subject to Regulation 19–508–20(ee) to comply with 19–508–20 (aa), (bb), and (dd). These revisions were submitted by the Connecticut Department of Environmental Protection on September 20, 1983.

(34) Revisions to the Ozone Attainment Plan were submitted by the Commissioner of the Connecticut Department of Environmental Protection on April 22, 1985.


(ii) Additional material. (A) Source Test Guidelines and Procedures.

(B) Workshop Manual for Gasoline Tank Truck Certification.


(35) Revisions to the State Implementation Plan were submitted December 15, 1980, and May 16, 1985, by the Commissioner of the Department of Environmental Protection.


(ii) Additional material. (A) A letter dated May 16, 1985, certifying that an “Acceptable Method” shall be interpreted to mean that any monitoring method used to collect ambient air pollution data used for attainment status evaluation or designation must be approved by EPA.

(36) Revision to the State Implementation Plan submitted on April 18, 1986, by the Commissioner of the Department of Environmental Protection.

(i) Incorporated by reference. (A) State Order No. 943 for Connecticut Charcoal Co. effective April 18, 1986, establishing and requiring reasonably available control technology for the control of volatile organic compounds from this facility.


(i) Incorporation by reference. (A) State Order No. 944 for King Industries, Inc. dated April 18, 1986, which establishes and requires reasonably available control technology for the control of volatile organic compounds from this facility.

(B) A letter from the Connecticut Department of Environmental Protection dated February 3, 1987, which states that the effective date of State Order No. 944 is May 28, 1986.

(38) Revisions to the State Implementation Plan were submitted by the Connecticut Department of Environmental Protection (DEP) on April 14, 1987.

(i) Incorporation by reference. (A) Letter dated April 14, 1987, from the Connecticut Department of Environmental Protection submitting revisions to the State Implementation Plan for EPA approval.

(B) Letter dated April 1, 1987, from the Secretary of State of Connecticut to EPA.


(ii) Additional material. (A) Letter from the Connecticut DEP dated July 3, 1986, committing the Connecticut DEP to use only EPA approved test methods when requiring the testing of sources emitting volatile organic compound emissions.

(B) Letter from the Connecticut DEP dated May 29, 1987, certifying that
there are no polypropylene or high-density polyethylene manufacturers in the State of Connecticut.

(39) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on August 24, 1987.


(B) State Order No. 8007 for Belding Corticelli Thread Company dated July 13, 1987.

(40) [Reserved]

(41) Revision to the Connecticut State Implementation Plan submitted by the Commissioner of the Department of Environmental Protection on February 3, 1987.

(i) Incorporation by reference. (A) A letter from the Connecticut Department of Environmental Protection dated February 3, 1987, which states that the effective date of State Order No. 943, approved previously, for Connecticut Charcoal Co. is May 28, 1986.

(42) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on October 27, 1987.


(B) State Order No. 8013 and attached Compliance Timetable and Appendix A (allowable limits by product classification) for Spongex International, Ltd. in Shelton, Connecticut. State Order No. 8013 was effective on August 21, 1987.

(ii) Additional materials. (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on the facility.

(43) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on August 31, 1987.


(B) State Order No. 8008 and attached Compliance Timetable and Appendix A (allowable limits on small, uncontrolled vents), and Appendix B (fugitive leak detection program) for American Cyanamid Company in Wallingford, Connecticut. State Order No. 8012 was effective on January 6, 1988.

(ii) Additional material. (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on the facility.

(44) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on August 31, 1987.


(B) State Order No. 8008 and attached Compliance Timetable and Appendix A (allowable limits by product classification) for Spongex International, Ltd. in Shelton, Connecticut. State Order No. 8008 was effective on August 21, 1987.

(ii) Additional materials. (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on the facility.

(45) [Reserved]


(i) Incorporation by reference. (A) Letter from the Connecticut Department of Environmental Protection dated July 26, 1988, submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 8023 and attached Compliance Timetable for New Departure Hyatt, Division of General Motors Corporation in Bristol, Connecticut. State Order No. 8023 was effective on July 6, 1988.

(ii) Additional material. (A) Technical Support Document prepared by the
§ 52.370

Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on the facility.

(47) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on November 5, 1987.


(B) State Order No. 8001 and attached Compliance Timetable for Frismar, Incorporated in Clinton, Connecticut. State Order No. 8001 was effective on October 20, 1987.

(ii) Additional material. (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the alternative reasonably available control technology determination imposed on the facility.

(48) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on December 5, 1988.

(i) Incorporation by reference. (A) Letter from the Connecticut Department of Environmental Protection dated December 5, 1988, submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 8011 and attached Compliance Timetable for Frismar, Incorporated in Clinton, Connecticut. State Order No. 8011 was effective on October 27, 1988.

(ii) Additional material. (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on the facility.

(49) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 11, 1989.


(B) State Order No. 8010 and attached Compliance Timetable for Stanadyne, Incorporated in Windsor, Connecticut. State Order No. 8010 was effective on January 3, 1989.

(ii) Additional material. (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on the facility.

(50) Revisions to federally approved section 22a-174-20(a) of the Regulations of Connecticut State Agencies, submitted on January 27, 1989, by the Department of Environmental Protection, limiting the volatility of gasoline from May 1 through September 15, beginning 1989 and continuing every year thereafter, including any waivers to such limitations that Connecticut may grant. In 1989, the control period will begin on June 30.

(51) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection (DEP) on April 7, 1989.


(B) State Order No. 8014 and attached Compliance Timetable for Pratt & Whitney Division of United Technologies Corporation in East Hartford, Connecticut. State Order No. 8014 was effective on March 22, 1989.

(C) State Order No. 8027 and attached Compliance Timetable for Pratt & Whitney Division of United Technologies Corporation in North Haven, Connecticut. State Order No. 8027 was effective on March 31, 1989.

(ii) Additional material. (A) Technical Support Document prepared by the Connecticut DEP providing a complete description of the reasonable available control technology determination imposed on Pratt and Whitney’s East Hartford facility.

(B) Technical Support Document prepared by the Connecticut DEP providing a complete description of the
reasonably available control technology determination imposed on Pratt and Whitney’s North Haven facility.

(52) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on February 7 and August 30, 1989.


(B) State Order No. 8021 and attached Compliance Timetable, and Appendix A (allowable limits on small, uncontrolled vents and allowable outlet gas allowable limits on small, uncontrolled vents and allowable outlet gas temperatures for surface condensers) for Pfizer, Incorporated in Groton, Connecticut. State Order No. 8021, Compliance Timetable and Appendix A were effective on December 2, 1988.

(C) Letter from the Connecticut Department of Environmental Protection dated August 30, 1989, and reorganized Appendix C (fugitive leak detection program) and Appendix D (operation and maintenance program for pollution abatement equipment) to State Order No. 8021. Appendices C and D were effective on December 2, 1988.

(ii) Additional material. (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on the facility.

(53) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on September 8, 1989.


(B) State Order No. 8009 and attached Compliance Timetable, Appendix A, and Appendix C for Uniroyal Chemical Company, Inc. in Naugatuck, Connecticut. State Order No. 8009 was effective on September 5, 1989.

(ii) Additional material. (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on the facility.

(54) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on December 22, 1989.


(B) State Order No. 8029, attached Compliance Timetable, and Tables A through I for Hamilton Standard Division of United Technologies Corporation in Windsor Locks, Connecticut. State Order No. 8029 was effective on November 29, 1989.

(ii) Additional material. (A) Technical Support Document prepared by the Connecticut DEP providing a complete description of the reasonably available control technology determination imposed on Hamilton Standard.

(55) Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 10, 1990.


(B) State Order No. 8032 and attached Compliance Timetable for the Heminway & Bartlett Manufacturing Company in Watertown, Connecticut. State Order No. 8032 was effective on November 29, 1989.


(B) State Order No. 8032, attached Compliance Timetable, and Tables A through I for Hamilton Standard Division of United Technologies Corporation in Windsor Locks, Connecticut. State Order No. 8029 was effective on November 29, 1989.


(B) State Order No. 8032 and attached Compliance Timetable for the Heminway & Bartlett Manufacturing Company in Watertown, Connecticut. State Order No. 8032 was effective on November 29, 1989.

(ii) Additional material. (A) Technical Support Document prepared by the Connecticut DEP providing a complete description of the reasonably available control technology determination imposed on Hamilton Standard.


(B) State Order No. 8029, attached Compliance Timetable, and Tables A through I for Hamilton Standard Division of United Technologies Corporation in Windsor Locks, Connecticut. State Order No. 8029 was effective on November 29, 1989.

(ii) Additional material. (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on Hamilton Standard.


(D) Section 22a–174–2, subsections 22a–174–3(a) through (j), subsection 22a–174–8(c), subsection 22a–174–20(ee), and subsection 22a–174–4(d) of the Regulations of the Connecticut State Agencies Concerning Abatement of Air Pollution entitled “Permits to Construct and Permits to Operate Stationary Sources or Modifications,” effective in the State of Connecticut on February 1, 1989.


(ii) Additional materials.

(A) State Implementation Plan narrative entitled “New Source Review.”

(B) Letter from the Connecticut Department of Environmental Protection dated February 14, 1992.

(C) State Order No. 1073B and attached compliance timetable for the Stone Connecticut Paperboard Corporation of Uncasville, CT. State Order No. 1073B was effective on February 14, 1992.

(C) Letter from the Connecticut Department of Environmental Protection dated March 24, 1992, submitting a revision to the Connecticut State Implementation Plan.

(D) State Order No. 7016A and attached compliance timetable for the Hartford Hospital of Hartford, CT. State Order No. 7016A was effective on February 5, 1992.

(ii) Additional materials. (A) Memorandum dated August 17, 1989, approving the modeling analysis for the Stone Container Co.

(B) Modeling Study dated August 9, 1989, for the Stone Container Co.

(C) State Order No. 1073A, dated June 12, 1990, and effective July 9, 1990.

(D) Memorandum dated January 3, 1990, approving the modeling analysis for the Hartford Hospital.

(E) Modeling study dated December 28, 1989, for the Hartford Hospital.

(F) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on March 24 and April 23, 1992.

(i) Incorporation by reference. (A) Letter from the Connecticut Department of Environmental Protection dated April 14, 1992, submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 1073B and attached compliance timetable for the Connecticut Department of Environmental Protection on March 24, 1992, submitting a revision to the Connecticut State Implementation Plan.

(C) Letter from the Connecticut Department of Environmental Protection dated March 24, 1992, submitting a revision to the Connecticut State Implementation Plan.

(D) State Order No. 7016A and attached compliance timetable for the Hartford Hospital of Hartford, CT. State Order No. 7016A was effective on February 5, 1992.

(ii) Additional materials. (A) Memorandum dated August 17, 1989, approving the modeling analysis for the Stone Container Co.

(B) Memorandum dated August 9, 1989, for the Stone Container Co.

(C) State Order No. 1073A, dated June 12, 1990, and effective July 9, 1990.

(D) Memorandum dated January 3, 1990, approving the modeling analysis for the Hartford Hospital.

(E) Modeling study dated December 28, 1989, for the Hartford Hospital.

(F) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on February 16, 1996.


(B) State Order No. 8010 dated October 25, 1989 for Sikorsky Aircraft Corporation, effective on January 29, 1990, as well as Addendum A and Addendum
B to Order No. 8010, effective on February 7, 1996 and September 29, 1995, respectively. The State order and two addenda define and impose RACT on certain VOC emissions at Sikorsky Aircraft Corporation in Stratford, Connecticut.

(61) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on February 28, 1991.


(B) State Order No. 7017 and attached compliance timetable for the Connecticut Light and Power Company of Montville, Connecticut. State Order No. 7017 was effective on February 25, 1991.

(ii) Additional materials. (A) Memorandum dated September 14, 1990, approving the modeling analysis for Connecticut Light and Power.

(B) Letter dated April 23, 1991, confirming that the revised configuration approved by State Order No. 7017 will not lead to violations.

(C) Modeling Study dated January 26, 1990, for Connecticut Light and Power.

(62) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 12, 1993.


(63) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on March 11, 1993.


(64) [Reserved]

(65) Revisions to the State Implementation Plan establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program were submitted by the Connecticut Department of Environmental Protection on January 12 and August 9, 1993.


(C) Letter from the Connecticut Department of Environmental Protection dated August 9, 1993, clarifying and updating the January 12, 1993, submittal.

(ii) Additional materials. (A) Letter from the Connecticut Department of Environmental Protection dated April 6, 1994, clarifying the January 12, 1993, submittal.

(B) Other non-regulatory portions of the State’s submittal.

(66) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 12, 1993.

537

(B) Section 22a–174–4(c)(1) of Connecticut Regulations for the Abatement of Air Pollution, under the section entitled “Recordkeeping and Reporting,” Section 22a–174–4(c)(1) was previously numbered as 19–508–4(c)(1) in Connecticut’s SIP. 19–508–4 became effective in the State of Connecticut on October 31, 1977. Connecticut developed an emission statement program using the existing regulatory authority given by section 22a–174–4(c)(1) under the section entitled “Reporting and Recordkeeping”.

(ii) Additional information. (A) State implementation Plan narrative entitled “Revision to State Implementation Plan for Air Quality Emission Statements” which addresses emission statement requirements not discussed specifically in Section 22a–174–4(c)(1).

(B) Nonregulatory portions of the submittal.

(67) [Reserved]


(B) Letter from the Connecticut Department of Environmental Protection dated May 20, 1994 submitting a supplemental revision to the Connecticut State Implementation Plan.


(D) State Order No. 8074: State of Connecticut vs. Yankee Gas Services Company (effective September 24, 1993) and attached plan titled “Fugitive Dust Control Plan (Revised January 19, 1994).”

(E) State Order No. 8075: State of Connecticut vs. Laydon Construction, (effective September 21, 1993) and attached plan titled “Plan for Control of Fugitive Emissions of PM10 (September 21, 1993).”


(H) State Order No. 8078: State of Connecticut vs. Waterfront Enterprises, Inc. (effective November 15, 1993) and attached plan titled “Fugitive Dust Control Plan (Revised January 19, 1994).”

(I) State Order No. 8079: State of Connecticut vs. Yankee Gas Services Company (effective September 24, 1993) and attached plan titled “Proposed Operation Plan in Response to Unilateral Order (September 20, 1993).”

(J) Letter from the Connecticut Department of Environmental Protection dated March 4, 1994 (received March 16, 1995) submitting two amendments to the Regulations of Connecticut State Agencies concerning abatement of air pollution: amended Sections 22a–174–24(f) and –24(g) “Connecticut primary and secondary ambient air quality standards for particulate matter” and amended Sections 22a–174–6(a) and –6(b) “Air Pollution emergency episode procedures” (both effective July 7, 1993).

(K) Amended Regulations of Connecticut State Agencies: amended Sections 22a–174–24(f) and –24(g) “Connecticut primary and secondary ambient air quality standards for particulate matter” and amended Sections 22a–174–6(a) and –6(b) “Air Pollution emergency episode procedures” (both effective July 7, 1993).

(ii) Additional materials. (A) An attainment plan and demonstration which outlines Connecticut’s control
strategy and for attainment and maintenance of the PM10 NAAQS, implements and meets RACM and RACT requirements, and provides contingency measures for New Haven.

(B) Nonregulatory portions of the submittal.

(69) Connecticut submitted the Oxygenated Gasoline Program and revisions on January 11, 1993, January 12, 1993, January 14, 1993, and August 1, 1995. This submittal satisfied the requirements of section 211(m) of the Clean Air Act, as amended.


(B) A letter dated January 14, 1993 requesting that the RCSA Section 22a–174–28, as submitted on January 11, 1993 and January 12, 1993, be adopted as part of Connecticut’s SIP.

(C) A letter dated August 1, 1995, requesting that a revision to RCSA Section 22a–174–28(a), with an effective date of July 26, 1995, be approved and adopted as part of Connecticut’s SIP.


(70) Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on: May 18, 1995; August 21, 1995; January 17, 1996; January 30, 1996; January 30, 1996; January 30, 1996; January 30, 1996; January 30, 1996; June 24, 1996; June 24, 1996; June 20, 1996; June 17, 1996; July 9, 1996; July 11, 1996; February 18, 1997; March 20, 1997; March 24, 1997; March 24, 1997; March 24, 1997; March 24, 1997; March 24, 1997; April 22, 1997; April 22, 1997; May 19, 1997; May 19, 1997; May 19, 1997; May 19, 1997; and May 20, 1997.

(i) Incorporation by reference. (A) Twenty-four letters from the Connecticut Department of Environmental Protection dated: May 18, 1995; August 21, 1995; January 17, 1996; June 24, 1996; January 30, 1996; January 30, 1996; January 30, 1996; January 30, 1996; June 20, 1996; June 17, 1996; July 9, 1996; July 11, 1996; February 18, 1997; March 20, 1997; March 24, 1997; March 24, 1997; March 24, 1997; March 24, 1997; April 22, 1997; April 22, 1997; May 19, 1997; May 19, 1997; and May 20, 1997; submitting revisions to the Connecticut State Implementation Plan.

(B) Connecticut Trading Agreement and Order no. 8092 issued to United Illuminating Company’s Station #3 in Bridgeport, effective on May 18, 1995.

(C) Connecticut Trading Agreement and No. 8095 issued to American Ref-
(D) Connecticut Trading Agreement and Order no. 8093 issued to Pfizer, Inc., in Groton, effective on July 19, 1995.
(E) Connecticut Trading Agreement and Order no. 8096 issued to Food Ingredients Company in New Milford, effective on August 25, 1995.
(F) Connecticut Trading Agreement and Order no. 8106 issued to Connecticut Light and Power Company in Middletown, effective on October 10, 1995.
(G) Connecticut Trading Agreement and Order no. 8107 issued to Northeast Nuclear Energy Company in Waterford, effective on October 13, 1995.
(H) Connecticut Trading Agreement and Order no. 8105 issued to Electric Boat Division of General Dynamics in Groton, effective on October 31, 1995.
(I) Connecticut Trading Agreement and Order no. 8100 issued to Bridgeport RESCO Company in Bridgeport, effective on November 2, 1995.
(K) Connecticut Trading Agreement and Order no. 8103 issued to United Illuminating Company’s Station #4 in New Haven, effective on February 14, 1996.
(L) Connecticut Trading Agreement and Order no. 8119 issued to the City of Norwich, Department of Public Utilities, effective on March 4, 1996.
(M) Connecticut Trading Agreement and Order no. 8118 issued to South Norwalk Electric Works, South Norwalk, effective on March 19, 1996.
(N) Connecticut Trading Agreement and Order no. 8101 issued to the State of Connecticut Department of Mental Health and Addiction Services, effective on July 16, 1996.
(O) Connecticut Trading Agreement and Order no. 8110 issued to Yale University, effective on July 29, 1996.
(P) Connecticut Trading Agreement and Order no. 8132 issued to Bridgeport Hospital, effective on September 10, 1996.
(Q) Connecticut Trading Agreement and Order no. 1494 issued to Connecticut Light and Power, involving Branford, Cos Cob, Devon, Franklin Drive, Montville, Middletown, South Meadow, Torrington, Tunnel Road, and Norwalk Harbor Stations, effective on October 15, 1996.
(R) Connecticut Trading Agreement and Order no. 8130 issued to the State of Connecticut Department of Public Works, effective on October 18, 1996.
(S) Connecticut Trading Agreement and Order no. 8115 issued to the University of Connecticut in Storrs, effective on November 19, 1996.
(T) Connecticut Trading Agreement and Order no. 8113 issued to Simkins Industries, effective on November 19, 1996.
(U) Connecticut Trading Agreement and Order no. 8135 issued to Bridgeport Hydraulic Company, effective on December 24, 1996.
(V) Connecticut Trading Agreement and Order no. 8123 issued to the Algonquin Gas Transmission Company, effective on December 27, 1996.
(X) Connecticut Trading Agreement and Order no. 8129 issued to the Connecticut Resource Recovery Authority, effective on April 18, 1997.
(B) SIP narrative materials, dated May 1995, submitted with Connecticut Trading Agreement and Order no. 8092 for United Illuminating Company’s Station #3 in New Haven.
Environmental Protection Agency § 52.370

(D) SIP narrative materials, dated December 1995, submitted with Connecticut Trading Agreement and Order no. 8093 issued to Pfizer, Inc., in Groton.

(E) SIP narrative materials, dated November 1995, submitted with Connecticut Trading Agreement and Order no. 8096 issued to Food Ingredients Company in New Milford.


(H) SIP narrative materials, dated October 6, 1995, submitted with Connecticut Trading Agreement and Order no. 8105 issued to Electric Boat Division of General Dynamics in Groton.


(K) SIP narrative materials, dated March 1996, submitted with Connecticut Trading Agreement and Order no. 8103 issued to United Illuminating’s auxiliary boiler in New Haven.

(L) SIP narrative materials, dated March 1996, submitted with Connecticut Trading Agreement and Order no. 8103 issued to United Illuminating Company’s Station #4 in Bridgeport.

(M) SIP narrative materials, dated May 31, 1995, submitted with Connecticut Trading Agreement and Order no. 8119 issued to the City of Norwich, Department of Public Utilities.


(P) SIP narrative materials, dated March 1997, submitted with Connecticut Trading Agreement and Order no. 8110 issued to Yale University.

(Q) SIP narrative materials, dated March 1997, submitted with Connecticut Trading Agreement and Order no. 8132 issued to Bridgeport Hospital.

(R) SIP narrative materials, dated March 1997, submitted with Connecticut Trading Agreement and Order no. 1494 issued to Connecticut Light and Power, involving Branford, Cos Cob, Devon, Franklin Drive, Montville, Middletown, South Meadow, Torrington, Tunnel Road, and Norwalk Harbor Stations.

(S) SIP narrative materials, dated March 1997, submitted with Connecticut Trading Agreement and Order no. 8130 issued to the State of Connecticut Department of Public Works.

(T) SIP narrative materials, dated May 1997, submitted with Connecticut Trading Agreement and Order no. 8113 issued to Simkins Industries.


(73) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on June 3, 1996.

(B) State Order No. 8036, dated May 6, 1996, for Risdon Corporation, effective on that date. The State order define and impose alternative RACT on certain VOC emissions at Risdon Corporation in Danbury, Connecticut.

(74) A revision to the Connecticut SIP regarding ozone monitoring. Connecticut will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites. Connecticut’s SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.

(i) Incorporation by reference. (A) PAMS SIP Commitment Narrative, which incorporates PAMS into the ambient air quality monitoring network of State or Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS).


(75) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 5, 1994.

(i) Incorporation by reference. (A) Letter from the Connecticut Department of Environmental Protection dated January 5, 1994 submitting a revision to the Connecticut State Implementation Plan.


(77) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on December 30, 1994, and May 8, 1998. This revision is for the purpose of satisfying the rate-of-progress requirement of section 182(b) and the contingency measure requirements of sections 172(c)(9) and 182(c)(9) of the Clean Air Act, for the Greater Hartford serious ozone nonattainment area, and the Connecticut portion of the NY–NJ–CT severe ozone nonattainment area.

(i) Incorporation by reference. (A) Letter from the Connecticut Department of Environmental Protection dated December 30, 1994, submitting a revision to the Connecticut State Implementation Plan.


(78) Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on June 24, 1998.


(B) Letter from Connecticut Department of Environmental Protection dated November 13, 1998, submitting a revision to the Connecticut State Implementation Plan.

(79) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on February 7, 1996 and February 18, 1999.


(B) Letter from the Connecticut Department of Environmental Protection dated February 18, 1999 submitting a revision to the Connecticut State Implementation Plan.

(B) Letter from the Connecticut Department of Environmental Protection dated February 18, 1999 submitting a revision to the Connecticut State Implementation Plan for the Low Emission Vehicle program.

(80) Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on March 26, 1999.

(i) Incorporation by reference. (A) Letter from the Connecticut Department of Environmental Protection dated March 26, 1999, submitting a revision to the Connecticut State Implementation Plan.

(B) Regulation section 22a–174–22a, “The Nitrogen Oxides (NOx) Budget Program,” adopted on December 15, 1998, and effective on March 3, 1999. As of January 24, 2008, Section 22a–174–22a is superseded and shall have no prospective effect. Violations of Section 22a–174–22a that occur prior to January 24, 2008 shall continue to be subject to enforcement, including on or after January 24, 2008, in accordance with applicable law.

(ii) Additional materials. (A) Non-regulatory portions of the submittals.

(81) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on May 12, 1994.


(ii) Additional materials. (A) Letter from the Connecticut Department of Environmental Protection dated May 12, 1994 submitting a revision to the Connecticut State Implementation Plan.

(82) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on May 12, 1994.

(i) Incorporation by reference. (A) Non-regulatory portions of the submittals.


(B) Trading Agreement and Order Number 8137 issued to AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford, effective on November 19, 1996.

(C) Trading Agreement and Order Number 8138 issued to Connecticut Natural Gas Corporation in Rocky Hill, effective on November 19, 1996.

(D) Trading Agreement and Order Number 8114 issued to Cytec Industries, Inc., in Wallingford, effective on December 20, 1996.

(E) Modification to Trading Agreement and Order Number 8138 issued to Connecticut Natural Gas Corporation effective June 25, 1997.


(G) Trading Agreement and Order Number 8094 issued to Ogden Martin Systems of Bristol, Inc., in Bristol, effective on July 23, 1997.
§ 52.370 40 CFR Ch. I (7–1–16 Edition)

(ii) Additional materials. (A) Non-regulatory portions of the submittals.
(B) Policy materials concerning the use of emission credits from New Jersey at Connecticut sources.

(83) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on October 7, 1999 to discontinue the oxygenated gasoline program in the Connecticut portion of the New York—N. New Jersey—Long Island Area.


(ii) Additional materials. (A) Letter from the Connecticut Department of Environmental Protection dated October 7, 1999 submitting a revision to the Connecticut State Implementation Plan.


(B) Section 22a–174–20(b) of the Regulation of the Connecticut State Agencies, entitled “Loading of gasoline and other volatile organic compounds,” effective in the State of Connecticut on April 1, 1998.


(85) [Reserved]

(86) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on September 30, 1999.


(B) The SIP narrative “Connecticut State Implementation Plan Revision to Implement the NOX SIP Call,” dated September 30, 1999.

(C) Letter from Connecticut Department of Environmental Protection dated August 1, 2002.


(iii) Section 22a–174–22b, State of Connecticut Regulation of Department of Environmental Protection Concerning The Post-2002 Nitrogen Oxides (NOX) Budget Program, is fully enforceable up to and including April 30, 2010. As of May 1, 2010, Section 22a–174–22b is superseded and shall have no prospective effect. Violations of Section 22a–174–22b that occur prior to May 1, 2010 shall be subject to enforcement, including on or after May 1, 2010, in accordance with applicable law.

(87) [Reserved]

(88) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on May 19, 2000.

(i) Incorporation by reference. (A) Connecticut Trading Agreement and Order No. 8177 issued to Wisvest Bridgeport
Environmental Protection Agency § 52.370

Harbor’s Unit No. 3 in Bridgeport on May 31, 2000.

(B) Connecticut Trading Agreement and Order No. 8187 issued to Wisvest Bridgeport Harbor’s Unit No. 2 on January 12, 2000.

(C) Connecticut Trading Agreement and Order No. 8094, Modification No. 2, issued to Ogden Martin Systems of Bristol, Inc. on May 22, 2000.


(H) Connecticut Trading Agreement and Order No. 8179 issued to Wisvest’s Bridgeport Harbor’s Unit No. 4 on May 22, 2000.

(i) Connecticut Trading Agreement and Order No. 8176, issued to Wisvest’s New Haven Harbor Station’s Unit No. 1 in New Haven on May 31, 2000.

(ii) Additional materials. (A) Letter from Connecticut Department of Environmental Protection dated November 19, 1999 submitting a revision to the Connecticut State Implementation Plan.


(i) Incorporation by reference. (A) The nitrogen oxide emission limits and related regulatory provisions of State of Connecticut Regulation of Department of Environmental Protection Section 22a–174–38, Municipal Waste Combustors effective October 26, 2000, included in sections 22a–174–38 (a), (b), (c), (d), (i), (j), (k), (l), and (m).


(91) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on June 14, 2002.

(i) Incorporation by reference. (A) Connecticut’s amendments to Section 22a–174–1, Definitions except for the following sections: (4), (18), (20), (29), (44), (45), (60), (111), (112) and, (117). These regulations are effective in the state of Connecticut on March 15, 2002.

(B) Connecticut’s new Section 22a–174–2a, Procedural Requirements for New Source Review and Title V Permitting except for the following sections: (a)(1) through (6); (b)(1) through (4); introduction to (b)(5); (b)(5)(D), (F) and, the last sentence of (G); (b)(9); (c)(2); clause after first comma ‘‘ * * *’’ or order pursuant to section 22a–174–33(d) of regulations of Connecticut State Agency ‘‘ * * *’’ in the introduction to (c)(6); (c)(6)(B) and (C); clause after first comma ‘‘ * * *’’ or order pursuant to section 22a–174–33(d) of Regulations of
§ 52.370

Connecticut State Agencies * * * in (c)(9); reference to “Title V” in title of (d); (d)(4)(A) through (D); (d)(7)(A) through (D); (d)(8)(A) and (B); reference to “Title V” in title of (e); (e)(2)(A) and (B); (e)(3)(D); (e)(5)(A) through (F); reference to “Title V permit” in (e)(6); reference to “22a–174–33” in first clause of introduction to (f)(2); (f)(2)(F); (f)(5); (f)(6); (g)(1)(i) and (2); (h)(1) through (3) and; (i)(1) through (3). These regulations are effective in the state of Connecticut on March 15, 2002.

(C) Connecticut's new Section 22a–174–3a, Permit to Construct and Operate Stationary Sources except for the following sections: (a)(1)(C); (c)(1)(H); (d)(3)(J) and (M); references to “Dioxin,” “PCDDs” and, “PCDFs” in Table 3a(i)–1 of (i)(1) and; (m)(1) through (8). These regulations are effective in the state of Connecticut on March 15, 2002.

(ii) Additional materials. (A) Letter from the Connecticut Department of Environmental Protection dated June 14, 2002 submitting a revision to the Connecticut State Implementation Plan.

(92)–(94) [Reserved]

(95) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on December 1, 2004 and April 4, 2006.

(i) Incorporation by reference.

(A) Section 22a–174–30 of the Connecticut Regulations for the Abatement of Air Pollution, entitled “Dispensing of Gasoline/Stage I and Stage II Vapor Recovery,” effective in the State of Connecticut on May 10, 2004, with the exception of subsection (c)(5), which Connecticut did not submit as part of the SIP revision.

(B) Section 22a–174–3b of the Connecticut Regulations for the Abatement of Air Pollution, entitled “Exemptions from Permitting for Construction and Operation of External Combustion Units, Automotive Refinishing Operations, Emergency Engines, Nonmetallic Mineral Processing Equipment and Surface Coating Operations,” effective in the State of Connecticut on April 4, 2006, except for the following subsections which Connecticut did not submit as part of the SIP revision: (a)(1), (5), (6), (7), (10), (11), (12), (15), (17); (b)(1) for an external combustion unit, nonmetallic mineral processing equipment, an emergency engine or a surface coating operation; (b)(2) for an external combustion unit, nonmetallic mineral processing equipment, an emergency engine or a surface coating operation; (c) External combustion unit; (e) Emergency engine; (f) Nonmetallic mineral processing equipment; (g) Surface coating operation; and (h) Fuel sulfur content.


(ii) Additional materials.

(A) Pressure Vacuum Vent Cap Test Procedures

(B) Table 1 showing the emission reductions resulting from the measures Connecticut adopted to meet the shortfall identified in the Connecticut one-hour ozone attainment demonstration.

(C) Nonregulatory portions of the submittal.

(96) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on April 30, 2002, and October 17, 2002.

(i) Incorporation by reference.

(A) Consent Order No. 8229A issued by the Connecticut Department of Environmental Protection to Hitchcock Chair Company, Ltd., on April 15, 2002.

(B) Consent Order No. 8190 issued by the Connecticut Department of Environmental Protection to Kimberly Clark Corporation on April 23, 2002.

(C) Consent Order No. 8200 issued by the Connecticut Department of Environmental Protection to Watson Laboratories, Inc., on October 3, 2002.

(D) Consent Order No. 8237 issued by the Connecticut Department of Environmental Protection to Ross & Roberts, Inc., on October 4, 2002.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(97) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on April 26, 2007 and September 12, 2007.

(i) Incorporation by reference.

(99) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on December 19, 2007.

(i) Incorporation by reference.


(2) In revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 22, 2010 section 22a–174–27 (e) was repealed by the State of Connecticut effective August 10, 2009. Section 22a–174–27 (e), which was approved in paragraph (c)(98)(i)(A)(1), is removed from the SIP without replacement; see paragraph (c)(105)(i)(B) of this section.

(B) Connecticut Department of Motor Vehicles Regulation entitled “Periodic Motor Vehicle Emissions Inspection and Maintenance” at section 14–164c–1a to Section 14–164c–18a (effective in the State of Connecticut on May 28, 2004).

(99) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on February 9, 2011.

(i) Incorporation by reference.

(A) The additions of subsections (21) and (49) to Section 22a–174–1, effective January 28, 2011.

(B) The revisions to Sections 22a–174–3a(a)(1)(H) through (J), Sections 22a–174–3a(d)(3)(H), Sections 22a–174–3a(j)(1) through (k)(2), and Sections 22a–174–3a(k)(1) through (k)(4), effective January 28, 2011.

(100) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on February 1, 2008 and January 8, 2009.

(i) Incorporation by reference.


(C) State of Connecticut vs. Curtis Packaging Corporation, Consent Order
§ 52.370

40 CFR Ch. I (7–1–16 Edition)

No. 8270, issued as a final order on May 1, 2007.


(i) Incorporation by reference.

(A) Regulations of Connecticut State Agencies (RCSA) Section 22a–174–20, as published in the Connecticut Law Journal on May 18, 2010, effective April 6, 2010:

(1) The amendment of subdivision (f)(9);
(2) The withdrawal of subsection (g);
(3) The amendment of subdivisions (i)(1) and (i)(2);
(4) The amendment of subsections (p) Metal furniture coatings, (q) Paper, film, and foil coating;
(5) The amendment of subparagraph (s)(2)(B);
(6) The amendment of subsection (ee) Reasonably available control technology for large sources;
(7) The addition of subsection (ff) Flexible package printing, with the exception of the phrases “or other method approved by the commissioner” in subparagraph (ff)(1)(K) and “or alternative method as approved by the commissioner” in clause (ff)(6)(B)(vi);
(8) The addition of subsection (gg) Offset lithographic printing and letterpress printing, with the exception of the phrases “or other method approved by the commissioner” in subparagraph (gg)(1)(O) and “or alternative method as approved by the commissioner” in clause (gg)(7)(B)(vi);
(9) The addition of subsection (hh) Large appliance coatings, with the exception of the phrases “or other method approved by the commissioner” in subparagraph (hh)(1)(CC) and “or alternative method as approved by the commissioner” in clause (hh)(7)(B)(vi);
(10) The addition of (ii) Industrial solvent cleaning, with the exception of the phrases “or other method approved by the commissioner” in subparagraph (ii)(1)(I) and “or alternative method as approved by the commissioner” in clause (ii)(6)(B)(vi); and
(11) The addition of (jj) Spray application equipment cleaning, with the exception of the phrase “or other method approved by the commissioner” in subparagraph (jj)(1)(H), the exception of subparagraph (jj)(3)(D), and the exception of the phrase “or alternative method as approved by the commissioner” in clause (JJ)(6)(B)(vii).

(B) Regulations of Connecticut State Agencies (RCSA) Section 22a–174–20, as published in the Connecticut Law Journal on December 4, 2012, effective October 31, 2012:

(1) The amendment of subsection(s) Miscellaneous metal parts and products;
(2) The amendment of subdivisions (aa)(1), (cc)(2), and (cc)(3);
(3) The amendment of subparagraph (li)(3)(A); and
(4) The addition of subdivision (kk) Pleasure craft coatings.

(C) Regulations of Connecticut State Agencies (RCSA) Section 22a–174–40 entitled “Consumer Products,” with the exception of subdivisions (4) through (7) in subsection (c) and the exception of subparagraphs (C) and (D) in subdivision (f)(2), effective July 26, 2007.


(103) Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on November 18, 2009, and Connecticut Department of Environmental Protection on March 12, 2012.

(i) Incorporation by reference.


(1) Section 22a–174–19a, “Control of sulfur dioxide emissions from power plants and other large stationary sources of air pollution,” with the following exceptions which Connecticut did not submit as part of the SIP revision because they are not applicable to the Connecticut Alternative to Best Available Retrofit Technology (BART) program:

(i) Section 22a–174–19a(a)(5);
(ii) Section 22a–174–19a(a)(8);
(iii) Section 22a–174–19a(a)(11);
Environmental Protection Agency § 52.370

(iv) In Section 22a–174–19a(a)(13); the sentence “Early reduction credits shall qualify as SO$_2$ DERCs.”;
(v) Section 22a–174–19a(d);
(vi) Section 22a–174–19a(e)(4);
(vii) Section 22a–174–19a(f) through 19a(h); and
(viii) In Section 22a–174–19a(i)(2), the reference to “or (e)(4).”


(ii) Additional materials.

(104) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on December 1, 2004.

(i) Incorporation by reference.
(A) Letter from the Connecticut Department of Environmental Protection dated December 1, 2004 submitting a revision to the Connecticut State Implementation Plan.

(B) Regulations of Connecticut State Agencies (RCSA) section 22a–174–1, Abatement of Air Pollution Regulations, amended April 1, 2004:
(1) Section 22a–174–1 “Source monitoring, recordkeeping and reporting.”
(2) Section 22a–174–7 “Air pollution control equipment and monitoring equipment operation.”
(3) Section 22a–174–18 “Control of particulate matter and visible emissions,” with the exception of the phrase “or malfunction” in Section 22a–174–18(j)(1) and all of Section 22a–174–18(j)(2), which CT DEEP withdrew from the SIP submittal.

(ii) Additional materials.
(A) Letter from CT DEEP dated January 14, 2013, entitled “Information to Support EPA’s Approval of Connecticut’s Requirements for Opacity.”
(B) Letter from CT DEEP dated July 8, 2013, withdrawing from CT DEEP’s December 1, 2004 SIP revision the phrase “and malfunction” from Subsection (j)(1) of RCSA Section 22a–174–18.

(C) Letter from CT DEEP dated March 27, 2014, withdrawing from CT DEEP’s December 1, 2004 SIP revision of Section 22a–174–18(j)(2).

(105) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 22, 2010.

(i) Incorporation by reference.

(B) Regulations of Connecticut State Agencies (RCSA) section 22a–174–36b entitled “Low Emission Vehicles II Program,” effective December 22, 2005, revisions to the following provisions: Sections 22a–174–36b (a), (b), (d), (f) through (j), (l), (m), (n), and (o).

(d) Regulations of Connecticut State Agencies (RCSA) section 22a–174–27 entitled “Emission standards and onboard diagnostic II test requirements for periodic motor vehicle inspection and maintenance,” effective August 10, 2009, revisions to the following provisions: Sections 22a–174–36b (c), (e), and (k), as published in the Connecticut Law Journal on September 8, 2009.

§ 52.370

(106) Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on April 22, 2014.

(i) Incorporation by reference.

(A) Regulations of Connecticut State Agencies Section 22a–174–1(10) and (88), as published in the Connecticut Law Journal on July 1, 2014, effective April 15, 2014.


(C) Regulations of Connecticut State Agencies Section 22a–174–24, “Connecticut primary and secondary ambient air quality standards,” with the exceptions of subsections (a), (c), (g), (j), and (m), as published in the Connecticut Law Journal on July 1, 2014, effective April 15, 2014.


(107) Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on September 27, 2012.

(i) Incorporation by reference.

(A) Regulations of Connecticut State Agencies Section 22a–174–24, “Connecticut primary and secondary ambient air quality standards,” with the exceptions of subsections (a), (c), (g), (j), and (m), as published in the Connecticut Law Journal on July 1, 2014, effective April 15, 2014.


(108) Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on October 9, 2012.

(i) Incorporation by reference.

(A) Regulations of Connecticut State Agencies, revisions to Section 22a–174–20(a), as published in the Connecticut Law Journal on May 6, 2014, effective March 7, 2014:

(1) 22a–174–20(a);

(2) 22a–174–20(b)(2), (b)(3), (b)(4), and (b)(17);

(3) 22a–174–20(c); and


(C) Regulations of Connecticut State Agencies revisions to Section 22a–174–3a(k), Table 3a(k)–1, published in the Connecticut Law Journal on October 16, 2012, effective September 10, 2012.

(D) Regulations of Connecticut State Agencies revisions to Section 22a–174–3a(k), Table 3a(k)–2, published in the Connecticut Law Journal on October 16, 2012, effective September 10, 2012.


(109) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on October 31, 2012.

(i) Incorporation by reference.

(A) Connecticut Trading Agreement and Order No. 8187, Modification 1 issued to PSEG Power Connecticut LLC on July 16, 2012.

(B) Connecticut Trading Agreement and Order No. 8242, Modification 1 issued to PSEG Power Connecticut LLC on July 16, 2012.

(110) Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on April 8, 2014.

(i) Incorporation by reference.

(A) Regulations of Connecticut State Agencies, revisions to Section 22a–174–20(a), as published in the Connecticut Law Journal on May 6, 2014, effective March 7, 2014:

(1) 22a–174–20(a);

(2) 22a–174–20(b)(2), (b)(3), (b)(4), and (b)(17);

(3) 22a–174–20(c); and


(C) Regulations of Connecticut State Agencies revisions to Section 22a–174–3a(k), Table 3a(k)–1, published in the Connecticut Law Journal on October 16, 2012, effective September 10, 2012.

(D) Regulations of Connecticut State Agencies revisions to Section 22a–174–3a(k), Table 3a(k)–2, published in the Connecticut Law Journal on October 16, 2012, effective September 10, 2012.


§ 52.370 Identification of plan.

* * * * *

(c) * * *  
(103) * * *  
(i) * * *  
(A) * * *  
  (2) Section 22a–174–19a(c) which was approved in paragraph (c)(103)(i)(A)(1), is removed without replacement; see paragraph (c)(111)(i)(B).
  
(111) Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on April 22, 2014.  
(i) Incorporation by reference.  
(B) The Connecticut Department of Energy and Environmental Protection document, "Request to Withdraw a Portion of Connecticut’s PM\textsubscript{2.5} Infrastructure Adequacy Determination," January 7, 2011.  
  
  
  
  
  
(i) The Connecticut Department of Energy and Environmental Protection document, "Connecticut State Implementation Plan with Regard to the Infrastructure Requirements of Clean Air Act Section 110(a)(1) and
§ 52.371 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Particulate matter</td>
</tr>
<tr>
<td>New Jersey-New York-Connecticut Interstate</td>
<td></td>
</tr>
<tr>
<td>Hartford-New Haven-Springfield Interstate</td>
<td></td>
</tr>
<tr>
<td>Northwestern Intrastate</td>
<td></td>
</tr>
<tr>
<td>Eastern Intrastate</td>
<td></td>
</tr>
</tbody>
</table>


§ 52.372 Extensions.

(a) [Reserved]

(b) The Administrator hereby extends until December 31, 1996, the attainment date for particulate matter for the New Haven PM10 nonattainment area, as requested by the State of Connecticut on March 22, 1996 and based on monitored air quality data for the national ambient air quality standard for PM10 during the years 1993-95.


§ 52.373 Approval status.

(a) The Administrator approves the general procedures of the state’s sulfur control regulations (19-508-19) and accompanying narrative submitted on October 23, 1981, and November 4, 1981 and identified under §52.370(c)(18), provided that any individual source approvals granted by the state under the Air Pollution Control/Energy Trade Option and solid fuel burning permitting system are submitted to EPA as SIP revisions.

(b) The Administrator approves the total suspended particulate regulation for foundry sand processes as submitted and identified under paragraph (c)(22) of this section. This includes only the requirement to remove ninety percent of the particulate matter and not the requirement to emit not more than 0.75 pounds of particulate per ton of material cast, a provision which may be found in state regulation 19-508-18(f)(3).

[61 FR 38576, July 25, 1996]

§ 52.374 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Connecticut’s plan.

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SO₂</td>
</tr>
<tr>
<td></td>
<td>Primary</td>
</tr>
<tr>
<td>AQCR 41: Eastern Connecticut Intrastate (See 40 CFR 81.183)</td>
<td>(*)</td>
</tr>
<tr>
<td>AQCR 42: Hartford-New Haven-Springfield Interstate Area (See 40 CFR 81.26)</td>
<td>(*)</td>
</tr>
</tbody>
</table>
§ 52.375 Certification of no sources.

The State of Connecticut has certified to the satisfaction of EPA that no sources are located in the state which are covered by the following Control Technique Guidelines:

(a) Large Petroleum Dry Cleaners.

(b) In its December 8, 2006 submittal to EPA pertaining to reasonably available control technology requirements for the 1997 8-hour ozone standard, the State of Connecticut certified to the satisfaction of EPA that no sources are located in the state that are covered by the following Control Technique Guidelines:

(1) Automobile Coatings;
(2) Large Petroleum Dry Cleaners;
(3) Large Appliance Coating;
(4) Natural Gas and Gas Processing Plants;
(5) Flat Wood Paneling Coatings; and
(6) Control of VOC Leaks from Petroleum Refineries.

(c) Air Oxidation Processes/SOCMI.

(d) Manufacturers of High-density Polyethylene and Polypropylene Resins.

(e) Synthetic organic chemical manufacturing industry (SOCMI) distillation.

(f) Synthetic organic chemical manufacturing industry (SOCMI) reactor vessels.

(g) In its April 29, 2010 submittal to EPA pertaining to reasonably available control technology requirements for the 1997 8-hour ozone standard, the State of Connecticut certified to the satisfaction of EPA that no sources are located in the state that are covered by the following Control Technique Guidelines:

(1) Flat wood paneling coating;
(2) Fiberglass boat manufacturing; and
(3) Automobile and light duty truck assembly coating.

§ 52.376 Control strategy: Carbon monoxide.

(a) Approval—On January 12, 1993, the Connecticut Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan for the 1990 base year emission inventory. The inventory was submitted by the State of Connecticut to satisfy Federal requirements under sections 172(c)(3) and 167(a)(1) of the Clean Air Act as amended in 1990, as a revision to the carbon monoxide State Implementation Plan for the Hartford/New Britain/Middletown carbon monoxide nonattainment area, the New Haven/Meriden/Waterbury carbon monoxide nonattainment area, and the Connecticut Portion of the New York-N. New Jersey-Long Island carbon monoxide nonattainment area.

(b) Approval—On September 30, 1994, the Connecticut Department of Environmental Protection submitted a request to redesignate the Hartford/New Britain/Middletown Area carbon monoxide nonattainment area to attainment for carbon monoxide. The redesignation request and the 1995–2005 initial ten-year maintenance plan meet
the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(c) Approval—On January 12, 1993 and April 7, 1994, the Connecticut Department of Environmental Protection submitted revisions to the carbon monoxide State Implementation Plan for VMT forecasts, contingency measures, and attainment demonstration for CO. These VMT forecasts, contingency measures, and attainment demonstration were submitted by Connecticut to satisfy Federal requirements under sections 187(a)(2)(A), 187(a)(3) and 187(a)(7) of the Clean Air Act, as amended in 1990, as revisions to the carbon monoxide State Implementation Plan.

(d) Approval—On January 17, 1997, the Connecticut Department of Environmental Protection submitted a request to redesignate the New Haven/Meriden/Waterbury carbon monoxide nonattainment area to attainment for carbon monoxide. The redesignation request and the 1998–2008 initial ten-year maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(e) Approval—In December, 1996, the Connecticut Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan for the 1993 periodic emission inventory. The inventory was submitted by the State of Connecticut to satisfy Federal requirements under section 187(a)(5) of the Clean Air Act as amended in 1990, as a revision to the carbon monoxide State Implementation Plan.

(f) Approval—On May 29, 1998, the Connecticut Department of Environmental Protection submitted a request to redesignate the Connecticut portion of the New York-N. New Jersey-Long Island carbon monoxide nonattainment area to attainment for carbon monoxide. The redesignation request and the 2000-2010 initial ten-year maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(g) Approval—On October 7, 1999, the Connecticut Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan that removes the oxygenated fuel requirement for the Connecticut portion of the New York—N. New Jersey—Long Island area and converts the program to a contingency measure. If a violation of the carbon monoxide ambient air quality standard were to occur, the State would be required to reimplement the program.

(h) Approval—On June 28, 2004, the Connecticut Department of Environmental Protection (CT DEP) submitted a request to establish limited maintenance plans for the Hartford-New Britain-Middletown Connecticut carbon monoxide attainment area, the New Haven-Meriden-Waterbury Connecticut carbon monoxide attainment area, and the Connecticut portion of the New York-Northern New Jersey-Long Island carbon monoxide attainment area for the remainder of the individual area’s initial ten-year maintenance plan. As part of the maintenance plan request, CT DEP also requested approval of a second follow-on ten-year carbon monoxide maintenance plan for the Hartford-New Britain-Middletown carbon monoxide attainment area (period 2006 to 2015), for the New Haven-Meriden-Waterbury carbon monoxide attainment area (period 2009 to 2018), and for the Connecticut portion of the New York-Northern New Jersey-Long Island carbon monoxide attainment area (period 2011 to 2020). The State of Connecticut has committed to: maintain a continuous carbon monoxide monitoring network in each carbon monoxide maintenance area; implement contingency measures in the event of an exceedance of the carbon monoxide National Ambient Air Quality Standard (NAAQS) in any of the three maintenance areas; coordinate with EPA in the event the carbon monoxide design value(s) in any maintenance area(s) exceed 7.65 ppm, to verify the validity of the data and, if warranted based on the data review, develop a full maintenance plan(s) for the affected maintenance area(s); and, ensure that project-level carbon monoxide evaluations of transportation projects in each area are carried out as part of environmental reviews or Connecticut’s indirect source permitting program. The limited maintenance plans satisfy all applicable requirements of section 175A.
Environmental Protection Agency

§ 52.377 Control strategy: Ozone.

(a) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on December 30, 1997 and January 7, 1998. These revisions are for the purpose of satisfying the rate of progress requirement of section 182(c)(2) through 1998, and the contingency measure requirements of sections 172(c)(9) and 182(c)(9) of the Clean Air Act, for the Greater Hartford serious ozone nonattainment area, and the Connecticut portion of the NY-NJ-CT severe ozone nonattainment area.

(b) Approval—Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on September 16, 1998, February 8, 2000 and June 17, 2003. The revisions are for the purpose of satisfying the attainment demonstration requirements of section 182(c)(2)(A) of the Clean Air Act for the Greater Connecticut serious ozone nonattainment area. The revision establishes an attainment date of November 15, 2007 for the Greater Connecticut serious ozone nonattainment area. Connecticut commits to conduct a midcourse review to assess modeling and monitoring progress achieved toward the goal of attainment by 2007, and submit the results to EPA by December 31, 2004. The June 17, 2003 revision establishes MOBILE6-based motor vehicle emissions budgets for 2007 of 51.9 tons per day of volatile organic compounds (VOC) and 98.4 tons per day of nitrogen oxides (NOX) to be used in transportation conformity in the Greater Connecticut serious ozone nonattainment area.

(c) Approval—Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on October 15, 2001 and June 17, 2003. These revisions are for the purpose of satisfying the rate of progress requirement of section 182(c)(2)(B) through 2007, and the contingency measure requirements of section 182(c)(9) of the Clean Air Act, for the Connecticut portion of the NY-NJ-CT severe ozone nonattainment area. The October 15, 2001 revision establishes motor vehicle emissions budgets for 2002 of 15.20 tons per day of VOC and 38.39 tons per day of NOX to be used in transportation conformity in the Connecticut portion of the NY-NJ-CT severe ozone nonattainment area. The June 17, 2003 revision establishes motor vehicle emissions budgets for 2005 of 19.5 tons per day of VOC and 36.8 tons per day of NOX to be used in transportation conformity in the Connecticut portion of the NY-NJ-CT severe ozone nonattainment area.

(d) Approval—Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on September 16, 1998, February 8, 2000, October 15, 2001 and June 17, 2003. The revisions are for the purpose of satisfying the attainment demonstration requirements of section 182(c)(2)(A) of the Clean Air Act for the Connecticut portion of the NY-NJ-CT severe ozone nonattainment area. The June 17, 2003 revision establishes MOBILE6-based motor vehicle emissions budgets for 2007 of 16.4 tons per day of VOC and 29.7 tons per day of NOX to be used in transportation conformity in the Connecticut portion of the NY-NJ-CT severe ozone nonattainment area. Connecticut commits to adopt and submit by October 31, 2001, additional necessary regional control measures to offset the emission reduction shortfall in order to attain the one-hour ozone standard by November 2007. Connecticut commits to adopt and submit by October 31, 2001, additional necessary intrastate control measures to offset the emission reduction shortfall in order to attain the one-hour ozone standard by November 2007. Connecticut commits to adopt and submit
additional restrictions on VOC emissions from mobile equipment and repair operations; and requirements to reduce VOC emissions from certain consumer products. Connecticut also commits to conduct a mid-course review to assess modeling and monitoring progress achieved toward the goal of attainment by 2007, and submit the results to EPA by December 31, 2004.

(e) Commitment Fulfillment—Connecticut has fulfilled the commitment in section 52.377(d), to adopt additional NOX and VOC control measures to meet the emission reduction shortfall in its 1-hour severe ozone nonattainment area.

(f) Determination of Attainment. Effective September 30, 2010, EPA is determining that the Greater Connecticut 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard. Under the provisions of EPA’s ozone implementation rule (see 40 CFR 51.918), this determination suspends 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 for as long as the area does not monitor any violations of the 1997 8-hour ozone standard. If a violation of the 1997 ozone NAAQS is monitored in the Greater Connecticut 8-hour ozone nonattainment area, this determination shall no longer apply.

In addition, this area met its June 15, 2010 attainment deadline for the 1997 ozone standard.

(g) Approval—Submittal from the Connecticut Department of Environmental Protection, dated December 28, 2007, to address the Clean Air Act (CAA) infrastructure requirements for the 1997 ozone National Ambient Air Quality Standard (NAAQS). This submittal satisfies the requirements of CAA sections 110(a)(2)(A), (B), (C), (E), (F), (G), (H), (J), (K), (L), and (M).

(h) Conditional Approval—Submittal from the Connecticut Department of Environmental Protection, dated December 28, 2007, to address the Clean Air Act (CAA) infrastructure requirements for the 1997 ozone National Ambient Air Quality Standard (NAAQS). On May 2, 2011, the State of Connecticut supplemented this submittal with a commitment to address the requirements of section 110(a)(2)(D)(ii) of the CAA that requires notification of affected states for Prevention of Significant Deterioration purposes. EPA is conditionally approving Connecticut’s submittal with respect to CAA section 110(a)(2)(D)(ii).

(i) Determination of Attainment for the One-Hour Ozone Standard. Effective April 16, 2012, EPA is determining that the Greater Connecticut one-hour ozone nonattainment area did not meet its applicable one-hour ozone attainment date of November 15, 2007, based on 2005–2007 complete, quality-assured ozone monitoring data. Separate from and independent of this determination, EPA is determining that the Greater Connecticut one-hour ozone nonattainment area met the one-hour ozone standard, based on 2008–2010 complete, quality-assured ozone monitoring data at all monitoring sites in the area. EPA’s review of the ozone data shows that the area began attaining the one-hour ozone standard during the 2006–2008 monitoring period, and has continued attaining the one-hour standard through the 2007–2009 and 2008–2010 monitoring periods.

(j) Determination of Attainment for the One-Hour Ozone Standard. Effective July 18, 2012, EPA is determining that the New York-Northern New Jersey-Long Island (NY-NJ-CT) one-hour ozone nonattainment area did not meet its applicable one-hour ozone attainment date of November 15, 2007, based on 2005–2007 complete, quality-assured and certified ozone monitoring data. Separate from and independent of this determination, EPA is determining that the New York-Northern New Jersey-Long Island (NY-NJ-CT) one-hour ozone nonattainment area has attained the one-hour ozone standard, based on 2008–2010 complete, quality-assured and certified ozone monitoring data at all monitoring sites in the area and data showing the area continued to attain through 2011.

(k) Determination of Attainment for the Eight-Hour Ozone Standard. Effective July 18, 2012 EPA is determining, that complete, quality-assured and certified ozone monitoring data for 2007–2009 show the NY-NJ-CT eight-hour ozone nonattainment area attained the
1997 eight-hour ozone standard by its June 15, 2010 attainment deadline. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area’s air quality data as of the attainment date, whether the area attained the standard. EPA also determined that the NY-NJ-CT nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A). EPA is also determining that the NY-NJ-CT eight-hour ozone nonattainment area currently continues to attain the eight-hour ozone NAAQS, based on complete, quality-assured and certified data for 2008–2010 and data through 2011. This determination, in accordance with 40 CFR 51.918, 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 eight-hour ozone NAAQS.

(i) Approval—Revisions to the Connecticut State Implementation Plan (SIP) submitted on December 6, 2006. The SIP revision satisfies the requirement to implement reasonably available control technology (RACT) for sources of volatile organic compounds (VOC) and oxides of nitrogen (NOx) for purposes of the 1997 8-hour ozone standard. Specifically, the following sections of the Regulations of Connecticut State Agencies are approved for this purpose: For VOC RACT, 22a–174–20, Control of Organic Compound Emissions, 22a–174–30, Dispensing of Gasoline/Stage I and Stage II Vapor Recovery, and 22a–174–32, RACT for Organic Compounds; for NOX RACT, 22a–174–22, Control of Nitrogen Oxide Emissions, and 22a–174–38, Municipal Waste Combustors.

(ii) Approval. (1) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on August 18, 2000, December 12, 2002, July 1, 2004, January 13, 2006. The revisions consist of 148 single source emission trading orders necessary for satisfying Reasonable Available Control Technology requirements for nitrogen oxides during specific time periods. All trading orders expired before January 1, 2013, with the exception of Trading Agreement and Order 8242, in paragraph (m)(1)(xlii) of this section, issued to PSEG Power Connecticut, LLC in Bridgeport, Connecticut on February 12, 2003. Trading Agreement and Order 8242 was issued to reflect a change in ownership at the source.

(i) Trading Agreement and Order No. 8116 Modification No. 1 issued to the Connecticut Resources Recovery Authority in Hartford on April 29, 1999.


(iii) Trading Agreement and Order No. 8116A issued to The Connecticut Resources Recovery Authority in Hartford on March 18, 2003.

(iv) Trading Agreement and Order No. 8116B issued to The Connecticut Resources Recovery Authority in Hartford on April 11, 2005.

(v) Order No. 1494 Modification No. 2 issued to The Connecticut Light and Power Company in Branford, Greenwich, Hartford, Montville, Middletown, Milford, Preston, Norwalk, and Torrington on May 6, 1999.

(vi) Order No. 1494 Modification No. 3 issued to The Connecticut Light and Power Company in Branford, Greenwich, Hartford, Montville, Middletown, Milford, Preston, Norwalk, and Torrington on February 3, 1999.

(vii) Consent Order No. 1494 Modification No. 4 issued to Connecticut Light and Power Company in Branford, Greenwich, Hartford, Montville, Middletown, Milford, Preston, Norwalk, and Torrington on April 29, 1999.

(viii) Order No. 1494 Modification No. 5 issued to The Connecticut Light and Power Company in Branford, Greenwich, Hartford, Montville, Middletown, Milford, Preston, Norwalk, and Torrington on November 29, 1999.

(ix) Order No. 1494 Modification No. 6 issued to The Connecticut Light and Power Company in Branford, Greenwich, Hartford, Montville, Middletown, Milford, Preston, Norwalk, and Torrington on April 30, 2000.
(x) Trading Agreement and Order No. 8154 Modification No. 1 issued to Combustion Engineering, Inc. in Windsor on June 3, 1998.

(xi) Trading Agreement and Order No. 8154 Modification No. 2 issued to Combustion Engineering, Inc. in Windsor on April 29, 1999.

(xii) Trading Agreement and Order No. 8154 Modification No. 3 issued to Combustion Engineering, Inc. in Windsor on April 21, 2002.

(xiii) Trading Agreement and Order No. 8154A issued to Combustion Engineering, Inc. in Windsor on April 26, 2003.


(xv) Consent Order No. 1626 Modification No. 1 issued to Borough of Naugatuck in Naugatuck on July 31, 2002.

(xvi) Trading Agreement and Order No. 8247 issued to Borough of Naugatuck in Naugatuck on April 26, 2003.

(xvii) Trading Agreement and Order No. 8139 issued to The Connecticut Light and Power Company in Milford on April 29, 1999.

(xviii) Trading Agreement and Order No. 8181 issued to Devon Power, LLC in Milford on January 12, 2000.

(xix) Trading Agreement and Order No. 8181A issued to Devon Power, LLC in Milford on April 22, 2003.

(xx) Trading Agreement and Order No. 8181A Modification No. 1 issued to Devon Power, LLC in Milford on March 21, 2005.

(xxi) Trading Agreement and Order No. 8219A issued to Devon Power, LLC in Milford on March 22, 2002.

(xxii) Trading Agreement and Order No. 8219A issued to Devon Power, LLC in Milford on April 30, 2003.

(xxiii) Trading Agreement and Order No. 8219A Modification No. 1 issued to Devon Power, LLC in Milford on September 16, 2004.

(xxiv) Trading Agreement and Order No. 8251 issued to Devon Power, LLC in Milford on September 15, 2003.

(xxv) Trading Agreement and Order No. 8251 Modification No. 1 issued to Devon Power, LLC in Milford on March 21, 2005.

(xxvi) Trading Agreement and Order No. 8109 issued to Hamilton Sundstrand Corporation in Windsor Locks on April 29, 2003.

(xxvii) Trading Agreement and Order No. 8093A issued to Pfizer, Inc. in Groton on April 29, 1999.

(xxviii) Trading Agreement and Order No. 8093B issued to Pfizer, Inc. in Groton on December 5, 2001.

(xxix) Trading Agreement and Order No. 8159 issued to The Connecticut Light and Power Company in Milford on April 29, 1999.

(XX) Trading Agreement and Order No. 8136 issued to Pfizer, Inc. in Groton on April 29, 2003.

(XXX) Trading Agreement and Order No. 8136A issued to Pfizer, Inc. in Groton on April 11, 2005.

(XXXI) Trading Agreement and Order No. 8136B issued to Pfizer, Inc. in Groton on April 14, 2003.

(XXXII) Trading Agreement and Order No. 8119 Modification No. 1 issued to City of Norwich Department of Public Utilities in Norwich on April 29, 1999.

(XXXIII) Trading Agreement and Order No. 8119A issued to City of Norwich Department of Public Utilities in Norwich on April 29, 2003.

(XXXIV) Trading Agreement and Order No. 8119A Modification No. 1 issued to The United Illuminating Company in Bridgeport on April 30, 1999.

(XXXV) Trading Agreement and Order No. 8119A Modification No. 1 issued to The United Illuminating Company in Bridgeport on February 18, 1997.

(XXXVI) Trading Agreement and Order No. 8103 Modification No. 1 issued to The United Illuminating Company in Bridgeport on February 18, 1997.

(XXXVII) Trading Agreement and Order No. 8103 Modification No. 2 issued to The United Illuminating Company in Bridgeport on March 21, 2005.


(XL) Trading Agreement and Order No. 8241 Modification No. 1 issued to
(xlv) Trading Agreement and Order No. 8244 Modification No. 1 issued to PSEG Power Connecticut, LLC in Bridgeport on March 21, 2005.
(xlvii) Trading Agreement and Order No. 8253 Modification No. 1 issued to PSEG Power Connecticut, LLC in Bridgeport on September 15, 2004.
(xlviii) Trading Agreement and Order No. 8115 Modification No. 2 issued to University of Connecticut in Storrs on April 29, 1999.
(l) Trading Agreement and Order No. 8107 Modification No. 1 issued to Northeast Nuclear Energy Company in Waterford on April 29, 1999.
(iii) Trading Agreement and Order No. 8152 issued to Northeast Nuclear Energy Company in Waterford on July 9, 1998.
(liv) Trading Agreement and Order No. 8152 Modification No. 1 issued to Northeast Nuclear Energy Company in Waterford on December 30, 1998.
(lvi) Trading Agreement and Order No. 8221 issued to Dominion Nuclear Connecticut, Inc. in Waterford on March 29, 2001.
(lvii) Trading Agreement and Order No. 8222 issued to Dominion Nuclear Connecticut, Inc. in Waterford on April 28, 2003.
(lviii) Trading Agreement and Order No. 8222A issued to Dominion Nuclear Connecticut, Inc. in Waterford on March 29, 2001.
(liv) Trading Agreement and Order No. 8114 Modification No. 1 issued to Cytec Industries, Inc. in Wallingford on April 29, 1999.
(lvi) Trading Agreement and Order No. 8114 Modification No. 2 issued to Cytec Industries, Inc. in Wallingford on May 26, 2001.
(lvii) Trading Agreement and Order No. 8114A issued to Cytec Industries, Inc. in Wallingford on April 24, 2003.
(lviii) Trading Agreement and Order No. 8117 issued to Sprague Paperboard, Inc. in Versailles on December 10, 2002.
(lx) Trading Agreement and Order No. 8117A issued to Sprague Paperboard, Inc. in Versailles on September 29, 2003.
(lxi) Trading Agreement and Order No. 8117B issued to Sprague Paperboard, Inc. in Versailles on April 25, 2005.
(lxii) Trading Agreement and Order No. 8157 issued to The Connecticut Light and Power Company in Middletown on April 29, 1999.
(lxiii) Trading Agreement and Order No. 8160 issued to The Connecticut Light and Power Company in Middletown on April 29, 1999.
(lxxi) Trading Agreement and Order No. 8162 issued to The Connecticut Light and Power Company in Middletown on April 29, 1999.

(lxxii) Trading Agreement and Order No. 8182 issued to Middletown Power, LLC in Middletown on January 12, 2000.

(lxxiii) Trading Agreement and Order No. 8182A issued to Middletown Power, LLC in Middletown on April 22, 2003.

(lxxiv) Trading Agreement and Order No. 8182A Modification No. 1 issued to Middletown Power, LLC in Middletown on March 21, 2005.

(lxxv) Trading Agreement and Order No. 8213 issued to Middletown Power, LLC in Middletown on March 22, 2002.


(lxxvii) Trading Agreement and Order No. 8213A Modification No. 1 issued to Middletown Power, LLC in Middletown on September 16, 2004.

(lxxviii) Trading Agreement and Order No. 8214 issued to Middletown Power, LLC in Middletown on March 22, 2002.

(lxxix) Trading Agreement and Order No. 8214A issued to Middletown Power, LLC in Middletown on April 30, 2003.

(lxxxi) Trading Agreement and Order No. 8215 issued to Middletown Power, LLC in Middletown on March 22, 2002.

(lxxx) Trading Agreement and Order No. 8215A issued to Middletown Power, LLC in Middletown on April 30, 2003.

(lxxxi) Trading Agreement and Order No. 8215A Modification No. 1 issued to Middletown Power, LLC in Middletown on September 16, 2004.

(lxxxii) Trading Agreement and Order No. 8216 issued to Middletown Power, LLC in Middletown on March 22, 2002.

(lxxxiii) Trading Agreement and Order No. 8216A issued to Middletown Power, LLC in Middletown on April 30, 2003.

(lxxxiv) Trading Agreement and Order No. 8216A Modification No. 1 issued to Middletown Power, LLC in Middletown on September 16, 2004.


(lxxxvi) Trading Agreement and Order No. 8217A issued to Middletown Power, LLC in Middletown on April 30, 2003.

(lxxxvii) Trading Agreement and Order No. 8217A Modification No. 1 issued to Middletown Power, LLC in Middletown on September 16, 2004.

(lxxxviii) Trading Agreement and Order No. 8218 issued to Middletown Power, LLC in Middletown on March 22, 2002.


(lxxxi) Trading Agreement and Order No. 8218A Modification No. 1 issued to Middletown Power, LLC in Middletown on September 16, 2004.


(lxxxiii) Trading Agreement and Order No. 8183A issued to Montville Power, LLC in Montville on April 22, 2003.

(lxxxiv) Trading Agreement and Order No. 8183A Modification No. 1 issued to Montville Power, LLC in Montville on March 21, 2005.

(lxxxv) Trading Agreement and Order No. 8184 issued to Norwalk Power, LLC in Norwalk on January 12, 2000.

(lxxxvi) Trading Agreement and Order No. 8184A issued to Norwalk Power, LLC in Norwalk on April 22, 2003.

(lxxxvii) Trading Agreement and Order No. 8184A Modification No. 1 issued to Norwalk Power, LLC in Norwalk on March 21, 2005.

(lxxxviii) Trading Agreement and Order No. 8185 issued to The Connecticut Light and Power Company in Montville on April 29, 1999.

(lxxxix) Trading Agreement and Order No. 8185A issued to The Connecticut Light and Power Company in Montville on April 29, 1999.


(lxxxi) Trading Agreement and Order No. 8183A Modification No. 1 issued to Montville Power, LLC in Montville on March 21, 2005.

(lxxxii) Trading Agreement and Order No. 8184 issued to Norwalk Power, LLC in Norwalk on January 12, 2000.

(lxxxi) Trading Agreement and Order No. 8184A issued to Norwalk Power, LLC in Norwalk on April 22, 2003.

(lxxxii) Trading Agreement and Order No. 8184A Modification No. 1 issued to Norwalk Power, LLC in Norwalk on March 21, 2005.
(cv) Trading Agreement and Order No. 8134 issued to United Technologies Corporation in East Hartford on January 24, 2000.

(cvii) Trading Agreement and Order No. 8134A issued to United Technologies Corporation in East Hartford on April 15, 2003.

(cvi) Trading Agreement and Order No. 8248 issued to United Technologies Corporation in East Hartford on August 19, 2003.

(cvii) Trading Agreement and Order No. 8248 Modification No. 1 issued to United Technologies Corporation in East Hartford on March 27, 2003.

(cviii) Trading Agreement and Order No. 8120 issued to Sikorsky Aircraft Corporation in Stratford on April 5, 2002.


(cxiii) Trading Agreement and Order No. 8175 issued to Northeast Generation Company in Berlin on February 1, 2000.


(cxii) Trading Agreement and Order No. 8175A Modification No. 1 issued to Northeast Generation Company in Berlin on April 11, 2005.

(cxiii) Trading Agreement and Order No. 8175A Modification No. 2 issued to Northeast Generation Company in Berlin on April 25, 2005.

(cxiv) Trading Agreement and Order No. 8153 issued to The United Illuminating Company in New Haven on April 30, 1999.


(cxvi) Trading Agreement and Order No. 8153A issued to United States Army Stratford Army Engine Plant in Stratford on May 1, 2003.

(cxix) Trading Agreement and Order No. 8153A Modification No. 1 issued to United States Naval Submarine Base New London in Groton on April 25, 2005.

(cxviii) Trading Agreement and Order No. 8112 issued to United States Naval Submarine Base New London in Groton on April 30, 1999.


(cxviii) Trading Agreement and Order No. 8112A, Modification No. 1 issued to United States Naval Submarine Base New London in Groton on April 25, 2005.

(cxxvi) Trading Agreement and Order No. 8201CC issued to US Naval Submarine Base New London in Groton on July 12, 2002.

(cxxvii) Trading Agreement and Order No. 8230 issued to Jacobs Vehicle Systems, Inc. in Bloomfield on November 21, 2002.

(cxxviii) Trading Agreement and Order No. 8110A issued to Yale University in New Haven on April 29, 1999.
(cxxxiv) Trading Agreement and Order No. 8123 Modification No. 1 issued to Algonquin Gas Transmission Company in Cromwell on April 29, 1999.


(cxxxvi) Trading Agreement and Order No. 8250 issued to Algonquin Windsor Locks, LLC in Windsor Locks on August 27, 2003.

(cxxxvii) Trading Agreement and Order No. 8261 issued to Algonquin Windsor Locks, LLC in Windsor Locks on April 8, 2005.


(cxxxix) Trading Agreement and Order No. 8249 Modification No. 1 issued to Capitol District Energy Center Cogeneration Associates in Hartford on April 11, 2005.

(cxli) Trading Agreement and Order No. 8094 Modification No. 1 issued to Ogden Martin Systems of Bristol, Inc. in Bristol on April 29, 1999.


(cxliii) Trading Agreement and Order No. 8101 Modification No. 1 issued to State of Connecticut Department of Mental Health and Addiction Services in Middletown on April 29, 1999.

(cxliv) Trading Agreement and Order No. 8111 Modification No. 1 issued to Uniroyal Chemical Company, Inc. in Naugatuck on April 29, 1999.

(cxlv) Trading Agreement and Order No. 8116 Modification No. 1 issued to South Norwalk Electric Works in South Norwalk on April 29, 1999.

(cxlvi) Trading Agreement and Order No. 8130 Modification No. 1 issued to Department of Public Works in Newton on April 29, 1999.

(cxlvii) Trading Agreement and Order No. 8132 Modification No. 1 issued to Bridgeport Hospital in Bridgeport on April 29, 1999.

(n) Approval—An attainment demonstration for the 1997 8-hour ozone standard to satisfy requirements of section 182(c)(2)(A) of the Clean Air Act, and a Reasonably Available Control Measure (RACM) analysis to satisfy requirements of section 172(c)(1) of the Clean Air Act for the Greater Connecticut ozone nonattainment area, submitted by the Connecticut Department of Energy and Environmental Protection on February 1, 2008.

(o) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on February 1, 2008. These revisions are for the purpose of satisfying the rate of progress requirement of section 182(b)(1) from 2002 through 2008, and the contingency measure requirement of sections 172(c)(9) and of the Clean Air Act, for the Greater Connecticut moderate 8-hour ozone nonattainment area, and the Connecticut portion of the New York-New Jersey-Long Island moderate 8-hour ozone nonattainment area. These revisions establish motor vehicle emission budgets for 2008 of 29.7 tons per day of volatile organic compounds (VOCs) and 60.5 tons per day of nitrogen oxides (NOx) to be used in transportation conformity in the Connecticut portion of the New York-New Jersey-Long Island moderate 8-hour ozone nonattainment area. These revisions also establish motor vehicle emission budgets for 2008 for the Greater Connecticut moderate 8-hour ozone nonattainment area of 28.5 tons per day for VOCs, and 54.3 tons per day for NOx.

(p) Rescission of clean data determination for the 1997 eight-hour ozone standard. Effective June 3, 2016, the EPA is determining that complete quality-assured and certified ozone monitoring data for 2012–2014 show the NY-NJ-CT 1997 eight-hour ozone nonattainment area did not meet 1997 eight-hour ozone standard. Therefore, the EPA is rescinding the clean data determination.
Environmental Protection Agency § 52.379

§ 52.379 Control strategy: PM₁₀.

(a) Approval—Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection (DEP) on April 17, 2007, the revision is for the purpose of establishing early fine particulate (PM₂.₅) transportation conformity emission budgets for the Connecticut portion of the New York–Northern New Jersey–Long Island, NY-NJ-CT PM₂.₅ nonattainment area. The April 17, 2007 revision establishes PM₂.₅ motor vehicle emission budgets for 2009 of 360 tons per year of direct PM₂.₅ emissions and 18,279 tons per year of NOₓ emissions to be used in transportation conformity in the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT PM₂.₅ nonattainment area.

(b) Approval—Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection (DEP) on April 17, 2007. The revision is for the purpose of establishing early fine particulate (PM₂.₅) transportation conformity emission budgets for the Connecticut portion of the New York–Northern New Jersey–Long Island, NY-NJ-CT PM₂.₅ nonattainment area. The April 17, 2007 revision establishes PM₂.₅ motor vehicle emission budgets for 2009 of 360 tons per year of direct PM₂.₅ emissions and 18,279 tons per year of NOₓ emissions to be used in transportation conformity in the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT PM₂.₅ nonattainment area.
(b) **Determination of Attainment.** EPA has determined, as of December 15, 2010, that the New York-Northern New Jersey-Long Island, NY-NJ-CT fine particle (PM$_{2.5}$) nonattainment area has attained the 1997 PM$_{2.5}$ National Ambient Air Quality Standard. This determination, in accordance with 40 CFR 51.1004(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 the area continues to attain the 1997 PM$_{2.5}$ NAAQS.

(c) **Approval—Submittal from the Connecticut Department of Environmental Protection, dated September 4, 2008, to address the Clean Air Act (CAA) infrastructure requirements for the 1997 PM$_{2.5}$ National Ambient Air Quality Standard (NAAQS).** This submittal is approved as meeting the requirements of sections 110(a)(2)(B), (C) (enforcement program only), (E)(i), (E)(iii), (F), (G), (H), (J) (consultation and public notification only), (K), (L), and (M).

(d) **Conditional Approval—Submittal from the Connecticut Department of Environmental Protection, dated September 4, 2008, to address the Clean Air Act (CAA) infrastructure requirements for the 1997 PM$_{2.5}$ National Ambient Air Quality Standard (NAAQS).** EPA is conditionally approving Connecticut’s submittal with respect to CAA sections 110(a)(2)(A), (C) only as it related to the PSD program, (D)(ii), (E)(ii), and (J) only as it relates to the PSD program. This conditional approval is contingent upon Connecticut taking actions to meet requirements of these elements within one year of conditional approval, as committed to in letters from the state to EPA Region 1 dated June 15, 2012, and July 11, 2012.

(e) **Determination of Attainment.** EPA has determined, as of December 31, 2012, that the New York-N. New Jersey-Long Island, NY-NJ-CT fine particle (PM$_{2.5}$) nonattainment area has attained the 2006 PM$_{2.5}$ National Ambient Air Quality Standard. This determination 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 the area continues to attain the 2006 PM$_{2.5}$ NAAQS.

(f) **Conditional Approval—Submittal from the Connecticut Department of Environmental Protection, dated September 18, 2009, with supplements submitted on January 7, 2011, and August 19, 2011, to address the Clean Air Act (CAA) infrastructure requirements for the 2006 PM$_{2.5}$ National Ambient Air Quality Standard (NAAQS).** EPA is conditionally approving Connecticut’s submittal with respect to CAA sections 110(a)(2)(A), (C) only as it related to the PSD program, (D)(ii), (E)(ii), and (J) only as it relates to the PSD program. This conditional approval is contingent upon Connecticut taking actions to meet requirements of these elements within one year of conditional approval, as committed to in letters from the state to EPA Region 1 dated June 15, 2012, and July 11, 2012.

(g) **Approval—EPA is approving a request to redesignate the Connecticut portion of the New York-N. New Jersey-Long Island, NY-NJ-CT fine particle (PM$_{2.5}$) nonattainment area (i.e., New Haven and Fairfield Counties or the Southwestern CT Area) from nonattainment to attainment for the 1997 annual and 2006 24-hour PM$_{2.5}$ standards.** Connecticut submitted this request on June 22, 2012. 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 175A maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision as required by the Clean Air Act.
Environmental Protection Agency

§ 52.380, NI.

The PM$_{2.5}$ maintenance plan also establishes 2017 and 2025 Motor Vehicle Emission Budgets (MVEBs) for the Area. Connecticut is establishing 2017 MVEBs of 575.8 tons per year (tpy) for direct PM$_{2.5}$ and 12,791.8 tpy for NO$_X$, and 2025 MVEBs of 516 tpy for direct PM$_{2.5}$ and 9,728.1 tpy for NO$_X$, for the Southwestern CT Area for maintenance of the 1997 annual and 2006 24-hour PM$_{2.5}$ standards. The 2017 and 2025 MVEBs were prepared with the MOVES model. Previously SIP-approved 2009 MVEBs prepared with MOBILE6.2 are being withdrawn. Finally, EPA is also approving a comprehensive 2007 emission inventory for this Area.


§ 52.380 Rules and regulations.

(a) All facilities owned, operated or under contract with the Connecticut Transportation Authority shall comply in all respects with Connecticut Regulations for the Abatement of Air Pollution sections 19–508–1 through 19–508–25 inclusive, as approved by the Administrator.

(b) For the purposes of paragraph (a) of this section the word “Administrator” shall be substituted for the word “Commissioner” wherever that word appears in Connecticut Regulations for the Abatement of Air Pollution sections 19–508–1 through 19–508–25 inclusive, as approved by the Administrator.

(c) The June 27 and December 28, 1979, February 1, May 1, September 1 and November 12, 1980, revisions are approved as satisfying Part D requirements under the following conditions:

(1)–(2) [Reserved]

(d) Non-Part D-No Action: EPA is neither approving nor disapproving the following elements of the revisions:

(1)–(2) [Reserved]

(3) The program to review new and modified major stationary sources in attainment areas (prevention of significant deterioration).

(4) Permit fees

(5) Stack height regulations

(6) Interstate pollution requirements

(7) Monitoring requirements

(8) Conflict of interest provisions.

(9) Use of 1 percent sulfur content fuel by the following residual oil burning sources, identified under §52.370, paragraph (c)(18).

(i) Northeast Utilities, HELCO Power Station in Middletown.

(10) Emergency Fuel Variance provisions of Regulation 19–508–19(a)(2)(i) identified under §52.370 paragraph (c)(18).

(e) Disapprovals. (1) Regulation 19–508–19(a)(9) concerning coal use at educational and historical exhibits and demonstrations, identified under §52.370, paragraph (c)(18).

(2) Regulation 19–508–19, subsection (a)(4)(iii)(C) and (a)(4)(iii)(E) concerning fuel merchants, identified under §52.370, paragraph (c)(18).


Effective date note: At 81 FR 35639, June 3, 2016, §52.380 was amended by adding paragraphs (f), (g), and (h) effective July 5, 2016. For the convenience of the user, the added text is set forth as follows:

§ 52.380 Rules and regulations.

* * * * *

Note 1 to paragraphs (f) through (h): “state” means the state of Connecticut.

(f) Connecticut General Statutes Section 1–85. (Formerly Sec. 1–68). Interest in conflict with discharge of duties: A public official, including an elected state official, or state employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. A public official, including an elected state official, or state employee does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state, if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. A public official, including an elected state official, or state employee does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state, if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than
any other member of such profession, occupation or group. A public official, including an elected state official or state employee who has a substantial conflict may not take official action on the matter.

(g) Connecticut General Statutes Section 22a–171. (Formerly Sec. 19–507). Duties of Commissioner of Energy and Environmental Protection: The Commissioner of Energy and Environmental Protection of the State of Connecticut shall:

(1) Initiate and supervise programs for the purposes of determining the causes, effect and hazards of air pollution;
(2) Initiate and supervise state-wide programs of air pollution control education;
(3) Cooperate with and receive money from the Federal Government and, with the approval of the Governor, from any other public or private source;
(4) Adopt, amend, repeal and enforce regulations as provided in Connecticut General Statutes Section 22a–171 and do any other act necessary to enforce the provisions of Connecticut General Statutes Chapter 446c and Connecticut General Statutes Section 14–164c;
(5) Advise and consult with agencies of the United States, agencies of the state, political subdivisions and industries and any other affected group in furtherance of the purposes of Connecticut General Statutes Chapter 446c;

(h) Connecticut General Statutes Section 16a–21a. Sulfur content of home heating oil and off-road diesel fuel. Suspension of requirements for emergency. (1)(i) The amount of sulfur content of the following fuels sold, offered for sale, distributed or used in this state shall not exceed the following percentages by weight:

(A) For number two heating oil, three-tenths of one per cent; and
(B) For number two off-road diesel fuel, three-tenths of one per cent.

(ii) Notwithstanding paragraph (h)(1)(i) of this section, the amount of sulfur content of number two heating oil sold, offered for sale, distributed or used in this state shall not exceed the following percentages by weight:

(A) For the period beginning July 1, 2011, and ending June 30, 2014, fifty parts per million; and
(B) On and after July 1, 2014, fifteen parts per million.

(iii) The provisions of paragraph (h)(1)(ii) of this section shall not take effect until the states of New York, Massachusetts and Rhode Island each have adopted requirements that are substantially similar to the provisions of said paragraph (h)(1)(ii).

(2) As of the date on which the last of the states of New York, Massachusetts and Rhode Island limits the sulfur content of number two heating oil to one thousand five hundred parts per million, the sulfur content of number two heating oil sold, offered for sale, distributed or used in this state shall not exceed one thousand two hundred fifty parts per million.

(3) As of the date on which the last of the states of New York, Massachusetts and Rhode Island limits the sulfur content of number two heating oil to one thousand two hundred fifty parts per million, the sulfur content of number two heating oil sold, offered for sale, distributed or used in this state shall not exceed one thousand two hundred fifty parts per million.

(4) As of the date on which the last of the states of New York, Massachusetts and Rhode Island limits the sulfur content of number two heating oil to one thousand two hundred fifty parts per million, the sulfur content of number two heating oil sold, offered for sale, distributed or used in this state shall not exceed one thousand two hundred fifty parts per million.

(5) As of the date on which the last of the states of New York, Massachusetts and Rhode Island limits the sulfur content of number two heating oil to one thousand two hundred fifty parts per million, the sulfur content of number two heating oil sold, offered for sale, distributed or used in this state shall not exceed one thousand two hundred fifty parts per million.

(6) The Commissioner of Energy and Environmental Protection of the State of Connecticut may suspend the requirements of subsections (a) to (e), inclusive, of this Connecticut General Statutes Section 16a–21a if the commissioner finds that the physical availability of fuel which complies with such requirements is inadequate to meet the needs of residential, commercial or industrial users in this state and that such inadequate physical availability constitutes an emergency provided the commissioner shall specify in writing the period of time such suspension shall be in effect.

Note 2 to paragraph (h): EPA has replaced the original structure of the CT statute with the structure of the CFR and uses “paragraph” instead of the original statutory language of “subsection” and “subdivision.” EPA has also replaced the (a)-level of the original statute with the (1)-level in the CFR and the (1)-level in the original statute with the (i)-level in the CFR.

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

Connecticut must comply with the requirements of §51.120.

[60 FR 4737, Jan. 24, 1995]

§ 52.382 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 provisions for the NOx.
increments under the prevention of significant deterioration program.

(b) The increments for nitrogen dioxide promulgated on October 17, 1988 (53 FR 40671), and related requirements in 40 CFR 52.21 except paragraph (a)(1), are hereby incorporated and made part of the applicable implementation plan for the State of Connecticut.

§ 52.383 Stack height review.

The State of Connecticut has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion techniques as defined on EPA's stack height regulations as revised on July 8, 1985. Such declarations were submitted to EPA on February 21, 1986, and May 27, 1986.

§ 52.384 Emission inventories.

(a) The Governor's designee for the State of Connecticut submitted the 1990 base year emission inventories for the Connecticut portion of the New York-New Jersey-Connecticut severe ozone nonattainment area and the Greater Hartford serious ozone nonattainment area on January 13, 1994 as revisions to the State's SIP. Revisions to the inventories were submitted on February 3, 1994, February 16, 1995, and December 30, 1997. The 1990 base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for these areas. The inventories consist of emission estimates of volatile organic compounds and nitrogen oxides, and cover point, area, non-road mobile, on-road mobile and biogenic sources. The inventories were submitted as revisions to the SIP in partial fulfillment of obligations for nonattainment areas under EPA's 1997 8-hour ozone standard.

(b) The inventories are for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventories covers point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) Taken together, the Connecticut portion of the New York-New Jersey-Connecticut severe nonattainment area and the Hartford serious nonattainment area encompass the entire geographic area of the State.

(d) The state of Connecticut submitted base year emission inventories representing emissions for calendar year 2002 from the Connecticut portion of the NY-NJ-CT moderate 8-hour ozone nonattainment area and the Greater Connecticut moderate 8-hour ozone nonattainment area on February 1, 2008 as revisions to the State’s SIP. The 2002 base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for these areas. The inventories consist of emission estimates of volatile organic compounds and nitrogen oxides, and cover point, area, non-road mobile, on-road mobile and biogenic sources. The inventories were submitted as revisions to the SIP in partial fulfillment of obligations for nonattainment areas under EPA’s 1997 8-hour ozone standard.

§ 52.385 EPA-approved Connecticut regulations.

The following table identifies the State regulations which have been submitted to and approved by EPA as revisions to the Connecticut State Implementation Plan. This table is for informational purposes only and does not have any independent regulatory effect. To determine regulatory requirements for a specific situation, consult the plan identified in §52.370. To the extent that this table conflicts with §52.370, §52.370 governs.

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<td>5/19/94</td>
<td>59 FR 26123</td>
<td>(c) 65</td>
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<td>22a–174–1</td>
<td>Definitions</td>
<td>03/15/02</td>
<td>02/27/03</td>
<td>68 FR 9011</td>
<td>(a)</td>
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<td>22a–174–1</td>
<td>Definitions</td>
<td>04/07/14</td>
<td>06/24/15</td>
<td>80 FR 36242</td>
<td>(c)(106)</td>
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<td>22a–174–1</td>
<td>Definitions</td>
<td>9/10/12</td>
<td>7/24/2015</td>
<td>80 FR 43960</td>
<td>(c)(108)</td>
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<td>22a–174–2</td>
<td>Registration requirements for existing stationary sources of air pollutants</td>
<td>4/04/72</td>
<td>5/31/72</td>
<td>37 FR 23085</td>
<td>(b)</td>
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<td>22a–174–2</td>
<td>Procedural Requirements for New Source Review and Title V Permitting</td>
<td>03/15/02</td>
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<td>68 FR 9011</td>
<td>Provisions applicable to PSD/NSR in consolidated permit procedural requirements.</td>
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<td>22a–174–2</td>
<td>Procedural Requirements for New Source Review and Title V Permitting</td>
<td>9/10/2012</td>
<td>7/24/2015</td>
<td>80 FR 43960</td>
<td>(c)(107)</td>
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<td>22a–174–3</td>
<td>Permits for construction and operation of stationary sources</td>
<td>4/04/72</td>
<td>5/31/72</td>
<td>37 FR 23085</td>
<td>(b)</td>
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<td>Section 52.370</td>
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<td>8/30/79</td>
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<td>45 FR 84769 ...</td>
<td>(c)11 ..........</td>
<td>EPA conditionally approved changes to meet federal New Source Review (NSR) requirements. CT did not submit Prevention of Significant Determination program.</td>
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<td>8/31/79</td>
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<td>47 FR 762 ...</td>
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<td>Final approval of NSR Rules removing conditions of 12/23/80.</td>
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<td>10/10/80</td>
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<td>47 FR 762 ...</td>
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<td>Allows conditional exemption of resource recovery facilities from offset transactions.</td>
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<td>12/27/88</td>
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<td>2/23/93</td>
<td>58 FR 10957 ...</td>
<td>(c) 56 ..........</td>
<td>Replaces the word “actual” with word “allowable”.</td>
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<td>03/15/02</td>
<td>Permit to Construct and Operate Stationary Sources.</td>
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<td>68 FR 9011 ... PSD/NSR program requirements as revised by the CAAA.</td>
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<td>06/24/15</td>
<td>80 FR 36242 ...</td>
<td>(c)(106) ..........</td>
<td>Amendment of subsection (k)(5) Ambient Monitoring.</td>
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<td>9/10/2012</td>
<td>Permit to Construct and Operate Stationary Sources.</td>
<td>7/24/2015</td>
<td>80 FR 43960 ...</td>
<td>(c)(108) ..........</td>
<td>Added Ambient Impact values for PM$<em>{2.5}$ in Table 3a(i)-1, Significant Emission Rate Thresholds for PM$</em>{2.5}$ emissions and its precursors in Table 3a(k)-1, PM$<em>{2.5}$ increment added to Table 3a(k)-2, and PM$</em>{15}$ added to section 22a–174–3a(i)(1). Revised section 22a–174–3a(l).</td>
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<td>4/4/06</td>
<td>Permits for construction and operation of stationary sources.</td>
<td>8/31/06</td>
<td>71 FR 51781 ...</td>
<td>(c)(95) ..........</td>
<td>Only the automotive refinishing requirements of 22a–174–3b are being approved. Connecticut did not submit the other subsections of the rule as part of its SIP revision.</td>
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<td>4/04/72</td>
<td>Source monitoring, record keeping, reporting and authorization of inspection of air pollution sources.</td>
<td>5/31/72</td>
<td>37 FR 23085 ...</td>
<td>(b).</td>
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<td>10/31/77 12/23/80</td>
<td>45 FR 84769 ... (c) 11 ........... Clarifies record keeping and reporting requirements and rescinds smoke monitoring requirements for small sources.</td>
<td>12/15/80 8/24/82 47 FR 36822 ... (c) 20 ........... Rescinded requirements for smoke monitors on sources less than 250 mmBtu.</td>
<td>22a–174–4 Source monitoring, recordkeeping and reporting.</td>
<td>4/1/04 7/16/14 79 FR 41427 ... (c)(104) .......</td>
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<td>10/05/77 12/23/80</td>
<td>45 FR 84769 ... (c) 11 ........... Tied State testing method requirement to federal requirements, clarified requirements for stack testing, and eliminated record keeping and reporting requirements.</td>
<td>12/19/80 8/28/81 46 FR 43418 ... (c) 16 ........... Revisions to source monitoring and stack testing requirements for SO2.</td>
<td>22a–174–5 Methods for sampling, emission testing, and reporting.</td>
<td>4/04/72 5/31/72 37 FR 23085 ... (b).</td>
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<td>8/31/79 12/23/80</td>
<td>45 FR 84769 ... (c) 11 ........... Allows DEP to separately limit mobile and stationary sources depending upon the cause of the episode.</td>
<td>22a–174–6 Air Pollution Emergency Episode Procedures.</td>
<td>4/04/72 5/31/72 37 FR 23085 ... (b).</td>
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<td>22a–174–7</td>
<td>Malfunction of Control Equipment; Reporting.</td>
<td>4/04/72 5/31/72 37 FR 23085 ... (b).</td>
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<td>22a–174–7</td>
<td>Air pollution control equipment and monitoring equipment operation.</td>
<td>4/1/04 7/16/14 79 FR 41427 ... (c)(104) .......</td>
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<td>22a–174–8</td>
<td>Compliance Plans and Schedules.</td>
<td>4/04/72 5/31/72 37 FR 23085 ... (b).</td>
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<td>22a–174–9</td>
<td>Prohibition of air pollution.</td>
<td>4/04/72 5/31/72 37 FR 23085 ... (b).</td>
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<td>8/31/79 12/23/80</td>
<td>45 FR 84769 ... (c) 11 ........... Non-substantive numbering change.</td>
<td>22a–174–10 Public Availability of Information.</td>
<td>4/04/72 5/31/72 37 FR 23085 ... (b).</td>
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<td>38 FR 36579 ... (c) 11. .......... Full authority delegated for NSPS and NESHAPS. Delegation of new subparts.</td>
<td>12/6/91 56 FR 63875 ...</td>
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### TABLE 52.385—EPA-APPROVED REGULATIONS—Continued

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<th>Connecticut State citation</th>
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<th>Dates</th>
<th>FEDERAL REGISTER citation</th>
<th>Section 52.370</th>
<th>Comments/description</th>
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<tr>
<td>22a–174–11</td>
<td>Prohibition against concealment of circumvention.</td>
<td>4/04/72 5/31/72</td>
<td>37 FR 23085</td>
<td>(b).</td>
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<td>22a–174–12</td>
<td>Violations and enforcement.</td>
<td>4/04/72 5/31/72</td>
<td>37 FR 23085</td>
<td>(b).</td>
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<td>22a–174–14</td>
<td>Compliance with regulation no defense to nuisance claim.</td>
<td>4/04/72 5/31/72</td>
<td>37 FR 10842</td>
<td>(b).</td>
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<td>22a–174–16</td>
<td>Responsibility to comply with applicable regulations.</td>
<td>4/04/72 5/31/72</td>
<td>37 FR 10842</td>
<td>(b).</td>
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<td>22a–174–17</td>
<td>Control of open burning.</td>
<td>4/04/72 5/31/72</td>
<td>37 FR 10842</td>
<td>(b).</td>
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<td>22a–174–18</td>
<td>Control of particulate emissions.</td>
<td>4/04/72 5/31/72</td>
<td>37 FR 10842</td>
<td>(b).</td>
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<td>11/30/73 4/16/74</td>
<td>39 FR 13651</td>
<td>52.375</td>
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<td>7/11/81 9/23/82</td>
<td>47 FR 41958</td>
<td>(c) 22</td>
<td>Defines TSP RACT for fuel burning equipment and process sources including cupolas, foundries, and hot mix asphalt plants.</td>
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<tr>
<td>22a–174–18</td>
<td>Control of particulate matter and visible emissions.</td>
<td>4/1/04 7/18/14</td>
<td>79 FR 41427</td>
<td>(c)(104)</td>
<td>All of Section 22a–174–18 is approved, with the exception of the phrase “or malfunction” in Section 22a–174–18(j)(1) and all of Section 22a–174–18(j)(2), which CT DEEP withdrew from the SIP submission. Because Connecticut withdrew Section 22a–174–18(j)(2) from its SIP submission, stationary sources subject to a federal NSPS will remain subject to the opacity limits contained in “Control of particulate emissions” under the SIP (See 37 FR 10842). See Section 19–508–18, “Control of Particulate Emissions” posted at <a href="http://www.epa.gov/region1/topics/air/psps/spc__ct.html">http://www.epa.gov/region1/topics/air/psps/spc__ct.html</a>.</td>
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### TABLE 52.385—EPA-APPROVED REGULATIONS—Continued

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<th>Section 52.370</th>
<th>Comments/description</th>
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<td></td>
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<td>11/30/73</td>
<td>4/16/74</td>
<td>39 FR 13651</td>
<td>52.375</td>
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<td></td>
<td>4/3/79</td>
<td>7/30/79</td>
<td>44 FR 44498</td>
<td>(c) 10</td>
<td>Allowed Northeast Utilities to purchase, store, and burn nonconforming fuel.</td>
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<td>9/8/80</td>
<td></td>
<td>4/27/81</td>
<td>46 FR 23412</td>
<td>(c) 12</td>
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<td>Variance for Federal Paperboard, Inc.</td>
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<td>12/19/80 &amp; 3/11/81</td>
<td></td>
<td>8/28/81</td>
<td>46 FR 43418</td>
<td>(c) 14</td>
<td></td>
<td>Amends sulfur control strategy.</td>
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<td>3/15/81</td>
<td></td>
<td>8/28/81</td>
<td>46 FR 43418</td>
<td>(c) 15</td>
<td></td>
<td>Amends New Source Ambient Impact Analysis Guideline.</td>
</tr>
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<td>3/17/81</td>
<td></td>
<td>10/23/81</td>
<td>46 FR 51914</td>
<td>(c) 17</td>
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<td>Variance for Uniroyal, Inc.</td>
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<td>11/2/81</td>
<td></td>
<td>11/18/81</td>
<td>46 FR 56612</td>
<td>(c) 18</td>
<td></td>
<td>Approval State Energy Trade Program.</td>
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<td>11/14/75</td>
<td></td>
<td>11/18/81</td>
<td>46 FR 56612</td>
<td>52.380 (e)(1)</td>
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<td>EPA disapproval revision which allows exemption for home heating with coal, historic demonstrations, and other small sources.</td>
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<td>11/12/81</td>
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<td>12/22/81</td>
<td>46 FR 62062</td>
<td>(c) 19</td>
<td></td>
<td>Variances for United Technologies Corp., Pratt &amp; Whitney Aircraft Division facilities in New Haven and Middletown.</td>
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<td>7/7/81</td>
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<td>11/12/82</td>
<td>47 FR 51129</td>
<td>(c) 24</td>
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<td>Variance for Sikorsky Aircraft—approved under the State Energy Trade Program.</td>
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<td>5/27/82</td>
<td></td>
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<td>48 FR 5723</td>
<td>(c) 26</td>
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<td>Variance for Dow Chemical—approved under the State Energy Trade Program.</td>
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<td>12/15/82</td>
<td></td>
<td>5/4/83</td>
<td>48 FR 20051</td>
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<td>Variance for Lytal, Inc.—approved under the State Energy Trade (SET) Program.</td>
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<td>11/1/82</td>
<td></td>
<td>6/28/83</td>
<td>48 FR 29689</td>
<td>(c) 28</td>
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<td>Simkins Industries—approved under the State Energy Trade Program.</td>
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<td>3/28/83</td>
<td></td>
<td>12/20/83</td>
<td>48 FR 56218</td>
<td>(c) 30</td>
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<td>Variance for Loomis Institute—approved under the State Energy Trade Program.</td>
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</table>
### Table 52.385—EPA-Approved Regulations—Continued

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<th>Title/subject</th>
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<th>Comments/description</th>
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<td>2/19/93 1/18/94</td>
<td>59 FR 2531</td>
<td>(c) 63</td>
<td>Changes requirements at Hamilton Standard Division of UTC.</td>
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<td>22a–174–19a</td>
<td>Control of sulfur dioxide emissions from power plants and other large stationary sources of air pollution.</td>
<td>12/28/00 7/10/14</td>
<td>79 FR 39322</td>
<td>[Insert next available paragraph number in sequence].</td>
<td>Approves the sulfur dioxide emission standards and fuel sulfur limits for units subject to the CT NOX Budget program. The following sections were not submitted as part of the SIP: Sections (a)(5); (a)(8); (a)(11); (d); (e)(4); (f); (g); (h); and in (i)(2) reference to (e)(4).</td>
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<td>4/4/72 5/31/72</td>
<td>37 FR 23085</td>
<td>(b)</td>
<td>Requirements for certain Group I CTG source categories. Conditionally approved cutback asphalt and solvent metal cleaning categories.</td>
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<td>8/31/79 12/23/80</td>
<td>45 FR 84769</td>
<td>(c) 11</td>
<td>Requirements for cutback asphalt (Group I—CTG).</td>
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<td>10/10/80 1/17/82</td>
<td>47 FR 762</td>
<td>(c) 20</td>
<td>Requirements for cutback asphalt (Group I—CTG).</td>
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<td>10/10/80 2/17/82</td>
<td>47 FR 6827</td>
<td>(c) 25</td>
<td>Requirements for Group II CTGs exclusive of controlling gasoline tank truck leaks, petroleum liquid storage external floating roof tanks, manufacture of vegetable oil, pneumatic rubber tire categories. Other VOC rules.</td>
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<td>10/10/80 6/7/82</td>
<td>47 FR 24452</td>
<td>(c) 23</td>
<td>Alternative emission reduction provisions.</td>
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<td>12/10/82 2/1/84</td>
<td>49 FR 3989</td>
<td>(c) 29</td>
<td>Requirements for small open top degreasers (Group I—CTG).</td>
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<td>9/24/83 2/1/84</td>
<td>49 FR 3989</td>
<td>(c) 29</td>
<td>Exempts colds cleaners at auto repair facilities.</td>
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<td>9/24/83 3/21/84</td>
<td>49 FR 10542</td>
<td>(c) 32</td>
<td>Adds degreasing requirements for conveyorized and cold cleaning operations.</td>
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<td></td>
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<td>8/31/79 3/21/84</td>
<td>49 FR 10542</td>
<td>(c) 32</td>
<td>Requirements for solvent metal cleaning (Group I CTG).</td>
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<td>9/24/83</td>
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<td>3/21/84</td>
<td>49 FR 10542</td>
<td>(c) 32</td>
<td>Exempts storage vessels from submerged fill. Delays effective date of Stage I vapor recovery by 1 year. Requires RACT for all major sources of VOC not covered under a CTG document.</td>
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<td>9/24/83</td>
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<td>10/19/84</td>
<td>49 FR 41026</td>
<td>(c) 33</td>
<td>Adds major non-ctg sources covered by 20(ee) to applicability, compliance, alternative emission reduction and seasonal operation after burner provisions.</td>
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<td>12/13/84</td>
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<td>7/18/85</td>
<td>50 FR 29229</td>
<td>(c) 34</td>
<td>Revision to cutback asphalt regulation. Requires facilities with external floating roofs to install secondary seats. Changes to gasoline tank truck regulation.</td>
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<td>4/23/86</td>
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<td>11/20/86</td>
<td>51 FR 41963</td>
<td>(c) 36</td>
<td>VOC RACT for Connecticut Charcoal Company.</td>
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<td>4/28/86</td>
<td></td>
<td>2/19/87</td>
<td>52 FR 5104</td>
<td>(c) 37</td>
<td>VOC RACT for King Industries.</td>
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<td>52 FR 47925</td>
<td>(c) 39</td>
<td>VOC RACT for Belding Corticelli Thread Company.</td>
</tr>
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<td>5/28/86</td>
<td></td>
<td>2/17/88</td>
<td>51 FR 4621</td>
<td>(c) 41</td>
<td>Effective date clarification for Connecticut Charcoal.</td>
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<td>53 FR 11847</td>
<td>(c) 42</td>
<td>VOC RACT for Raymark Industries, Inc.</td>
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<td>2/2/87</td>
<td></td>
<td>5/19/88</td>
<td>53 FR 17934</td>
<td>(c) 38</td>
<td>Clarifies applicability of VOC compliance methods for surface coating sources.</td>
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<td>53 FR 17934</td>
<td>(c) 38</td>
<td>Adds regulations for SOClM fugitive leaks and polystyrene resins.</td>
</tr>
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<td>8/21/87</td>
<td></td>
<td>7/12/88</td>
<td>53 FR 26236</td>
<td>(c) 44</td>
<td>VOC RACT for Spongex International Ltd.</td>
</tr>
<tr>
<td>12/26/86</td>
<td></td>
<td>8/1/88</td>
<td>53 FR 28884</td>
<td>(c) 43</td>
<td>VOC RACT for American Cyanamid Company.</td>
</tr>
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<td>10/27/88</td>
<td></td>
<td>3/8/89</td>
<td>54 FR 9781</td>
<td>(c) 48</td>
<td>VOC RACT for Dow Chemical, U.S.A.</td>
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<tr>
<td>6/7/88</td>
<td></td>
<td>3/24/89</td>
<td>54 FR 12193</td>
<td>(c) 46</td>
<td>VOC RACT for New Departure Hyatt.</td>
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<td>12/14/88</td>
<td></td>
<td>4/10/89</td>
<td>54 FR 14226</td>
<td>(c) 49</td>
<td>VOC RACT for Stanadyne.</td>
</tr>
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<td>3/22/89</td>
<td></td>
<td>5/30/89</td>
<td>54 FR 22891</td>
<td>(c) 51</td>
<td>VOC RACT for Pratt &amp; Whitney Division of UTC.</td>
</tr>
</tbody>
</table>

§ 52.385  
40 CFR Ch. I (7–1–16 Edition)
TABLE 52.385—EPA-APPROVED REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Connecticut State citation</th>
<th>Title/subject</th>
<th>Dates</th>
<th>FEDERAL REGISTER citation</th>
<th>Section 52.370</th>
<th>Comments/description</th>
</tr>
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<tbody>
<tr>
<td>12/30/88</td>
<td>Loading gasoline and other volatile organic compounds.</td>
<td>6/2/89</td>
<td>54 FR 23650 ... (c) 50 ------</td>
<td>Changes limit on volatility of gasoline.</td>
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<tr>
<td>10/19/87</td>
<td>Metal Cleaning ......</td>
<td>11/28/89</td>
<td>54 FR 48885 ... (c) 47 ------</td>
<td>VOC RACT for Frisimar, Inc.</td>
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<td>10/18/88</td>
<td>Miscellaneous metal parts and products</td>
<td>11/39/89</td>
<td>54 FR 49284 ... (c) 52 ------</td>
<td>VOC RACT for Pfizer, Inc.</td>
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<td>9/5/89</td>
<td>Restrictions on VOC Emissions from Cutback and Emulsified Asphalt.</td>
<td>12/22/89</td>
<td>54 FR 52798 ... (c) 53 ------</td>
<td>VOC RACT for Unroyal Chemical Co.</td>
<td></td>
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<td>11/29/89</td>
<td></td>
<td>3/12/90</td>
<td>55 FR 9121 ... (c) 54 ------</td>
<td>VOC RACT for Hamilton Standard Division of United Technologies Corp.</td>
<td></td>
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<td>11/2/88</td>
<td></td>
<td>3/14/90</td>
<td>55 FR 9442 ... (c) 55 ------</td>
<td>VOC RACT for Hemmway &amp; Bartlett Manufacturing Company.</td>
<td></td>
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<td>10/31/89</td>
<td></td>
<td>10/18/91</td>
<td>56 FR 52205 ... (c) 58 ------</td>
<td>Changes applicability to facilities with ( &gt; 15 ) pounds VOC per day.</td>
<td></td>
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<td>10/31/89</td>
<td></td>
<td>10/18/91</td>
<td>56 FR 52205 ... (c) 58 ------</td>
<td>Various changes to Section 20 approved.</td>
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<td>9/1/93</td>
<td></td>
<td>11/19/93</td>
<td>58 FR 61041 ... ...............</td>
<td>Withdrawal of NPR for Sikorsky Aircraft Division of UTC, Bridgeport,</td>
<td></td>
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<td>1/29/90, 9/29/95, &amp; 2/7/96</td>
<td>Loading gasoline and other volatile organic compounds.</td>
<td>2/9/98</td>
<td>63 FR 6484 ... (c) 60 ------</td>
<td>VOC RACT for Sikorsky Aircraft Corporation in Stratford.</td>
<td></td>
</tr>
<tr>
<td>6/3/96</td>
<td>Metal Cleaning ......</td>
<td>4/24/98</td>
<td>63 FR 20318 ... (c) 73 ------</td>
<td>Alternative VOC RACT for Risdon Corporation in Danbury.</td>
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<tr>
<td>11/18/93</td>
<td>Miscellaneous metal parts and products</td>
<td>3/10/99</td>
<td>64 FR 12024 ... (c)75 ------</td>
<td>Changes to subsection 22a–174–20(a), 20(v), and 20(e).</td>
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<td>4/1/98</td>
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<td>10/19/00</td>
<td>65 FR 62624 ... (c)(84) ------</td>
<td>Changes to gasoline and volatile organic loading regulations.</td>
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<td>7/26/07</td>
<td>Metal Cleaning ......</td>
<td>8/22/12</td>
<td>77 FR 50595 ... (c)(100) ------</td>
<td>Changes to solvent metal cleaning rule.</td>
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<td>8/1/95</td>
<td>Miscellaneous metal parts and products</td>
<td>10/19/00</td>
<td>65 FR 62624 ... (c)(84) ------</td>
<td>Changes to regulations to add emission limit for architectural aluminum panels.</td>
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<td>12/29/08</td>
<td>Restrictions on VOC Emissions from Cutback and Emulsified Asphalt.</td>
<td>8/22/12</td>
<td>77 FR 50595 ... (c)(100) ------</td>
<td>Changes to cutback and emulsified asphalt paving rule.</td>
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<td>Connecticut State citation</td>
<td>Title/subject</td>
<td>Dates</td>
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<td>Comments/description</td>
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<td>04/06/10</td>
<td>6/9/14</td>
<td>79 FR 32873</td>
<td>(c)(102)</td>
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### TABLE 52.385—EPA-APPROVED REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Connecticut State citation</th>
<th>Title/subject</th>
<th>Dates</th>
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<th>Section 52.370</th>
<th>Comments/description</th>
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<td>addition of subsection (gg) Offset lithographic printing and letterpress printing, with the exception of the phrases “or other method approved by the commissioner” in subparagraph (gg)(1)(O) and “or alternative method as approved by the commissioner” in clause (gg)(7)(B)(vi), addition of subsection (hh) Large appliance coatings, with the exception of the phrases “or other method approved by the commissioner” in subparagraph (hh)(1)(CC) and “or alternative method as approved by the commissioner” in clause (hh)(7)(B)(vi), addition of (ii) Industrial solvent cleaning, with the exception of the phrases “or other method approved by the commissioner” in subparagraph (ii)(1)(I) and “or alternative method as approved by the commissioner” in clause (ii)(6)(B)(vi) and addition of (j) Spray application equipment cleaning, with the exception of the phrases “or other method approved by the commissioner” in subparagraph (j)(1)(H), with the exception of subparagraph (j)(3)(D), and with the exception of the phrase “or alternative method as approved by the commissioner” in clause (JJ)(6)(B)(vi).</td>
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<td>22a–174–20 .....</td>
<td>Control of organic compound emissions.</td>
<td>10/31/12 6/9/14</td>
<td>79 FR 32873 (c)(103)</td>
<td>52.370</td>
<td>Amendment of subsection (s) Miscellaneous metal parts and products, amendment of subdivisions (aa)(1), (cc)(2), and (cc)(3), amendment of subparagraph (ii)(3)(A); and addition of subdivision (kk) Pleasure craft coatings.</td>
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<td>22a–174–20 .....</td>
<td>Control of organic compound emissions.</td>
<td>3/5/14 11/3/15</td>
<td>80 FR 67842 (c)(110)</td>
<td>52.370</td>
<td>Large aboveground storage tanks updates: amend (a); withdraw (b)(1); amend (b)(2), (b)(3) and (b)(4); add (b)(17); amend (c) and (x)(12).</td>
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<td>22a–174–21 .....</td>
<td>Control of carbon monoxide emissions.</td>
<td>4/4/72 5/31/72</td>
<td>37 FR 23085 (b).</td>
<td>52.370</td>
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<td>22a–174–22 .....</td>
<td>Control of Nitrogen Oxides Emissions.</td>
<td>9/21/82 3/21/84</td>
<td>49 FR 10542 (c) 32</td>
<td>52.370</td>
<td>CO attainment plan.</td>
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<td>22a–174–22 .....</td>
<td>Control of Nitrogen Oxides Emissions.</td>
<td>11/19/96 9/28/99</td>
<td>64 FR 52238 (c)(62)</td>
<td>52.370</td>
<td>Case-specific trading order for Connecticut Natural Gas Corporation in Rocky Hill.</td>
</tr>
<tr>
<td>22a–174–22 .....</td>
<td>Control of NOx nitrogen oxide emissions.</td>
<td>1/12/00 3/23/01</td>
<td>66 FR 16137 (c)(86)</td>
<td>52.370</td>
<td>Case-specific trading order for Wavest Bridgeport Harbor Station's Unit No. 2 in Bridgeport.</td>
</tr>
<tr>
<td>Connecticut State citation</td>
<td>Title/subject</td>
<td>Date adopted by State</td>
<td>Date approved by EPA</td>
<td>Federal Register citation</td>
<td>Section 52.370</td>
</tr>
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<td>5/22/00</td>
<td></td>
<td>3/23/01</td>
<td>66 FR 16137</td>
<td>(c)(88) ......</td>
<td>Amendment to case-specific trading order for Ogden Martin System’s facility in Bristol.</td>
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<td>5/22/00</td>
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<td>3/23/01</td>
<td>66 FR 16137</td>
<td>(c)(88) ......</td>
<td>Amendment to case-specific trading order for Connecticut Resources Recovery Authority.</td>
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<tr>
<td>5/22/00</td>
<td></td>
<td>3/23/01</td>
<td>66 FR 16137</td>
<td>(c)(88) ......</td>
<td>Amendment to case-specific order for American Ref-Fuel Company.</td>
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<tr>
<td>5/22/00</td>
<td></td>
<td>3/23/01</td>
<td>66 FR 16137</td>
<td>(c)(88) ......</td>
<td>Amendment to case-specific trading order for Bridgeport Resco Company.</td>
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<tr>
<td>5/22/00</td>
<td></td>
<td>3/23/01</td>
<td>66 FR 16137</td>
<td>(c)(88) ......</td>
<td>Case-specific trading order for Wisvest Bridgeport Harbor Station’s Unit No. 4 in Bridgeport.</td>
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<td>5/22/00</td>
<td></td>
<td>3/23/01</td>
<td>66 FR 16137</td>
<td>(c)(88) ......</td>
<td>Case-specific trading order for Wisvest New Haven Harbor Station’s auxiliary boiler in New Haven.</td>
</tr>
<tr>
<td>5/31/00</td>
<td></td>
<td>3/23/01</td>
<td>66 FR 16137</td>
<td>(c)(88) ......</td>
<td>Case-specific trading order for Wisvest Bridgeport Harbor Station’s Unit No. 3 in Bridgeport.</td>
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<tr>
<td>12/28/00</td>
<td></td>
<td>7/10/14</td>
<td>79 FR 39322</td>
<td>[insert next available paragraph number in sequence]</td>
<td>Approves the Oct–April NOx emission limits for units subject to the CT NOx Budget program. Only section (e)(3) was submitted as part of the SIP revision.</td>
</tr>
<tr>
<td>22a–174–22 ...</td>
<td>Control of Nitrogen Oxides emissions.</td>
<td>7/16/12</td>
<td>8/3/15</td>
<td>80 FR 45887</td>
<td>(c)(109) ......</td>
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<td>22a–174–22 ...</td>
<td>Control of Nitrogen Oxides emissions.</td>
<td>7/16/12</td>
<td>8/3/15</td>
<td>80 FR 45887</td>
<td>(c)(109) ......</td>
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<tr>
<td>22a–174–22a ...</td>
<td>Nitrogen Oxides (NOx) Budget Program.</td>
<td>12/15/98</td>
<td>9/28/99</td>
<td>64 FR 52238</td>
<td>(c)(80) ......</td>
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<td>22a–174–22b ...</td>
<td></td>
<td>9/04/07</td>
<td>1/24/08</td>
<td>73 FR 4105</td>
<td>(c)(97) ......</td>
</tr>
<tr>
<td>Connecticut State citation</td>
<td>Title/subject</td>
<td>Dates</td>
<td>Federal Register citation</td>
<td>Section 52.370</td>
<td>Comments/description</td>
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<td>22a–174–22c ...</td>
<td>The Connecticut Post-2002 NO\textsubscript{X} Budget Program, as of May 1, 2010.</td>
<td>9/04/07 1/24/08</td>
<td>73 FR 4105 ... (c)(97) ...</td>
<td>Repealed as of May 1, 2010. Superseded by CAIR.</td>
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<tr>
<td>22a–174–23 ...</td>
<td>The Clean Air Interstate Rule (CAIR) Nitrogen Oxides (NO\textsubscript{X}) Ozone Season Trading Program.</td>
<td>9/04/07 1/24/08</td>
<td>73 FR 4105 ... (c)(67).</td>
<td></td>
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<td>22a–174–24 ...</td>
<td>Control of Odors Rescinded from Federal SIP.</td>
<td>4/4/72 5/31/72</td>
<td>37 FR 23085 ... (b).</td>
<td></td>
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<td></td>
<td>Adopted ambient air quality standards for lead and revised the ozone standard.</td>
<td>10/8/80 2/17/82</td>
<td>47 FR 6827 ... (c) 25 ...</td>
<td>EPA took “no action” on definition of the term “acceptable method” because did not ensure consistency with EPA monitoring regulations.</td>
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<tr>
<td></td>
<td>Eliminated State 24-hour and annual standard for SO2.</td>
<td>10/8/80 8/24/82</td>
<td>47 FR 36822 ... (c) 20 ...</td>
<td>EPA has no authority to control odors.</td>
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<td></td>
<td>Corrected the sub-paragraph designation.</td>
<td>10/8/80 11/2/82</td>
<td>47 FR 49646 ... (c) 20 ...</td>
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<td>Approved definition of acceptable method.</td>
<td>10/8/80 12/13/85</td>
<td>50 FR 50906 ... (c) 35 ...</td>
<td></td>
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<td></td>
<td>Requires use of low sulfur fuels at Connecticut Light &amp; Power in Montville.</td>
<td>2/25/91 3/24/92</td>
<td>57 FR 10139 ... (c) 61 ...</td>
<td></td>
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<td>Requires use of low sulfur fuels at Stones CT Paperboard Corp.</td>
<td>2/14/92 11/20/92</td>
<td>57 FR 54703 ... (c) 59 ...</td>
<td></td>
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<td>Requires use of low sulfur fuel at Hartford Hospital.</td>
<td>2/5/92 11/20/92</td>
<td>57 FR 54703 ... (c) 59 ...</td>
<td></td>
<td></td>
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<tr>
<td>22a–174–24 ...</td>
<td>Connecticut primary and secondary ambient air quality standards.</td>
<td>04/07/14 06/24/15</td>
<td>80 FR 36242 ... (c)(106) ...</td>
<td>All of 22a–174–24 is approved, with the exception of sub-section (m) Dioxin, which Connecticut withdrew from its SIP submittal.</td>
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<tr>
<td>22a–174–25 ...</td>
<td>Effective date.</td>
<td>4/4/72 5/31/72</td>
<td>37 FR 23085 ... (b).</td>
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<td>22a–174–27 ...</td>
<td>Emissions standards for periodic motor vehicle inspection and maintenance.</td>
<td>3/26/98 3/10/99</td>
<td>64 FR 12005 ... (c)78 ...</td>
<td>Revised Department of Environmental Protection regulation contain I/M emission standards.</td>
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<td>Section 52.376</td>
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<tr>
<td>22a–174–27</td>
<td>Emission standards and on-board diagnostic II test requirements for periodic motor vehicle inspection and maintenance.</td>
<td>8/25/04 12/05/08 74 FR 74019</td>
<td>(c)(98)</td>
<td></td>
<td>DEP regulations including emissions standards and OBD2 requirements. Paragraph 52.370(c)(98) was revised March 17, 2015 by redesignating paragraph (c)(98)(i)(A) as (c)(98)(i)(A)(1) and adding paragraph (c)(98)(i)(A)(2) to read as follows: (2) In revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 22, 2010 section 22a–174–27 (e) was repealed by the State of Connecticut effective August 10, 2009. Section 22a–174–27 (e), which was approved in paragraph (c)(98)(i)(A)(1), is removed from the SIP without replacement; see paragraph (c)(105)(i)(B) of this section.</td>
</tr>
<tr>
<td>22a–174–27</td>
<td>Emission standards and on-board diagnostic II test requirements for periodic motor vehicle inspection and maintenance.</td>
<td>8/10/09 3/17/15 80 FR 13770</td>
<td>(c)(105)</td>
<td></td>
<td>This SIP revision includes a change to exempt composite vehicles from tailpipe inspections. Revision to Section 22a–174–27 (b) and removal of Section 22a–174–27 (e).</td>
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<td>22a–174–28</td>
<td>SIP revision concerning Oxygenated Gasoline.</td>
<td>09/28/99 01/31/00 64 FR 67188</td>
<td>(c)(83)</td>
<td></td>
<td>This SIP revision removes the oxygenated gasoline requirement for the Connecticut portion of the New York—N. Jersey—Long Island area and changes it to a contingency measure for maintaining the carbon monoxide National Ambient Air Quality Standard in the southwest Connecticut area.</td>
</tr>
<tr>
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<td>22a–174–28</td>
<td>SIP revision concerning Oxygenated Gasoline.</td>
<td>04/07/14 06/24/15</td>
<td>80 FR 36242</td>
<td>(c)(106)</td>
<td>Amendment of subdivision (a)(5) Control period.</td>
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<td>14–164c</td>
<td>Periodic Motor Vehicle Inspection and Maintenance.</td>
<td>4/7/98 3/10/99</td>
<td>64 FR 12005</td>
<td>(c)78</td>
<td>Revised Department of Motor Vehicles regulation for the Connecticut I/M Program.</td>
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<td>6/24/99 10/27/00</td>
<td>1027/00, 65 FR 64360</td>
<td>(c)89</td>
<td>Revised subsection (b) of Section 14–164c–11a of the Department of Motor Vehicles regulation concerning emissions repairs expenditure requirement to receive waiver.</td>
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<td>14–164c</td>
<td>Periodic Motor Vehicle Emissions Inspection and Maintenance.</td>
<td>5/28/04 12/05/08</td>
<td>74 FR 74019</td>
<td>(c)(98)</td>
<td>DMV regulation revisions for test and repair network and implementing OBD2 and other tests.</td>
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<td>22a–174–30</td>
<td>Gasoline Vapor Recovery.</td>
<td>1/12/93 12/17/93</td>
<td>58 FR 65930</td>
<td>(c) 62</td>
<td>Requires Stage II vapor recovery from gasoline dispensers.</td>
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<td>1/18/94</td>
<td>59 FR 2649</td>
<td>(c) 62</td>
<td>Correction to 12/17/93 notice.</td>
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<td>5/10/04</td>
<td>71 FR 51761</td>
<td>(c)(95)</td>
<td>Added new requirements for PV vents and increased frequency of Stage II testing. All of 22a–174–30 is approved with the exception of subsection (c)(5), which the state did not submit as part of the SIP revision.</td>
</tr>
<tr>
<td>22a–174–32</td>
<td>Reasonably available control technology for volatile organic compounds.</td>
<td>11/18/93 3/10/99</td>
<td>64 FR 12024</td>
<td>(c)(76)</td>
<td>Conditional approval of the addition of non-CTG VOC RACT requirements.</td>
</tr>
<tr>
<td>174</td>
<td></td>
<td>8/27/99 10/19/00</td>
<td>65 FR 62624</td>
<td>(c)(84)</td>
<td>Changes to the non-CTG regulation.</td>
</tr>
<tr>
<td>22a–174–32</td>
<td>Reasonably available control technology for volatile organic compounds.</td>
<td>4/15/02 10/24/05</td>
<td>70 FR 61384</td>
<td>(c)(96)</td>
<td>VOC RACT for Hitchcock Chair.</td>
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<tr>
<td>22a–174–32</td>
<td>Reasonably available control technology for volatile organic compounds.</td>
<td>4/23/01 10/24/05</td>
<td>70 FR 61384</td>
<td>(c)(96)</td>
<td>VOC RACT for Kimberly Clark.</td>
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<td>22a–174–32</td>
<td>Reasonably available control technology for volatile organic compounds.</td>
<td>10/03/02 10/24/05</td>
<td>70 FR 61384</td>
<td>(c)(96)</td>
<td>VOC RACT for Watson Laboratories.</td>
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<td>22a–174–32</td>
<td>Reasonably available control technology for volatile organic compounds.</td>
<td>10/04/02 10/24/05</td>
<td>70 FR 61384</td>
<td>(c)(96)</td>
<td>VOC RACT for Ross &amp; Roberts.</td>
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<td>Comments/description</td>
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<td>22a–174–36b</td>
<td>Low Emission Vehicles II Program.</td>
<td>12/22/05</td>
<td>3/17/15</td>
<td>80 FR 13770 (c)(105)</td>
<td>Adoption of Connecticut's Low Emissions Vehicle II (LEV II) Program. Sections 22a–174–36b (a), (b), (d), (f) through (j), (l), (m), and new sections (n) and (o).</td>
</tr>
<tr>
<td>22a–174–36b</td>
<td>Low Emission Vehicles II Program.</td>
<td>8/10/09</td>
<td>3/17/15</td>
<td>80 FR 13770 (c)(105)</td>
<td>Sections 22a–174–36b (c), (e), and (k).</td>
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<tr>
<td>22a–174–38</td>
<td>Municipal Waste Combustors.</td>
<td>10/26/00</td>
<td>12/6/01</td>
<td>66 FR 63312 (c)(90)</td>
<td>The nitrogen oxide emission limits and related regulatory provisions of 22a–174–38, Municipal Waste Combustors, included in sections 22a–174–38 (a), (b), (c), (d), (f), (g), (h), (l), and (m).</td>
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<tr>
<td>22a–174–40</td>
<td>Consumer Products</td>
<td>7/26/07</td>
<td>6/9/14</td>
<td>79 FR 32873 (c)(103)</td>
<td>All of Section 22a–174–40 is approved, with the exception of subdivisions (4) through (7) in subsection (c) and subparagraphs (C) and (D) in subdivision (f)(2), which CT withdrew from its SIP submittal.</td>
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<td>22a–174–41</td>
<td>Architectural and Industrial Maintenance Products.</td>
<td>7/26/07</td>
<td>8/2/12</td>
<td>77 FR 50595 (c)(100)</td>
<td>New rule limiting VOC emissions from architectural and industrial maintenance coatings.</td>
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<td>22a–174–43</td>
<td>Portable Fuel Container Spillage Control.</td>
<td>5/10/04</td>
<td>8/31/06</td>
<td>71 FR 51761 (c)(95)</td>
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<tr>
<td>22a–174–44</td>
<td>Adhesives and Sealants.</td>
<td>10/03/08</td>
<td>6/9/14</td>
<td>79 FR 32873 (c)(103)</td>
<td></td>
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<tr>
<td>22a–174–100</td>
<td>Permits for construction of indirect sources Rescinded from federal SIP.</td>
<td>1/9/74</td>
<td>2/25/74</td>
<td>39 FR 7280 (c)(4)</td>
<td>Requires review of air impacts of indirect sources.</td>
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<td>8/20/74</td>
<td>2/13/76</td>
<td>41 FR 6765 (c)(6)</td>
<td>Added indirect source review (ISR) regulations.</td>
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<td>6/30/77</td>
<td>1/26/79</td>
<td>44 FR 5427 (c)(9)</td>
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§ 52.385

TABLE 52.385—EPA-APPROVED REGULATIONS—Continued

<table>
<thead>
<tr>
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<th>Section 52.370</th>
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<tr>
<td>Sec. 16a–21a ...</td>
<td>Sulfur content of home heating oil and off-road diesel fuel. Suspension of requirements for emergency.</td>
<td>NA</td>
<td>12/23/79</td>
<td>(c) 11</td>
<td>SIP shown to attain standards as expeditiously as practicable without ISR regulation. Approves the sulfur content of number two home heating oil and off-road diesel at such time that New York, Massachusetts, and Rhode Island adopt similar limits.</td>
</tr>
</tbody>
</table>


EDITORIAL NOTE: At 79 FR 39329, July 10, 2014, § 52.385 was amended; however, portions of the amendment could not be incorporated due to inaccurate amendatory instruction.

EFFECTIVE DATE NOTES: 1. At 81 FR 33134, May 25, 2016, § 52.385 was amended in Table 52.385 by adding a new entry for state citation 22a–174–5; adding a new entry for state citation 22a–174–19; revising the entry for 22a–174–19a; and adding an entry for state citation 22a–174–19b in numerical order, effective July 25, 2016. For the convenience of the user, the added and revised text is set forth as follows:

§ 52.385 EPA-approved Connecticut regulations.

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<th>Dates</th>
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<th>Section 52.370</th>
<th>Comments/description</th>
</tr>
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<tr>
<td>22a–174–19a</td>
<td>Control of sulfur dioxide emissions from power plants and other large stationary sources of air pollution.</td>
<td>12/28/00</td>
<td>7/10/14</td>
<td>79 FR 39322</td>
<td>(c)(103)</td>
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<tr>
<td>22a–174–19a</td>
<td>Control of sulfur dioxide emissions from power plants and other stationary sources of air pollution.</td>
<td>4/15/14</td>
<td>5/25/16</td>
<td>81 FR 33134</td>
<td>(c)(111)</td>
</tr>
<tr>
<td>22a–174–19b</td>
<td>Fuel Sulfur Content Limitations for Stationary Sources.</td>
<td>4/15/14</td>
<td>5/25/16</td>
<td>81 FR 33134</td>
<td>(c)(111)</td>
</tr>
</tbody>
</table>

2. At 81 FR 35640, June 3, 2016, in §52.385, Table 52.385 was amended by adding an entry for Section 1–85, revising the entry for Section 16a–21a, and adding a new entry for Section 22a–171, effective July 5, 2016. For the convenience of the user, the added and revised text is set forth as follows:

§ 52.385 EPA-approved Connecticut regulations.

* * * * *

585
§ 52.386 Section 110(a)(2) infrastructure requirements.

The Connecticut Department of Energy and Environmental Protection submitted the following infrastructure SIPs on these dates: 2008 Pb NAAQS—October 13, 2011; 2008 ozone NAAQS—December 28, 2012; 2010 NOx NAAQS—January 2, 2013; and 2010 SO2 NAAQS—May 30, 2013. These infrastructure SIPs are approved, with the exception of certain elements within 110(a)(2)(C)(ii), D(i)(II), and J(iii), which are conditionally approved. Connecticut submitted infrastructure SIPs for the 1997 and 2006 PM2.5 NAAQS on September 4, 2008, and September 18, 2009, respectively, and elements 110(a)(2)(A), D(ii), and E(ii), which were previously conditionally approved, are now approved. Also with respect to the 1997 and 2006 PM2.5 NAAQS, elements related to PSD, which include 110(a)(2)(C)(ii), D(i)(II), and J(iii) are newly conditionally approved. Connecticut also submitted an Infrastructure SIP for the 1997 8-hour ozone NAAQS on December 28, 2007, and element 110(a)(2)(D)(ii), which was previously conditionally approved, is now approved.

[81 FR 35640, June 3, 2016]

EFFECTIVE DATE NOTE: At 81 FR 35640, June 3, 2016, §52.386 was added, effective July 5, 2016.

§ 52.387 Interstate Transport for the 1997 8-hour ozone and PM2.5 NAAQS.

On March 13, 2007, the State of Connecticut submitted a State Implementation Plan (SIP) revision addressing the Section 110(a)(2)(D)(i) interstate transport requirements of the Clean Air Act for the 1997 8-hour ozone and PM2.5 National Ambient Air Quality Standards (NAAQS). There are four distinct elements related to the impact of interstate transport of air pollutants. These include prohibiting significant contribution to downwind nonattainment of the NAAQS, interference with maintenance of the NAAQS, interference with plans in another state to prevent significant deterioration of air quality, and interference with efforts of other states to protect visibility. EPA has found that Connecticut's
March 13, 2007 submittal adequately addresses these four distinct elements and has approved the submittal as meeting the requirements of Section 110(a)(2)(D)(i) for the 1997 8-hour ozone and PM_{2.5} NAAQS.

[73 FR 25518, May 7, 2008]

Subpart I—Delaware

§ 52.420 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Delaware 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 as incorporated by reference in paragraphs (c) and (d) 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. The material incorporated is 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 on or after July 1, 2013 will be incorporated by reference in the next update to the SIP compilation.

(2)(i) EPA Region III certifies that the rules/regulations provided by EPA 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 July 1, 2013.

(ii) EPA Region III certifies that the source-specific requirements provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated source specific requirements which have been approved in the notebook “40 CFR 52.420(d)—Source Specific Requirements” as part of the State implementation plan as of March 1, 2011. No additional revisions were made between March 1, 2011 and July 1, 2013.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region III Office at 1650 Arch Street, Philadelphia, PA 19103. For further information, call (215) 814-2108; the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue NW., Washington, DC 20460. For further information, call (202) 566-1742; 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.

(c) EPA approved regulations.

EPA-APPROVED REGULATIONS AND STATUTES IN THE DELAWARE SIP

<table>
<thead>
<tr>
<th>State regulation (7 DNREC 1100)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
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<tbody>
<tr>
<td>1101 Definitions and Administrative Principles</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Section 1.0</td>
<td>General Provisions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 2.0</td>
<td>Definitions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
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<tr>
<td>Section 3.0</td>
<td>Administrative Principles</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
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<tr>
<td>Section 4.0</td>
<td>Abbreviations</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
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Revised format for all definitions which EPA has previously approved as part of the SIP.

1102 Permits

<p>| Section 1.0 | General Provisions | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 2.0 | Applicability | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 4.0 | Cancellation of Construction Permits | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 5.0 | Action on Applications | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 6.0 | Denial, Suspension or Revocation of Operating Permits | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 7.0 | Transfer of Permit/Registration Prohibited | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 8.0 | Availability of Permit/Registration | 9/11/08 | 8/11/10, 75 FR 48566. |</p>
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<th>Additional explanation</th>
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<td>Section 9.0</td>
<td>Registration Submittal</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
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<tr>
<td>Section 10.0</td>
<td>Source Category Permit Application</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
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<tr>
<td>Section 11.0</td>
<td>Permit Application</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
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<tr>
<td>Section 12.0</td>
<td>Public Participation</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<tr>
<td>Section 13.0</td>
<td>Department Records</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
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<tr>
<td>Appendix A</td>
<td>[List of Permits Exemptions]</td>
<td>1/11/06</td>
<td>12/4/12, 77 FR 71700</td>
<td>Addition of paragraphs 32.0 and 33.0 (formerly gg. and hh. respectively).</td>
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### 1103 Ambient Air Quality Standards

| Section 1.0 | General Provisions | 01/11/14 | 06/17/14, 79 FR 34441 | Revised sections |
| Section 2.0 | General Restrictions | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 3.0 | Suspended Particulates | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 4.0 | Sulfur Dioxide | 01/11/14 | 06/17/14, 79 FR 34441 | Revised sections |
| Section 5.0 | Carbon Monoxide | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 6.0 | Ozone | 01/11/14 | 06/17/14, 79 FR 34441 | Revised sections |
| Section 8.0 | Nitrogen Dioxide | 01/11/14 | 06/17/14, 79 FR 34441 | Revised sections. |
| Section 10.0 | Lead | 01/11/14 | 06/17/14, 79 FR 34441 | Revised sections. |
| Section 11.0 | PM$_{10}$ and PM$_{2.5}$ Particulates | 01/11/14 | 06/17/14, 79 FR 34441 | Revised sections. |

### 1104 Particulate Emissions from Fuel Burning Equipment

| Section 1.0 | General Provisions | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 2.0 | Emission Limits | 9/11/08 | 8/11/10, 75 FR 48566. |                              |

### 1105 Particulate Emissions from Industrial Process Operations

| Section 1.0 | General Provisions | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 2.0 | General Restrictions | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 3.0 | Restrictions on Hot Mix Asphalt Batching Operations. | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 4.0 | Restrictions on Secondary Metal Operations. | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 5.0 | Restrictions on Petroleum Refining Operations. | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 6.0 | Restrictions on Prill Tower Operation | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 7.0 | Control of Potentially Hazardous Particulate Matter | 9/11/08 | 8/11/10, 75 FR 48566. |                              |

### 1106 Particulate Emissions from Construction and Materials Handling

| Section 1.0 | General Provisions | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 2.0 | Demolition | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 3.0 | Grading, Land Clearing, Excavation and Use of Non-Paved Roads. | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 4.0 | Material Movement | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 5.0 | Sandblasting | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 6.0 | Material Storage | 9/11/08 | 8/11/10, 75 FR 48566. |                              |

### 1107 Particulate Emissions from Incineration of Noninfectious Waste

| Section 1.0 | General Provisions | 9/11/08 | 8/11/10, 75 FR 48566. | 10/3/84 49 FR 39061 | Provisions were revised 10/13/89 by State, but not submitted to EPA as SIP revisions. |
| Section 2 | Restrictions | 12/8/83 | 8/11/10, 75 FR 48566. | 10/3/84 49 FR 39061 |                              |

### 1108 Sulfur Dioxide Emissions from Fuel Burning Equipment

| Section 1.0 | General Provisions | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 2.0 | Limit on Sulfur Content of Fuel | 9/11/08 | 8/11/10, 75 FR 48566. |                              |
| Section 3.0 | Emissions Control in Lieu of Sulfur Content Limits of 2.0 of this Regulation. | 9/11/08 | 8/11/10, 75 FR 48566. |                              |

### 1109 Emissions of Sulfur Compounds from Industrial Operations

<p>| Section 1.0 | General Provisions | 9/11/08 | 8/11/10, 75 FR 48566. |                              |</p>
<table>
<thead>
<tr>
<th>State regulation (7 DNREC 1100)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2.0</td>
<td>Restrictions on Sulfuric Acid Manufacturing Operations.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td>Section 2.2 (State effective date: 9/26/1980) is Federally enforceable as a Section 111(d) plan and codified at 40 CFR 62.1875.</td>
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<td>Section 3.0</td>
<td>Restriction on Sulfur Recovery Operations</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 4.0</td>
<td>Stack Height Requirements</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
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<tr>
<td><strong>1110 Control of Sulfur Dioxide Emissions—Kent and Sussex Counties</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Section 1.0</td>
<td>Requirements for Existing Sources of Sulfur Dioxide.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
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<tr>
<td>Section 2.0</td>
<td>Requirements for New Sources of Sulfur Dioxide.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
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<tr>
<td><strong>1111 Carbon Monoxide Emissions from Industrial Process Operations—New Castle County</strong></td>
<td></td>
<td></td>
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<tr>
<td>Section 1.0</td>
<td>General Provisions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
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<tr>
<td>Section 2.0</td>
<td>Restrictions on Petroleum Refining Operations.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td><strong>1112 Control of Nitrogen Oxide Emissions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>Section 1.0</td>
<td>Applicability</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
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<tr>
<td>Section 2.0</td>
<td>Definitions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 3.0</td>
<td>Standards</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 4.0</td>
<td>Exemptions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
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<tr>
<td>Section 5.0</td>
<td>Alternative and Equivalent RACT Determination.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 6.0</td>
<td>RACT Proposals</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 7.0</td>
<td>Compliance, Certification, Recordkeeping, and Reporting Requirements.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td><strong>1113 Open Burning</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Section 1.0</td>
<td>Purpose</td>
<td>4/11/07</td>
<td>9/20/07 72 FR 53686</td>
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<td>Section 2.0</td>
<td>Applicability</td>
<td>4/11/07</td>
<td>9/20/07 72 FR 53686</td>
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<tr>
<td>Section 3.0</td>
<td>Definitions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 4.0</td>
<td>Prohibitions and Related Provisions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 5.0</td>
<td>Season and Time Restrictions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 6.0</td>
<td>Allowable Open Burning</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 7.0</td>
<td>Exemptions</td>
<td>4/11/07</td>
<td>9/20/07 72 FR 53686</td>
<td></td>
</tr>
<tr>
<td><strong>1114 Visible Emissions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 1.0</td>
<td>General Provisions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 2.0</td>
<td>Requirements</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 3.0</td>
<td>Alternate Opacity Requirements</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 4.0</td>
<td>Compliance with Opacity Standards</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td><strong>1115 Air Pollution Alert and Emergency Plan</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 1.0</td>
<td>General Provisions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 2.0</td>
<td>Stages and Criteria</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 3.0</td>
<td>Season and Time Restrictions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 4.0</td>
<td>Standby Plans</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td><strong>1116 Sources Having an Interstate Air Pollution Potential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 1.0</td>
<td>General Provisions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 2.0</td>
<td>Limitations</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 3.0</td>
<td>Requirements</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td><strong>1117 Source Monitoring, Recordkeeping and Reporting</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 1.0</td>
<td>Definitions and Administrative Principles</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 2.0</td>
<td>Sampling and Monitoring</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td>Section 3.0</td>
<td>Minimum Emission Monitoring Requirements for Existing Sources.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
</tbody>
</table>
### EPA-APPROVED REGULATIONS AND STATUTES IN THE DELAWARE SIP—Continued

<table>
<thead>
<tr>
<th>State regulation (7 DNREC 1100)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 4.0</td>
<td>Performance Specifications</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 5.0</td>
<td>Minimum Data Requirements</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 6.0</td>
<td>Data Reduction</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 7.0</td>
<td>Emission Statement</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
</tbody>
</table>

#### 1123 Standards of Performance for Steel Plants: Electric Arc Furnaces

| Section 1.0 | Applicability | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 2.0 | Definitions | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 3.0 | Standard for Particulate Matter | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 4.0 | Monitoring of Operations | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 5.0 | Test Methods and Procedures | 9/11/08 | 8/11/10, 75 FR 48566. |

#### 1124 Control of Volatile Organic Compound Emissions

| Section 1.0 | General Provisions | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 2.0 | Definitions | 9/11/08 | 8/25/12, 77 FR 58953. |
| Section 3.0 | Applicability | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 4.0 | Compliance Certification, Recordkeeping, and Reporting Requirements for Coating Sources. | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 5.0 | Compliance Certification, Recordkeeping, and Reporting Requirements for Non-Coating Sources. | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 6.0 | General Recordkeeping | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 7.0 | Circumvention | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 8.0 | Handling, Storage, and Disposal of Volatile Organic Compounds (VOCs). | 3/11/11 | 4/13/12, 77 FR 58953. |
| Section 9.0 | Compliance, Permits, Enforcement | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 10.0 | Aerospace Coatings | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 11.0 | Mobile Equipment Repair and Refinishing | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 12.0 | Surface Coating of Plastic Parts | 10/11/11 | 9/25/12, 77 FR 58953. |
| Section 13.0 | Automobile and Light-Duty Truck Coating Operations. | 3/11/11 | 4/13/12, 77 FR 22224. |
| Section 14.0 | Can Coating | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 15.0 | Coil Coating | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 16.0 | Paper Coating | 3/11/11 | 4/13/12, 77 FR 22224. |

Amended to add "film and foil coating" to the regulated category.

| Section 17.0 | Fabric Coating | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 18.0 | Vinyl Coating | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 19.0 | Coating of Metal Furniture | 10/11/11 | 9/25/12, 77 FR 58953. |
| Section 20.0 | Coating of Large Appliances | 10/11/11 | 9/25/12, 77 FR 58953. |
| Section 21.0 | Coating of Magnet Wire | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 22.0 | Coating of Miscellaneous Metal Parts | 10/11/11 | 9/25/12, 77 FR 58953. |
| Section 23.0 | Coating of Flat Wood Paneling | 3/11/11 | 4/13/12, 77 FR 22224. |
| Section 24.0 | Bulk Gasoline Plants | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 25.0 | Bulk Gasoline Terminals | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 26.0 | Gasoline Dispensing Facility—Stage I Vapor Recovery, | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 27.0 | Gasoline Tank Trucks | 10/11/11 | 9/25/12, 77 FR 58953. |
| Section 28.0 | Petroleum Refinery Sources | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 29.0 | Leaks from Petroleum Refinery Equipment | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 30.0 | Petroleum Liquid Storage in External Floating Roof Tanks. | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 31.0 | Petroleum Liquid Storage in Fixed Roof Tanks. | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 32.0 | Leaks from Natural Gas/Gasoline Processing Equipment. | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 33.0 | Solvent Metal Cleaning and Drying | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 34.0 | Cutback and Emulsified Asphalt | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 35.0 | Manufacture of Synthesized Pharmaceutical Products. | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 36.0 | Stage II Vapor Recovery | 9/11/08 | 8/11/10, 75 FR 48566. |
| Section 37.0 | Graphic Arts Systems | 3/11/11 | 4/13/12, 77 FR 22224. |

Amended to add "flexible packaging printing" to the regulated category.

<p>| Section 38.0 | Petroleum Solvent Dry Cleaners | 9/11/08 | 8/11/10, 75 FR 48566. |</p>
<table>
<thead>
<tr>
<th>State regulation (7 DNREC 1100)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 40.0 ...........................</td>
<td>Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 41.0 ...........................</td>
<td>Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 42.0 ...........................</td>
<td>Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 43.0 ...........................</td>
<td>Bulk Gasoline Marine Tank Vessel Loading Facilities.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 44.0 ...........................</td>
<td>Batch Processing Operations.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 45.0 ...........................</td>
<td>Industrial Cleaning Solvents.</td>
<td>3/11/11</td>
<td>4/13/12, 77 FR 22224.</td>
<td></td>
</tr>
<tr>
<td>Section 46.0 ...........................</td>
<td>Crude Oil Lightering Operations.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 47.0 ...........................</td>
<td>Offset Lithographic Printing and Letterpress Printing.</td>
<td>4/11/11</td>
<td>11/25/11, 76 FR 72626.</td>
<td></td>
</tr>
<tr>
<td>Section 49.0 ...........................</td>
<td>Control of Volatile Organic Compound Emissions from Volatile Organic Liquid Storage Vessels.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Section 50.0 ...........................</td>
<td>Other Facilities that Emit Volatile Organic Compounds (VOCs).</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Appendix D .............................</td>
<td>Test Methods and Compliance Procedures: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Appendix E .............................</td>
<td>Test Methods and Compliance Procedures: Determining the Destruction or Removal Efficiency of a Control Device.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Appendix G .............................</td>
<td>Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Appendix I .............................</td>
<td>Method to Determine Length of Rolling Period for Liquid/Liquid Material Balance.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Appendix L .............................</td>
<td>Method to Determine Total Organic Carbon for Offset Lithographic Solutions.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
<tr>
<td>Appendix M .............................</td>
<td>Test Method for Determining the Performance of Alternative Cleaning Fluids.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
</tr>
</tbody>
</table>
### § 52.420

**EPA-APPROVED REGULATIONS AND STATUTES IN THE DELAWARE SIP—Continued**

<table>
<thead>
<tr>
<th>State regulation (7 DNREC 1100)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1125 Requirements for Preconstruction Review</strong></td>
<td>Section 1.0 General Provisions</td>
<td>8/11/12</td>
<td>2/28/13, 78 FR 13496</td>
<td>Added definitions of &quot;GHG&quot; and &quot;Subject to Regulation&quot; under Section 1.9. Note: In section 1.9, the previous SIP-approved baseline dates for sulfur dioxide, particulate matter, and nitrogen dioxide in the definition of &quot;Baseline Date&quot; remain part of the SIP.</td>
</tr>
<tr>
<td></td>
<td>Section 2.0 Emission Offset Provisions (EOP)</td>
<td>2/11/12</td>
<td>10/2/12, 77 FR 60053</td>
<td>Added Section 2.2.5, 2.4.3.3 and 2.5.7</td>
</tr>
<tr>
<td></td>
<td>Section 3.0 Prevention of Significant Deterioration of Air Quality.</td>
<td>2/11/12</td>
<td>10/2/12, 77 FR 60053</td>
<td>Revised Section 3.2 and 3.7.7.1. Note: Previous SIP-approved revisions to Section 3.1 for nitrogen dioxide increments and Section 3.9A (now designated as Section 3.10.1) for air quality models remain part of the SIP.</td>
</tr>
<tr>
<td><strong>1126 Motor Vehicle Emissions Inspection Program</strong></td>
<td>Section 1.0 Applicability and General Provisions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td>Regulation 1126 provisions apply to Sussex County only, effective November 1, 1999.</td>
</tr>
<tr>
<td></td>
<td>Section 2.0 Definitions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 3.0 Registration Requirement</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 4.0 Exemptions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 5.0 Enforcement</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 6.0 Compliance, Waivers, Extensions of Time</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 7.0 Inspection Facility Requirements</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 8.0 Certification of Motor Vehicle Officers</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 9.0 Calibration and Test Procedures and Approved Equipment.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Technical Memo-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>randum 1</td>
<td>Delaware Division of Motor Vehicles Vehicle Exhaust Emissions Test.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
</tr>
<tr>
<td><strong>1127 Stack Heights</strong></td>
<td>Section 1.0 General Provisions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2.0 Definitions Specific to this Regulation</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 3.0 Requirements for Existing and New Sources.</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 4.0 Public Notification</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566</td>
<td></td>
</tr>
<tr>
<td><strong>Regulation No. 31 Low Enhanced Inspection and Maintenance Program</strong></td>
<td>Section 1.0 Applicability</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2.0 Low Enhanced I/M Performance Standard</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 3.0 Network Type and Program Evaluation</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 4.0 Test Frequency and Convenience</td>
<td>6/11/99</td>
<td>9/30/99 64 FR 52657</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 5.0 Vehicle Coverage</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 6.0 Test Procedures and Standards</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 7.0 Waivers and Compliance via Diagnostic Inspection.</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 8.0 Motorist Compliance Enforcement</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
<td></td>
</tr>
</tbody>
</table>
### Environmental Protection Agency

**§ 52.420**

EPA-APPROVED REGULATIONS AND STATUTES IN THE DELAWARE SIP—Continued

<table>
<thead>
<tr>
<th>State regulation (7 DNREC 1100)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 9 ..........................</td>
<td>Enforcement Against Operators and Motor Vehicle Technicians</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
<td></td>
</tr>
<tr>
<td>Section 10 ..........................</td>
<td>Improving Repair Effectiveness</td>
<td>8/13/98</td>
<td>9/30/99 64 FR 52657</td>
<td></td>
</tr>
<tr>
<td>Section 11 ..........................</td>
<td>Compliance with Recall Notices</td>
<td>8/13/98</td>
<td>9/30/99 64 FR 52657</td>
<td></td>
</tr>
<tr>
<td>Section 12 ..........................</td>
<td>On-Road Testing</td>
<td>8/13/98</td>
<td>9/30/99 64 FR 52657</td>
<td></td>
</tr>
<tr>
<td>Section 13 ..........................</td>
<td>Implementation Deadlines</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
<td></td>
</tr>
<tr>
<td>Appendix 1(d) ..........................</td>
<td>Commitment to Extend the I/M Program to the Attainment Date From Secretary Tulou to EPA Administrator W. Michael McCabe</td>
<td>8/13/98</td>
<td>9/30/99 64 FR 52657</td>
<td></td>
</tr>
<tr>
<td>Appendix 3(a)(7) ..........................</td>
<td>Exhaust Emission Limits According to Model Year</td>
<td>8/13/98</td>
<td>9/30/99 64 FR 52657</td>
<td></td>
</tr>
<tr>
<td>Appendix 3(c)(2) ..........................</td>
<td>VMASTM Test Procedure</td>
<td>6/11/99</td>
<td>9/30/99 64 FR 52657</td>
<td></td>
</tr>
<tr>
<td>Appendix 4(a) ..........................</td>
<td>Sections from Delaware Criminal and Traffic Law Manual</td>
<td>8/13/98</td>
<td>9/30/99 64 FR 52657</td>
<td></td>
</tr>
<tr>
<td>Appendix 5(a) ..........................</td>
<td>Division of Motor Vehicles Policy on Out of State Renewals</td>
<td>8/13/98</td>
<td>9/30/99 64 FR 52657</td>
<td></td>
</tr>
<tr>
<td>Appendix 5(f) ..........................</td>
<td>New Model Year Clean Screen</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
<td></td>
</tr>
<tr>
<td>Appendix 6(a) ..........................</td>
<td>Idle Test Procedure</td>
<td>10/11/01</td>
<td>1/27/03 68 FR 66343</td>
<td></td>
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<tr>
<td>Appendix 6(a)(5) ..........................</td>
<td>Vehicle Emission Repair Report Form</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
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<td>Appendix 6(a)(8) ..........................</td>
<td>Evaporative System Integrity (Pressure) Test</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
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<td>Appendix 6(a)(9) ..........................</td>
<td>On-board Diagnostic Test Procedure OBD II Test Procedure</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
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<td>Appendix 7(a) ..........................</td>
<td>Emission Repair Technician Certification Process</td>
<td>8/13/98</td>
<td>9/30/99 64 FR 52657</td>
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<td>Registration Denial System Requirements</td>
<td>8/13/98</td>
<td>9/30/99 64 FR 52657</td>
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<td>Appendix 9(a) ..........................</td>
<td>Enforcement Against Operators and Inspectors</td>
<td>10/11/01</td>
<td>11/27/03 68 FR 66343</td>
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</tbody>
</table>

### 1132 Transportation Conformity

- Introductory Paragraph
  - [No Title] ..................................................... 9/11/08 | 8/11/10, 75 FR 48566 .. Replaces the Prologue.

### 1135 Conformity of General Federal Actions to the State Implementation Plans

- Section 1.0 Purpose .............................................. 9/11/08 | 8/11/10, 75 FR 48566 |
- Section 2.0 Definitions ........................................ 9/11/08 | 8/11/10, 75 FR 48566 |
- Section 3.0 Applicability ...................................... 9/11/08 | 8/11/10, 75 FR 48566 |
- Section 4.0 Conformity Analysis .............................. 9/11/08 | 8/11/10, 75 FR 48566 |
- Section 5.0 Reporting Requirements ........................... 9/11/08 | 8/11/10, 75 FR 48566 |
- Section 6.0 Public Participation and Consultation ........... 9/11/08 | 8/11/10, 75 FR 48566 |
- Section 7.0 Frequency of Conformity Determinations .......... 9/11/08 | 8/11/10, 75 FR 48566 |
- Section 8.0 Criteria for Determining Conformity of General Federal Actions | |
- Section 9.0 Procedures for Conformity Determinations of General Federal Actions | |
- Section 10.0 Mitigation of Air Quality Impacts ............... 9/11/08 | 8/11/10, 75 FR 48566 |
- Section 11.0 Savings Provision .................................. 9/11/08 | 8/11/10, 75 FR 48566 |

**Regulation No. 37 NOX Budget Program**

- Section 1 General Provisions ................................. 12/11/99 | 3/9/00 65 FR 12481 |
- Section 2 Applicability ......................................... 12/11/99 | 3/9/00 65 FR 12481 |
- Section 3 Definitions ........................................... 12/11/99 | 3/9/00 65 FR 12481 |
- Section 4 Allowance Allocation ............................... 12/11/99 | 3/9/00 65 FR 12481 |
- Section 5 Permits ............................................... 12/11/99 | 3/9/00 65 FR 12481 |
- Section 6 Establishment of Compliance Accounts ............ 12/11/99 | 3/9/00 65 FR 12481 |
- Section 7 Establishment of General Accounts ............... 12/11/99 | 3/9/00 65 FR 12481 |
- Section 8 Opt In Provisions .................................... 12/11/99 | 3/9/00 65 FR 12481 |
- Section 9 New Budget Source Provisions ...................... 12/11/99 | 3/9/00 65 FR 12481 |
- Section 10 NOX Allowance Tracking System (NATS) .......... 12/11/99 | 3/9/00 65 FR 12481 |
- Section 11 Allowance Transfer .................................. 12/11/99 | 3/9/00 65 FR 12481 |
- Section 12 Allowance Banking ................................... 12/11/99 | 3/9/00 65 FR 12481 |
<table>
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<th>EPA approval date</th>
<th>Additional explanation</th>
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<tr>
<td><strong>Compliance Certification</strong></td>
<td>12/11/99</td>
<td>3/9/00, 65 FR 12481.</td>
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<td><strong>Failure to Meet Compliance Requirements</strong></td>
<td>12/11/99</td>
<td>3/9/00, 65 FR 12481.</td>
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<td><strong>Program Audit</strong></td>
<td>12/11/99</td>
<td>3/9/00, 65 FR 12481.</td>
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**1139 Nitrogen Oxides (NOx) Budget Trading Program**

<table>
<thead>
<tr>
<th>Section 1.0</th>
<th>Purpose</th>
<th>9/11/08</th>
<th>8/11/10, 75 FR 48566.</th>
</tr>
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<tbody>
<tr>
<td>Section 2.0</td>
<td>Emission Limitation</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 3.0</td>
<td>Applicability</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 4.0</td>
<td>Definitions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 5.0</td>
<td>General Provisions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 6.0</td>
<td>NOx Authorized Account Representative</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 7.0</td>
<td>Permits</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 8.0</td>
<td>Monitoring and Reporting</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 9.0</td>
<td>NATS</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<tr>
<td>Section 10.0</td>
<td>NOx Allowance Transfers</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 11.0</td>
<td>Compliance Certification</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 12.0</td>
<td>End-of-Season Reconciliation</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 13.0</td>
<td>Failure to Meet Compliance Requirements</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 14.0</td>
<td>Individual Unit Opt-Outs</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 15.0</td>
<td>General Accounts</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Appendix A</td>
<td>Allowance Allocations to NOx Budget Sources</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
</tbody>
</table>

**1140 Delaware Low Emission Vehicle Program**

<table>
<thead>
<tr>
<th>Section 1.0</th>
<th>Purpose</th>
<th>12/11/13</th>
<th>10/14/15, 80 FR 61752.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2.0</td>
<td>Applicability</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
</tr>
<tr>
<td>Section 3.0</td>
<td>Definitions</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
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<tr>
<td>Section 4.0</td>
<td>Emission Certification Standards</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
</tr>
<tr>
<td>Section 5.0</td>
<td>New Vehicle Emission Requirements</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
</tr>
<tr>
<td>Section 6.0</td>
<td>Manufacturer Fleet Requirements</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
</tr>
<tr>
<td>Section 7.0</td>
<td>Warranty</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
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<tr>
<td>Section 8.0</td>
<td>Reporting and Record-Keeping Requirements.</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
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<td>Section 9.0</td>
<td>Enforcement</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
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<td>Section 10.0</td>
<td>Incorporation by Reference</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
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<tr>
<td>Section 11.0</td>
<td>Document Availability</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
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<tr>
<td>Section 12.0</td>
<td>Severability</td>
<td>12/11/13</td>
<td>10/14/15, 80 FR 61752.</td>
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**1141 Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products**

<table>
<thead>
<tr>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
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<tr>
<td><strong>Architectural and Industrial Maintenance Coatings.</strong></td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
<td></td>
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<tr>
<td><strong>Consumer Products</strong></td>
<td>4/11/09</td>
<td>10/20/10, 75 FR 64673.</td>
<td></td>
</tr>
<tr>
<td><strong>Portable Fuel Containers</strong></td>
<td>4/11/10</td>
<td>12/14/10, 75 FR 77758.</td>
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<tr>
<td><strong>Adhesives &amp; Sealants</strong></td>
<td>4/11/09</td>
<td>12/22/11, 76 FR 79537.</td>
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</tr>
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Addition of VOC limits for adhesive and sealant products, including 25 adhesives, 4 adhesive primers, 5 sealants, and 3 sealant primers.

**1142 Specific Emission Control Requirements**

| Section 1.0 | Control of NOx Emissions from Industrial Boilers. | 9/11/08 | 8/11/10, 75 FR 48566. |
### Table 1: EPA-Approved Regulations and Statutes in the Delaware SIP—Continued

<table>
<thead>
<tr>
<th>State regulation (7 DNREC 1100)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
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<tr>
<td>Section 2.0</td>
<td>Control of NO(_x) Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries.</td>
<td>4/11/11</td>
<td>5/15/12, 77 FR 28489</td>
<td>Addition of a NO(_x) emissions cap compliance alternative for the Delaware City Refinery.</td>
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</table>

#### Regulation 1144 Control of Stationary Generator Emissions

<table>
<thead>
<tr>
<th>Section 1.0</th>
<th>General</th>
<th>9/11/08</th>
<th>8/11/10, 75 FR 48566.</th>
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<tbody>
<tr>
<td>Section 2.0</td>
<td>Definitions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<td>Section 3.0</td>
<td>Emissions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 4.0</td>
<td>Operating Requirements</td>
<td>1/11/06</td>
<td>4/29/08 73 FR 23101.</td>
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<td>Section 5.0</td>
<td>Fuel Requirements</td>
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<tr>
<td>Section 6.0</td>
<td>Record Keeping and Reporting</td>
<td>1/11/06</td>
<td>4/29/08 73 FR 23101.</td>
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<tr>
<td>Section 7.0</td>
<td>Emissions Certification, Compliance, and Enforcement</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<tr>
<td>Section 8.0</td>
<td>Credit for Concurrent Emissions Reduction</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<tr>
<td>Section 9.0</td>
<td>DVFA Member Companies</td>
<td>1/11/06</td>
<td>4/29/08 73 FR 23101.</td>
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</table>

#### Regulation 1145 Excessive Idling of Heavy Duty Vehicles

<table>
<thead>
<tr>
<th>Section 1.0</th>
<th>Applicability</th>
<th>9/11/08</th>
<th>8/11/10, 75 FR 48566.</th>
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<tr>
<td>Section 2.0</td>
<td>Definitions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<td>Section 3.0</td>
<td>Severability</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 4.0</td>
<td>Operational Requirements for Heavy Duty Motor Vehicles</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 5.0</td>
<td>Exemptions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 6.0</td>
<td>Enforcement and Penalty</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
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</table>

#### Regulation 1146 Electric Generating Unit (EGU) Multi-Pollutant Regulation

<table>
<thead>
<tr>
<th>Section 1.0</th>
<th>Preamble</th>
<th>9/11/08</th>
<th>8/11/10, 75 FR 48566.</th>
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<tbody>
<tr>
<td>Section 2.0</td>
<td>Applicability</td>
<td>12/11/06</td>
<td>8/28/08 73 FR 50723</td>
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<td>Definitions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<td>Section 4.0</td>
<td>NO(_x) Emissions Limitations</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<td>Section 5.0</td>
<td>SO(_2) Emissions Limitations</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
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<td>Section 7.0</td>
<td>Recordkeeping and Reporting</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<td>Compliance Plan</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
<tr>
<td>Section 9.0</td>
<td>Penalties</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<table>
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<tr>
<th>Table 4–1 (Formerly Table I)</th>
<th>Annual NO(_x) Mass Emissions Limits</th>
<th>9/11/08</th>
<th>8/11/10, 75 FR 48566.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 5–1 (Formerly Table II)</td>
<td>Annual SO(_2) Mass Emissions Limits</td>
<td>9/11/08</td>
<td>10/19/09 75 FR 12449</td>
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#### Regulation 1148 Control of Stationary Combustion Turbine Electric Generating Unit Emissions

<table>
<thead>
<tr>
<th>Section 1.0</th>
<th>Purpose</th>
<th>7/11/07</th>
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<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
</tr>
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<td>Section 3.0</td>
<td>Definitions</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<td>Section 4.0</td>
<td>NO(_x) Emissions Limitations</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<td>SO(_2) Emissions Limitations</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<td>Section 6.0</td>
<td>Monitoring and Reporting</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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<td>Penalties</td>
<td>9/11/08</td>
<td>8/11/10, 75 FR 48566.</td>
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Modified emissions limit for Conectiv Edge Moor Unit 5.
### EPA-Approved Regulations and Statutes in the Delaware SIP—Continued

<table>
<thead>
<tr>
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<th>EPA approval date</th>
<th>Additional explanation</th>
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<tr>
<td><strong>Chapter 58</strong></td>
<td>Laws Regulating the Conduct of Officers and Employees of the State</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Subpart I</strong></td>
<td>State Employees’, Officers’ and Officials’ Code of Conduct</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 5804</td>
<td>Definitions</td>
<td>12/4/12</td>
<td>4/17/13, 78 FR 22785</td>
<td>Paragraphs (a), (b), (c), (f), (g), (h).</td>
</tr>
<tr>
<td>Section 5805</td>
<td>Prohibitions relating to conflicts of interest</td>
<td>12/4/12</td>
<td>4/17/13, 78 FR 22785</td>
<td>Paragraphs (c) and (d).</td>
</tr>
<tr>
<td>Section 5806</td>
<td>Code of conduct</td>
<td>12/4/12</td>
<td>4/17/13, 78 FR 22785</td>
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<tr>
<td><strong>Subpart II</strong></td>
<td>Financial disclosure</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Section 5812</td>
<td>Definitions</td>
<td>12/4/12</td>
<td>4/17/13, 78 FR 22785</td>
<td></td>
</tr>
<tr>
<td>Section 5813</td>
<td>Report disclosing financial information</td>
<td>12/4/12</td>
<td>4/17/13, 78 FR 22785</td>
<td>Paragraphs (a), (b), (c) and (d).</td>
</tr>
<tr>
<td>Section 5813A</td>
<td>Report disclosing council and board membership</td>
<td>12/4/12</td>
<td>4/17/13, 78 FR 22785</td>
<td>Paragraphs (a), and (b).</td>
</tr>
<tr>
<td>Section 5815</td>
<td>Violations; penalties; jurisdiction of Superior Court</td>
<td>12/4/12</td>
<td>4/17/13, 78 FR 22785</td>
<td></td>
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</tbody>
</table>

(d) **EPA-approved State source-specific requirements.**

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit No.</th>
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<th>EPA approval date</th>
<th>Additional explanation</th>
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<tr>
<td>Getty Oil Co.</td>
<td>75–A–4</td>
<td>8/5/75</td>
<td>3/7/79, 44 FR 12423</td>
<td>52.420(c)(11).</td>
</tr>
<tr>
<td>Phoenix Steel Co.—Electric Arc Furnaces Charging &amp; Tapping #2</td>
<td>77–A–6</td>
<td>12/2/77</td>
<td>7/30/79, 44 FR 25223</td>
<td>52.420(c)(12).</td>
</tr>
<tr>
<td>Delmarva Power &amp; Light—Indian River</td>
<td>89–A–7/APC 89/197</td>
<td>2/16/89</td>
<td>1/22/90, 55 FR 2067</td>
<td>52.420(c)(38).</td>
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<tr>
<td>SPI Polyols, Inc.</td>
<td>Secretary’s Order No. 2000–A–0033</td>
<td>7/11/00</td>
<td>6/14/01, 66 FR 32231</td>
<td>Polyhydrate Alcohol’s Catalytic Regenerative Process—Approved NO(_X) RACT Determination.</td>
</tr>
<tr>
<td>Citisteel</td>
<td>Secretary’s Order No. 2000–A–0033</td>
<td>7/11/00</td>
<td>6/14/01, 66 FR 32231</td>
<td>Electric Arc Furnace—Approved NO(_X) RACT Determination.</td>
</tr>
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<td>General Chemical Corp</td>
<td>Secretary’s Order No. 2000–A–0033</td>
<td>7/11/00</td>
<td>6/14/01, 66 FR 32231</td>
<td>(1) Sulfuric Acid Process &amp; Interstage Absorption System. (2) Metallic Nitrite Process—Approved NO(_X) RACT Determinations.</td>
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</tbody>
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(e) **EPA-approved non-regulatory and quasi-regulatory material.**

<table>
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<tr>
<th>Name of non-regulatory SIP revision</th>
<th>Applicable geographic area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commitment to adopt a clean fuel fleet program.</td>
<td>Philadelphia-Wilmington-Trenton Ozone Nonattainment Area.</td>
<td>2/26/93</td>
<td>9/29/93, 58 FR 50846</td>
<td>52.422(b).</td>
</tr>
<tr>
<td>1990 Base Year Emissions Inventory.</td>
<td>Philadelphia-Wilmington-Trenton Ozone Nonattainment Area.</td>
<td>5/27/94</td>
<td>1/24/96, 61 FR 1838</td>
<td>52.423, VOC, CO, NO(_X).</td>
</tr>
<tr>
<td>15% Rate of Progress Plan.</td>
<td>Philadelphia-Wilmington-Trenton Ozone Nonattainment Area.</td>
<td>2/17/95</td>
<td>10/12/99, 64 FR 55139</td>
<td>52.426(a).</td>
</tr>
<tr>
<td>Ozone Attainment Plan Demonstration &amp; enforceable commitments.</td>
<td>Philadelphia-Wilmington-Trenton Ozone Nonattainment Area.</td>
<td>5/22/98, 10/8/98, 1/24/00, 12/20/00, 10/9/01, 10/29/01, 9/2/03</td>
<td>12/5/03, 68 FR 67948</td>
<td>52.426(c).</td>
</tr>
<tr>
<td>Name of non-regulatory SIP revision</td>
<td>Applicable geographic area</td>
<td>State submittal date</td>
<td>EPA approval date</td>
<td>Additional explanation</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---------------------------</td>
<td>---------------------</td>
<td>------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Mobile budgets</td>
<td>Kent &amp; New Castle Counties</td>
<td>1/5/98 (rec'd); 5/28/98 (rec'd); 2/300, 12/20/00.</td>
<td>10/29/01, 66 FR 54598</td>
<td>52.428(d), (e).</td>
</tr>
<tr>
<td>Small Business stationary source technical and environmental compliance assistance program.</td>
<td>Statewide</td>
<td>5/16/95</td>
<td>9/11/95, 60 FR 47081</td>
<td>52.460.</td>
</tr>
<tr>
<td>Commitment to establish an ambient air quality monitoring network.</td>
<td>Statewide</td>
<td>3/19/80</td>
<td>4/26/90, 55 FR 9555</td>
<td>52.465(c)(15).</td>
</tr>
<tr>
<td>Commitment to use available grants and funds to provide for basic transportation needs.</td>
<td>Statewide</td>
<td>8/7/78</td>
<td>9/29/81, 46 FR 47544</td>
<td>52.465(c)(22).</td>
</tr>
<tr>
<td>Executive order pertaining to financial disclosures by State officials [CAA Section 128].</td>
<td>Delaware (Statewide)</td>
<td>10/2/06</td>
<td>7/23/08, 73 FR 42681</td>
<td>52.465(c)(24).</td>
</tr>
<tr>
<td>Lead (Pb) SIP</td>
<td>Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area.</td>
<td>6/13/03</td>
<td>4/8/10, 75 FR 17863.</td>
<td></td>
</tr>
<tr>
<td>Procedures to notify EPA of PSD sources locating within 100 km of a Class I PSD area.</td>
<td>Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area.</td>
<td>6/13/03</td>
<td>4/8/10, 75 FR 17863.</td>
<td></td>
</tr>
<tr>
<td>RACT under the 8-Hour NAAQS. Reasonable Further Progress Plan (RPP), Reasonably Available Control Measures, and Contingency Measures.</td>
<td>Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area.</td>
<td>6/13/07</td>
<td>4/8/10, 75 FR 17863.</td>
<td></td>
</tr>
<tr>
<td>2002 Base Year Inventory for VOC, NOx, and CO.</td>
<td>Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area.</td>
<td>6/13/07</td>
<td>4/8/10, 75 FR 17863.</td>
<td></td>
</tr>
<tr>
<td>Regional Haze Plan</td>
<td>Statewide</td>
<td>9/25/08</td>
<td>7/19/11, 76 FR 42549.</td>
<td></td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.</td>
<td>Statewide</td>
<td>12/13/07</td>
<td>8/4/11, 76 FR 47068</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(k), (E), (F), (G), (H), L, (L), and (M) or portions thereof.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9/16/09</td>
<td>11/16/12, 77 FR 66543</td>
<td>This action addresses the following CAA elements: 110(a)(2)(D)(i)(I) or portions thereof.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4/1/10</td>
<td>8/4/11, 76 FR 47068</td>
<td>This action addresses the following CAA elements: 110(a)(2)(I)(II) or portions thereof.</td>
</tr>
<tr>
<td>Name of non-regulatory SIP revision</td>
<td>Applicable geographic area</td>
<td>State submittal date</td>
<td>EPA approval date</td>
<td>Additional explanation</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-----------------------------</td>
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<td>-----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Statewide</td>
<td>12/13/07, 3/12/08, 9/16/09, 3/14/12</td>
<td>11/6/12, 77 FR 66543</td>
<td>This action addresses the following CAA elements: 110(a)(2)(D)(i)(II) or portions thereof.</td>
<td></td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2006 PM$_{2.5}$ NAAQS.</td>
<td>Statewide</td>
<td>9/16/09, 3/10/10</td>
<td>8/4/11, 76 FR 47068</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), (E), (F), (G), (H), (J), (K), (L), and (M) or portions thereof.</td>
</tr>
<tr>
<td>Infrastructure element 110(a)(2)(D)(ii) related to interstate transport.</td>
<td>Statewide</td>
<td>9/16/09; 4/27/11</td>
<td>8/29/11, 76 FR 53638.</td>
<td>This action addresses the following CAA elements: 110(a)(2)(D)(ii) or portions thereof.</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2008 Lead NAAQS.</td>
<td>Statewide</td>
<td>10/17/11</td>
<td>9/10/12, 77 FR 55420</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M) or portions thereof.</td>
</tr>
<tr>
<td>Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard and its Associated Motor Vehicle Emissions Budgets.</td>
<td>Delaware-Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area.</td>
<td>06/13/07</td>
<td>10/05/12, 77 FR 60914.</td>
<td></td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2010 NO$_x$ NAAQS.</td>
<td>Statewide</td>
<td>3/27/13</td>
<td>10/25/13, 78 FR 63877</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). See §52.427(c).</td>
</tr>
</tbody>
</table>
| Section 110(a)(2) Infrastructure Requirements for the 2010 SO$_2$ NAAQS. | Statewide | 5/29/13 | 1/22/14, 79 FR 3506. | This rulemaking action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(ii)(I), (D)(ii)(II), (E), (F), (G), (H), (J), (K), (L), and (M).
Environmental Protection Agency
§ 52.421

<table>
<thead>
<tr>
<th>Name of non-regulatory SIP revision</th>
<th>Applicable geographic area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS.</td>
<td>Statewide ....................</td>
<td>3/27/13 ............</td>
<td>4/3/14, 79 FR 18644</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
</tr>
<tr>
<td>2011 Base Year Inventories for the 2008 8-Hour Ozone National Ambient Air Quality Standard.</td>
<td>New Castle and Sussex Counties.</td>
<td>April 23, 2015 ....</td>
<td>October 1, 2015, 80 FR 59052.</td>
<td>§52.423(e).</td>
</tr>
</tbody>
</table>

[83 FR 67410, Dec. 7, 1998]

EDITORIAL NOTE: For Federal Register citations affecting §52.420, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.421 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan Philadelphia Interstate ........................................</td>
<td>I</td>
<td>I</td>
<td>III</td>
<td>I</td>
<td>I</td>
</tr>
<tr>
<td>Southern Delaware Intrastate ..................................................</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>
§ 52.422 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Delaware'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) Letter of February 26, 1993, from the Delaware Department of Natural Resources and Environmental Control transmitting a commitment to adopt either the Federal clean fuel fleet program or an alternative substitute program by May 15, 1994.

§ 52.423 Base year emissions inventory.

EPA approves as a revision to the Delaware State Implementation Plan the 1990 base year emission inventories for the Delaware ozone nonattainment areas submitted by the Secretary of the Department of Natural Resources and Environmental Control on May 27, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NOx).

(a) [Reserved]

(b) EPA approves as a revision to the Delaware State Implementation Plan the 2002 base year emissions inventory for the Delaware portion of the Philadelphia-Wilmington, PA–NJ–DE 2006 24-hour fine particulate matter (PM2.5) nonattainment area submitted by the Delaware Department of Natural Resources and Environmental Control on December 12, 2012. The 2007 year emissions inventory includes emissions estimates that cover the general source categories of point sources, non-road mobile sources, area sources, on-road mobile sources, and biogenic sources for New Castle County, Delaware. The pollutants that comprise the inventory are nitrogen oxides (NOx), volatile organic compounds (VOCs), PM2.5, ammonia (NH3), and sulfur dioxide (SO2).

(e) EPA approves as a revision to the Delaware State Implementation Plan the comprehensive emissions inventory for the Delaware portion of the Philadelphia-Wilmington, PA–NJ–DE 2006 24-hour fine particulate matter (PM2.5) nonattainment area submitted by the Delaware Department of Natural Resources and Environmental Control on April 3, 2008. The 2002 base year emissions inventory includes emissions estimates that cover the general source categories of point sources, non-road mobile sources, area sources, on-road mobile sources, and biogenic sources. The pollutants that comprise the inventory are nitrogen oxides (NOx), volatile organic compounds (VOCs), PM2.5, ammonia (NH3), and sulfur dioxide (SO2).
volatile organic compounds (VOC), and carbon monoxide (CO).


§ 52.424 Conditional approval.

(a)–(d) [Reserved]


§ 52.425 Determinations of attainment.

(a) Based upon EPA's review of the air quality data for the 3-year period 2008 to 2010, EPA determined that Philadelphia-Wilmington-Atlantic City, PA-NJ-MD--DE 8-hour ozone moderate nonattainment area (the Philadelphia Area) attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of June 15, 2011. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. EPA also determined that the Philadelphia Area nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

(b)(1) EPA approves Delaware's contingency plans for failure to meet ROP in the Delaware portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area, namely Kent and New Castle Counties, submitted by the Secretary of Delaware Department of Natural Resources and Environmental Control on February 17, 1995.

(b)(2) EPA approves revisions to the Delaware State Implementation Plan consisting of the Post 1996 ROP plans for milestone years 1999, 2002, and 2005 for the Delaware portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area, namely Kent and New Castle Counties. These revisions were submitted by the Secretary of Delaware Department of Natural Resources and Environmental Control on December 29, 1997, and revised on June 17, 1999, February 3, 2000, and December 20, 2000.

§ 52.426 Control strategy plans for attainment and rate-of-progress: ozone.

(a) EPA fully approves, as a revision to the Delaware State Implementation Plan, the 15 Percent Rate of Progress Plan for the Delaware portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area, that includes the counties of Kent and New Castle, submitted by the Secretary of Delaware Department of Natural Resources and Environmental Control on February 17, 1995.


(b)(2) EPA approves Delaware's contingency plans for failure to meet ROP in the Delaware portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area, namely Kent and New Castle Counties, for milestone years 1999, 2002 and 2005. These revisions were submitted by the Secretary of Delaware Department of Natural Resources and Environmental Control on December 29, 1997, and revised on June 17, 1999, February 3, 2000, and December 20, 2000.
§ 52.426 40 CFR Ch. I (7–1–16 Edition)

(c) EPA approves the attainment demonstration SIP for the Philadelphia-Wilmington-Trenton area submitted by the Secretary of the Delaware Department of Natural Resources and Environmental Control on May 22, 1998, and amended October 8, 1998, January 24, 2000, December 20, 2000, and October 9, 2001 including its RACM analysis and determination. EPA is approving the enforceable commitments made to the attainment plan for the Philadelphia-Wilmington-Trenton severe ozone nonattainment area submitted by the Secretary of Delaware Department of Natural Resources and Environmental Control on January 24, 2000 and December 20, 2000. The enforceable commitments are to:

(1) Submit measures by October 31, 2001 for additional emission reductions as required in the attainment demonstration test, and to revise the SIP and motor vehicle emissions budgets by October 31, 2001 if the additional measures affect the motor vehicle emissions inventory.

(2) [Reserved]

(3) Perform a mid-course review by December 31, 2003.

(d) EPA is approving the following mobile budgets, explicitly quantified as sub-budgets for each of Kent and New Castle Counties, of the Post 1996 ROP Plans and the 1-Hour Ozone Attainment Demonstration Plan:

<table>
<thead>
<tr>
<th>Type of control strategy SIP</th>
<th>Year</th>
<th>Kent County VOC</th>
<th>Kent County NOx</th>
<th>New Castle County VOC</th>
<th>New Castle County NOx</th>
<th>Effective date of adequacy determination or SIP approval</th>
</tr>
</thead>
</table>

(e) EPA approves Delaware’s revised 2005 VOC and NOx motor vehicle emissions budgets for the 1-hour ozone attainment plan for the Delaware portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area as a SIP revision. The revisions were submitted by the Delaware Department of Natural Resources and Environmental Control on September 2, 2003. Submittal of these revised MOBILE6-based motor vehicle emissions budgets was a requirement of EPA’s approval of the attainment demonstration under paragraph (c) of this section.

(f) Based upon EPA’s review of the air quality data for the 3-year period 2003 to 2005, EPA has determined that the Philadelphia-Wilmington-Trenton severe 1-hour ozone nonattainment area is not subject to the imposition of the section 185 penalty fees.

(g) EPA approves revisions to the Delaware State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably available control measures, and contingency measures for the Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Department of Natural Resources and Environmental Control on June 13, 2007.

(h) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Department of Natural Resources and Environmental Control on June 13, 2007:
TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE DELAWARE PORTION OF THE PHILADELPHIA AREA FOR THE 2008 RATE OF PROGRESS PLAN

<table>
<thead>
<tr>
<th>County</th>
<th>2008 Emissions (tons per day)</th>
<th>Effective date of adequacy determination or SIP approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Castle</td>
<td>10.61</td>
<td>21.35</td>
</tr>
<tr>
<td>Sussex</td>
<td>7.09</td>
<td>12.86</td>
</tr>
<tr>
<td>State Total</td>
<td>21.84</td>
<td>43.89</td>
</tr>
</tbody>
</table>

(i) Determination of attainment. EPA has determined, as of March 26, 2012, that based on 2008 to 2010 ambient air quality data, Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE 8-hour ozone moderate nonattainment area has attained the 1997 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.918, 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 8-hour ozone NAAQS.

§ 52.427 Control strategy: Particulate matter.

(a) Determination of attainment. EPA has determined, as of May 16, 2012, that based on 2007 to 2009 and 2008 to 2010 ambient air quality data, the Philadelphia-Wilmington, PA-NJ-DE nonattainment area has attained the 1997 annual PM2.5 NAAQS. This determination, in accordance with 40 CFR 51.1004(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 PM2.5 NAAQS.

(b) Determination of attainment. EPA has also determined, as of January 7, 2013, that based on 2008 to 2010 and 2009 to 2011 ambient air quality data, the Philadelphia-Wilmington, PA-NJ-DE fine particulate matter (PM2.5) nonattainment area has attained the 2006 24-hour PM2.5 national ambient air quality standards (NAAQS). This determination suspends the requirements for the State of DE to submit, for the Philadelphia-Wilmington, PA-NJ-DE PM2.5 nonattainment area, 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 2006 24-hour PM2.5 NAAQS.

(c) EPA approves the attainment plan for the 1997 annual fine particulate matter (PM2.5) national ambient air quality standard (NAAQS) for the Delaware Department of Natural Resources and Environmental Control on April 3, 2008, as amended on April 25, 2012. The attainment plan includes the attainment demonstration and motor vehicle emission budgets in tons per year (tpy) used for transportation conformity purposes for New Castle County, Delaware. The attainment plan also includes an analysis of reasonably available control measures and reasonably available control technology, contingency measures and the 2002 base year emissions inventory. The 2002 base year emissions inventory was approved in a separate rulemaking action on March 4, 2013 (78 FR 10420).

DELAWARE’S MOTOR VEHICLE EMISSION BUDGETS FOR THE 1997 ANNUAL PM2.5 NAAQS

<table>
<thead>
<tr>
<th>Type of control strategy SIP</th>
<th>Year</th>
<th>VOC</th>
<th>NOx</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attainment Plan (Milestone Year)</td>
<td>2009</td>
<td>257</td>
<td>8,448</td>
</tr>
<tr>
<td>Attainment Plan (Out Year)</td>
<td>2012</td>
<td>199</td>
<td>6,273</td>
</tr>
</tbody>
</table>

(d) EPA approves the maintenance plan for the Delaware portion of the Philadelphia-Wilmington, PA-NJ-DE PM2.5 Nonattainment Area (New Castle County) for the 1997 annual fine particulate matter (PM2.5) national ambient air quality standard (NAAQS) submitted by the Secretary of the Delaware Department of Natural Resources.
and Environmental Control on December 12, 2012. The maintenance plans include motor vehicle emission budgets in tons per year (tpy) used for transportation conformity purposes for New Castle County, Delaware.

**NEW CASTLE COUNTY MOTOR VEHICLE EMISSIONS BUDGETS FOR THE 1997 ANNUAL PM$_{2.5}$ NAAQS (tpy)**

<table>
<thead>
<tr>
<th>Type of control strategy SIP</th>
<th>Year</th>
<th>NO$_x$</th>
<th>PM$_{2.5}$</th>
<th>Effective date of SIP approval</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2025 Final Budget</td>
<td>6,273</td>
<td>199</td>
<td></td>
</tr>
</tbody>
</table>

(e) EPA approves the maintenance plan for the Delaware portion of the Philadelphia-Wilmington, PA-NJ-DE PM$_{2.5}$ Nonattainment Area (New Castle County) for the 2006 24-hour fine particulate matter (PM$_{2.5}$) national ambient air quality standard (NAAQS) submitted by the Secretary of the Delaware Department of Natural Resources and Environmental Control on December 12, 2012. The maintenance plans include motor vehicle emission budgets in tons per year (tpy) used for transportation conformity purposes for New Castle County, Delaware.

**NEW CASTLE COUNTY MOTOR VEHICLE EMISSIONS BUDGETS FOR THE 2006 24-HOUR PM$_{2.5}$ NAAQS (tpy)**

<table>
<thead>
<tr>
<th>Type of control strategy SIP</th>
<th>Year</th>
<th>NO$_x$</th>
<th>PM$_{2.5}$</th>
<th>Effective date of SIP approval</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2025 Final Budget</td>
<td>6,273</td>
<td>199</td>
<td></td>
</tr>
</tbody>
</table>

§§ 52.428–52.429 [Reserved]

§ 52.430 Photochemical Assessment Monitoring Stations (PAMS) Program.

On March 24, 1994 the Delaware Department of Natural Resources & Environmental Control submitted a plan for the establishment and implementation of a Photochemical Assessment Monitoring Stations (PAMS) Program as a state implementation plan (SIP) revision, as required by section 182(c)(1) of the Clean Air Act. EPA approved the Photochemical Assessment Monitoring Stations (PAMS) Program on September 11, 1995 and made it part of the Delaware SIP. As with all components of the SIP, Delaware must implement the program as submitted and approved by EPA.

(60 FR 47084, Sept. 11, 1995)

§ 52.431 [Reserved]

§ 52.432 Significant deterioration of air quality.

(a) [Reserved]

(b) Regulation for preventing significant deterioration of air quality. The provisions of 52.21(p) are hereby incorporated and made a part of the applicable State plan for the State of Delaware.

(c) All applications submitted as of that date and supporting information required pursuant to § 52.21 from sources located in the State of Delaware shall be submitted to: Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Division of Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19901.

(78 FR 33984, June 6, 2013)
§ 52.440 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 located within the State of Delaware and for which requirements are set forth under the Federal CAIR NO\textsubscript{X} Annual Trading Program in subparts AA through II of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Delaware State Implementation Plan (SIP) as meeting the requirements of CAIR for PM\textsubscript{2.5} relating to NO\textsubscript{X} under §51.123 of this chapter, except to the extent the Administrator’s approval is partial or conditional or unless such approval is under §51.123(ee) of this chapter.

(2) Notwithstanding any provisions of paragraph (b)(1) of this section, if, at the time of such approval of the State’s SIP, the Administrator has already allocated CAIR NO\textsubscript{X} Ozone Season allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO\textsubscript{X} Ozone Season allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO\textsubscript{X} Ozone Season allowances for those years.

(b)(1) The owner and operator of each NO\textsubscript{X} source located within the State of Delaware and for which requirements are set forth under the Federal CAIR NO\textsubscript{X} Ozone Season Trading Program in subparts AAAA through IIII of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Delaware State Implementation Plan (SIP) as meeting the requirements of CAIR for ozone relating to NO\textsubscript{X} under §51.123 of this chapter, except to the extent the Administrator’s approval is partial or conditional or unless such approval is under §51.123(p) of this chapter.

(2) Notwithstanding any provisions of paragraph (b)(1) of this section and subparts AA through II and AAAA through IIII of part 97 of this chapter to the contrary:

(i) With regard to any control period that begins after December 31, 2014, the Administrator will not deduct for excess emissions any CAIR NO\textsubscript{X} allowances or CAIR NO\textsubscript{X} Ozone Season allowances allocated for 2015 or any year thereafter;

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AA through II and AAAA through IIII of part 97 of this chapter; and

(3) By March 3, 2015, the Administrator will remove from the CAIR NO\textsubscript{X} Allowance Tracking System accounts all CAIR NO\textsubscript{X} allowances allocated for a control period in 2015 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO\textsubscript{X} allowances will be required with regard to such control periods; and

(4) By March 3, 2015, the Administrator will remove from the CAIR NO\textsubscript{X} Ozone Season Allowance Tracking System accounts all CAIR NO\textsubscript{X} Ozone Season allowances allocated for a control period in 2015 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO\textsubscript{X} Ozone Season allowances will be required with regard
§ 52.441 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each SO$_2$ source located within the State of Delaware and for which requirements are set forth under the Federal CAIR SO$_2$ Trading Program in subparts AAA through III of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Delaware State Implementation Plan as meeting the requirements of CAIR for PM$_2.5$ relating to SO$_2$ under §51.124 of this chapter, except to the extent the Administrator’s approval is partial or conditional or unless such approval is under §51.124(r) of this chapter.

(b) Notwithstanding any provisions of paragraph (a) of this section and subparts AAA through III of part 97 of this chapter and any State’s SIP to the contrary:

(1) With regard to any control period that begins after December 31, 2014,

(i) The provisions of paragraph (a) of this section relating to SO$_2$ emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AAA through III of part 97 of this chapter; and

(2) The Administrator will not deduct for excess emissions any CAIR SO$_2$ allowances allocated for 2015 or any year thereafter.


§ 52.460 Small business stationary source technical and environmental compliance assistance program.

(a) On January 11, 1993, the Director of the Delaware Department of Natural Resources and Environmental Control submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program as a State Implementation Plan revision, as required by title V of the Clean Air Act. EPA approved the Small Business Stationary Source Technical and Environmental Compliance Assistance Program on May 17, 1994, and made it a part of the Delaware SIP. As with all components of the SIP, Delaware must implement the program as submitted and approved by EPA.

[59 FR 25572, May 17, 1994]

§ 52.465 Original identification of plan section.

(a) This section identifies the original “Air Implementation Plan for the State of Delaware” and all revisions submitted by Delaware that were federally approved prior to July 1, 1998. The information in this section is available in the 40 CFR, part 52 edition revised as of July 1, 1999, the 40 CFR, part 52, Volume 1 of 2 (§§ 52.01 to 52.1018) editions revised as of July 1, 2000 through July 1, 2011, and the 40 CFR, part 52, Volume 1 of 3 (§§ 52.01 to 52.1018) editions revised as of July 1, 2012.

(b) [Reserved]

[78 FR 33984, June 6, 2013]

Subpart J—District of Columbia

§ 52.470 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for the District of Columbia under section 110 of the Clean Air Act (42 U.S.C. 7401) and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference.

(1) Material listed as incorporated by reference in paragraphs (c) and (d) 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. The material incorporated is 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 on or
Environmental Protection Agency § 52.470

after December 1, 2010 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region III certifies that the rules/regulations provided by EPA 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 December 1, 2010.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region III Office at 1600 Arch Street, Philadelphia, PA 19103.

For further information, call (215) 814–2108; the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460. For further information, call (202) 566–1742; 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.

(c) EPA-approved regulations.

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>District of Columbia Municipal Regulations (DCMR), Title 20—Environment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chapter 1 General</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 100 ...... Purpose, Scope and Construction</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
<td>Paragraph 100.4 is revised.</td>
<td></td>
</tr>
<tr>
<td>Section 101 ...... Inspection</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 102 ...... Orders for Compliance</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 104 ...... Hearings</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 105 ...... Penalty</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 106 ...... Confidentiality of Reports</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 107 ...... Control Devices or Practices</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 199 ...... Definitions and Abbreviations</td>
<td>03/08/15</td>
<td>02/22/16, 81 FR 8656</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 8–2: 702 .. Definitions; Definition of “stack” .</td>
<td>7/7/72</td>
<td>9/22/72, 37 FR 19806.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 8–2: 724 ... Variances .</td>
<td>7/7/72</td>
<td>9/22/72, 37 FR 19806.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chapter 2 General and Non-attainment Area Permits</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 200 ...... General Permit Requirements</td>
<td>11/16/12</td>
<td>3/19/2015, 80 FR 14310.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 201 ...... General Requirements for Permit Issuance.</td>
<td>4/29/97</td>
<td>7/31/97, 62 FR 40937.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 202 ...... Modification, Revocation and Termination of Permits.</td>
<td>4/29/97</td>
<td>7/31/97, 62 FR 40937.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 204 ...... Permit Requirements for Sources Affecting Non-attainment Areas.</td>
<td>11/16/12</td>
<td>3/19/2015, 80 FR 14310.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 208 ...... Plantwide Applicability Limit (PAL) Permits for Major Sources.</td>
<td>11/16/12</td>
<td>3/19/2015, 80 FR 14310.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 210 ...... Notice and Comment Prior to Permit Issuance.</td>
<td>11/16/12</td>
<td>3/19/2015, 80 FR 14310.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 299 ...... Definitions and Abbreviations .</td>
<td>11/16/12</td>
<td>3/19/2015, 80 FR 14310.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 8–2:720(c) Permits to Construct or Modify; Permits to Operate.</td>
<td>7/7/72</td>
<td>9/22/72, 37 FR 19806.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chapter 3 Operating Permits</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 307 ...... Enforcement for Severe Ozone Nonattainment Areas.</td>
<td>4/16/04</td>
<td>12/28/04, 69 FR 77639</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

607
### EPA-APPROVED REGULATIONS AND STATUTES IN THE DISTRICT OF COLUMBIA SIP—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 400</td>
<td>Air Pollution Reporting Index</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Section 401</td>
<td>Emergency Procedures</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Section 499</td>
<td>Definitions and Abbreviations</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Chapter 5</td>
<td>Source Monitoring and Testing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sections 500.1 through 502.15</td>
<td>Sampling, Tests and Measurements</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Sections 500.4, 500.5</td>
<td>Records and Reports</td>
<td>9/30/93</td>
<td>12/26/93, 60 FR 5134.</td>
<td></td>
</tr>
<tr>
<td>Section 500.6</td>
<td>Records and Reports</td>
<td>9/30/93</td>
<td>10/27/99, 64 FR 57777.</td>
<td></td>
</tr>
<tr>
<td>Section 500.7</td>
<td>Records and Reports—Emission Statements</td>
<td>9/30/93</td>
<td>5/26/95, 60 FR 27944.</td>
<td></td>
</tr>
<tr>
<td>Section 501</td>
<td>Monitoring Devices</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td>Exceptions: Paragraphs 502.12 and 502.14 are not part of the SIP.</td>
</tr>
<tr>
<td>Sections 502.1 through 502.15</td>
<td>Sampling, Tests and Measurements</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Section 502.18</td>
<td>Sampling, Tests and Measurements</td>
<td>12/8/00</td>
<td>5/9/01, 66 FR 23614.</td>
<td></td>
</tr>
<tr>
<td>Section 599</td>
<td>Definitions and Abbreviations</td>
<td>9/30/93</td>
<td>10/27/99, 64 FR 57777.</td>
<td></td>
</tr>
<tr>
<td>Chapter 6</td>
<td>Particulates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 600</td>
<td>Fuel-Burning Particulate Emissions</td>
<td>4/16/04</td>
<td>12/28/04, 69 FR 77645</td>
<td>Revision to paragraph 600.1.</td>
</tr>
<tr>
<td>Section 601</td>
<td>Rotary Cup Burners</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Section 602</td>
<td>Incinerators</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Section 603</td>
<td>Particulate Process Emissions</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Section 604</td>
<td>Open Burning</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Section 605</td>
<td>Control of Fugitive Dust</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Section 606</td>
<td>Visible Emissions</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Section 699</td>
<td>Definitions and Abbreviations</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td></td>
</tr>
<tr>
<td>Chapter 7</td>
<td>Volatile Organic Compounds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 700</td>
<td>Miscellaneous Volatile Organic Compounds</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
<td>Title changed.</td>
</tr>
<tr>
<td>Section 703.2, 703.3</td>
<td>Terminal Vapor Recovery—Gasoline or Volatile Organic Compound</td>
<td>3/15/85</td>
<td>10/27/99, 64 FR 57777.</td>
<td></td>
</tr>
<tr>
<td>Section 703.1, 703.4 through 703.7</td>
<td>Terminal Vapor Recovery—Gasoline or Volatile Organic Compound</td>
<td>9/30/93</td>
<td>10/27/99, 64 FR 57777.</td>
<td></td>
</tr>
<tr>
<td>Section 704</td>
<td>Stage I Vapor Recovery</td>
<td>3/15/85</td>
<td>10/27/99, 64 FR 57777.</td>
<td></td>
</tr>
<tr>
<td>Section 705.1 through 705.3</td>
<td>Stage II Vapor Recovery</td>
<td>3/15/85</td>
<td>10/27/99, 64 FR 57777.</td>
<td></td>
</tr>
<tr>
<td>Section 705.4 through 705.14</td>
<td>Stage II Vapor Recovery</td>
<td>3/15/85</td>
<td>10/27/99, 64 FR 57777.</td>
<td></td>
</tr>
<tr>
<td>Section 710</td>
<td>Intaglio, Flexographic, and Rotogravure Printing</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td></td>
</tr>
<tr>
<td>Section 714</td>
<td>Control Techniques Guidelines</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
<td>Section Added.</td>
</tr>
<tr>
<td>Section 715</td>
<td>Major Source and Case-By-Case Reasonably Available Control Technology (RACT)</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>State citation</td>
<td>Title/subject</td>
<td>State effective date</td>
<td>EPA approval date</td>
<td>Additional explanation</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------</td>
<td>----------------------</td>
<td>-------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Section 716</td>
<td>Offset Lithography and Letterpress Printing.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 718</td>
<td>Mobile Equipment Repair and Refinishing.</td>
<td>11/26/04</td>
<td>12/23/05, 69 FR 76855.</td>
<td></td>
</tr>
<tr>
<td>Section 719</td>
<td>Consumer Products—General Requirements.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td></td>
</tr>
<tr>
<td>Section 720</td>
<td>Consumer Products—VOC Standards.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td></td>
</tr>
<tr>
<td>Section 721</td>
<td>Consumer Products—Exemptions from VOC Standards.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td></td>
</tr>
<tr>
<td>Section 723</td>
<td>Consumer Products—Products Requiring Dilution.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td></td>
</tr>
<tr>
<td>Section 724</td>
<td>Consumer Products—Ozone Depleting Compounds.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td></td>
</tr>
<tr>
<td>Section 726</td>
<td>Consumer Products—Anti-perspirants Or Deodorants.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td></td>
</tr>
<tr>
<td>Section 727</td>
<td>Consumer Products—Contact Adhesives, Electronic Cleaners, Footwear And Leather Care Products, And General Purpose Degreasers.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 728</td>
<td>Consumer Products—Adhesive Removers, Electrical Cleaners, And Graffiti Removers.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 731</td>
<td>Consumer Products—Floor Wax Strippers.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 732</td>
<td>Consumer Products—Labeling Of Contents.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 733</td>
<td>Consumer Products—Reporting Requirements.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 736</td>
<td>Consumer Products—Innovative Products Exemption.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 737</td>
<td>Consumer Products—Variance Requests.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 743</td>
<td>Adhesives and Sealants—General Requirements.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 744</td>
<td>Adhesives and Sealants—VOC Standards.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 745</td>
<td>Adhesives and Sealants—Exemptions and Exceptions.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 746</td>
<td>Adhesives and Sealants—Administrative Requirements.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 747</td>
<td>Adhesives and Sealants—Compliance Procedures and Test Methods.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 748</td>
<td>Adhesives and Sealants—Container Labeling.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 749</td>
<td>Adhesives and Sealants—Application Methods.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 751</td>
<td>Portable Fuel Containers and Spouts—General Requirements.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 752</td>
<td>Portable Fuel Containers and Spouts—Performance Standards and Test Procedures.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 753</td>
<td>Portable Fuel Containers and Spouts—Exemptions.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992.</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>State citation</td>
<td>Title/subject</td>
<td>State effective date</td>
<td>EPA approval date</td>
<td>Additional explanation</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------</td>
<td>----------------------</td>
<td>-------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Section 754</td>
<td>Portable Fuel Containers and Spouts—Labeling Requirements.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
<td>Title Changed.</td>
</tr>
<tr>
<td>Section 755</td>
<td>Portable Fuel Containers and Spouts—Certification and Compliance Test Procedures.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
<td>Section Added.</td>
</tr>
<tr>
<td>Section 756</td>
<td>Portable Fuel Containers and Spouts—Enforcement.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
<td>Section Added.</td>
</tr>
<tr>
<td>Section 757</td>
<td>Portable Fuel Containers and Spouts—Innovative Product Exemption.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
<td>Section Added.</td>
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<td>Section 758</td>
<td>Portable Fuel Containers and Spouts—Variance.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
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<td>Section 763</td>
<td>Solvent Cleaning—General Requirements.</td>
<td>12/30/11</td>
<td>4/29/13, 78 FR 24992</td>
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<td>Section 764</td>
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<td>12/30/11</td>
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<td>Section 765</td>
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<td>Section 766</td>
<td>Solvent Cleaning—In-Line Vapor Cleaning.</td>
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<td>Section 767</td>
<td>Solvent Cleaning—Airless and Air-Tight Cleaning.</td>
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<td>Solvent Cleaning—Record-keeping and Monitoring.</td>
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<td>Miscellaneous Cleaning and VOC Materials Handling Standards.</td>
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<td>Section 773</td>
<td>Architectural and Industrial Maintenance Coating—General Requirements.</td>
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<td>Section 774</td>
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<td>Revised to update the definitions, terms, and the section title. Definitions related to Section 718.</td>
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<td>Section 803</td>
<td>Sulfur Process Emissions</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
<td>Revised paragraphs 805.1(a), 805.1(a)(3) and (4), 805.1(b) and (c), 805.5(b) and (c), 805.6, and 805.7.</td>
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<td>Section 804</td>
<td>Nitrogen Oxide Emissions</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
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<td>Section 805</td>
<td>Reasonably Available Control Technology for Major Stationary Sources of Oxides of Nitrogen.</td>
<td>4/16/04</td>
<td>12/28/04, 69 FR 77645, 69 FR 77647.</td>
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**Chapter 9 Motor Vehicle Pollutants, Lead, Odors, and Nuisance Pollutants**

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<td>Section 904</td>
<td>Oxygenated Fuels</td>
<td>7/25/97</td>
<td>5/9/01, 66 FR 23614</td>
<td>Addition of subsection 904.3 to make the oxygenated gasoline program a CO contingency measure.</td>
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<td>Section 915</td>
<td>National Low Emissions Vehicle Program.</td>
<td>2/11/00</td>
<td>7/20/00, 65 FR 44981.</td>
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**Chapter 10 Air Quality—Non-EGU Limits on Nitrogen Oxides Emissions**

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<td>Applicability</td>
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<td>Section 1001</td>
<td>NOx Emissions Budget and NOx Limit Per Source.</td>
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**Chapter 15 General and Transportation Conformity**

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<td>General Conformity—Purpose</td>
<td>1/8/10</td>
<td>5/28/10, 75 FR 29894</td>
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<td>Section 1501</td>
<td>General Conformity—Requirements.</td>
<td>1/8/10</td>
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<td>Transportation Conformity—Purpose.</td>
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<td>5/28/10, 75 FR 29894</td>
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<td>Transportation Conformity—Inter-agency Consultation Requirements.</td>
<td>1/8/10</td>
<td>5/28/10, 75 FR 29894</td>
<td>New Regulation.</td>
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<td>Section 1505</td>
<td>Transportation Conformity—Conflict Resolution Associated With Conformity Determinations.</td>
<td>1/8/10</td>
<td>5/28/10, 75 FR 29894</td>
<td>New Regulation.</td>
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<td>Section 1506</td>
<td>Transportation Conformity—Public Consultation Procedures.</td>
<td>1/8/10</td>
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<td>Section 1507</td>
<td>Transportation Conformity—Inter-agency Consultation Procedures.</td>
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<td>Section 1508</td>
<td>Transportation Conformity—Procedures for Determining Regional Transportation-Related Emissions.</td>
<td>1/8/10</td>
<td>5/28/10, 75 FR 29894</td>
<td>New Regulation.</td>
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<td>Section 1509</td>
<td>Transportation Conformity—Enforceability of Design Concept and Scope and Project-Level Mitigation and Control Measures.</td>
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<td>5/28/10, 75 FR 29894</td>
<td>New Regulation.</td>
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**Appendices**

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<td>Appendix 1</td>
<td>Emission Limits for Nitrogen Oxide.</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
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<td>Appendix 2</td>
<td>Table of Allowable Particulate Emissions from Process Sources.</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
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<td>Appendix 3</td>
<td>Graphic Arts Sources</td>
<td>3/15/85</td>
<td>8/28/95, 60 FR 44431.</td>
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§ 52.470
EPA-APPROVED REGULATIONS AND STATUTES IN THE DISTRICT OF COLUMBIA SIP—Continued

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<td>Test Methods for Sources of Volatile Organic Compounds</td>
<td>09/30/93</td>
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**District of Columbia Municipal Regulations (DCMR), Title 18—Vehicles and Traffic**

### Chapter 4 Motor Vehicle Title and Registration

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<td>411</td>
<td>Registration of Motor Vehicles</td>
<td>10/10/86</td>
<td>6/11/99, 64 FR 31498</td>
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<td>412</td>
<td>Refusal of Registration</td>
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<td>6/11/99, 64 FR 31498</td>
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<td>429</td>
<td>Enforcement of Registration and Reciprocity Requirements</td>
<td>3/4/83</td>
<td>6/11/99, 64 FR 31498</td>
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### Chapter 6 Inspection of Motor Vehicles

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<td>6/29/74; Recodified 4/1/81</td>
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<td>Vehicle Inspection: Rejected Vehicles</td>
<td>11/23/84</td>
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<td>Lost, Mutilated or Detached Inspection Stickers</td>
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<td>Inspection of Non-Registered Motor Vehicles</td>
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### Chapter 7 Motor Vehicle Equipment

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### Chapter 11 Motor Vehicle Offenses and Penalties

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<td>1104</td>
<td>False Statements, Alterations, Forgery, and Dishonored Checks</td>
<td>11/29/91</td>
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### (d) **EPA-approved State source-specific requirements.**

**EPA-APPROVED DISTRICT OF COLUMBIA SOURCE-SPECIFIC REQUIREMENTS**

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<td>General Services Administration Central Heating and Refrigeration Plant and West Heating Plant.</td>
<td>N/A—it is the operating permit issued to GSA by the District of Columbia on October 17, 1997.</td>
<td>10/17/97</td>
<td>9/30/99 64 FR 52654</td>
<td>The following portions of GSA’s operating permit are not included in the SIP: The portion of Condition 3 referring to Table 1; Table 1; Condition 4; Table 3; and Condition 17.</td>
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### (e) **EPA-approved non-regulatory and quasi-regulatory material.**

**Name of non-regulatory SIP revision**

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<td>Washington, DC carbon monoxide maintenance area.</td>
<td>1/13/94 10/12/95</td>
<td>1/30/96 61 FR 2931</td>
<td>52.474(a) CO.</td>
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<td>4/23/97 62 FR 19676</td>
<td>52.474(b) VOC, NOX, CO.</td>
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<td>Metropolitan Washington ozone nonattainment area.</td>
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<td>7/8/98 63 FR 36854</td>
<td>52.474(c) VOC, NOX.</td>
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<td>Metropolitan Washington Ozone Nonattainment Area.</td>
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<td>08/05/99 64 FR 42600</td>
<td>52.476(a).</td>
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<td>Metropolitan Washington ozone nonattainment area.</td>
<td>4/8/93, 9/4/97</td>
<td>10/27/99, 64 FR 57777</td>
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<td>9/11/95 60 FR 47081</td>
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<td>1999 Base Year inventory Revisions.</td>
<td>Washington 1-hour ozone nonattainment area.</td>
<td>9/5/03, 2/25/04</td>
<td>5/13/05, 70 FR 25688</td>
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<td>1999-2005 Rate-of-Progress Plan SIP Revision and the Transportation Control Measures (TCMs) in Appendix J.</td>
<td>Washington 1-hour ozone nonattainment area.</td>
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<tr>
<td>VMT Offset SIP Revision</td>
<td>Washington 1-hour ozone nonattainment area.</td>
<td>9/5/03, 2/25/04</td>
<td>5/13/05, 70 FR 25688</td>
</tr>
<tr>
<td>Contingency Measure Plan.</td>
<td>Washington 1-hour ozone nonattainment area.</td>
<td>9/5/03, 2/25/04</td>
<td>5/13/05, 70 FR 25688</td>
</tr>
<tr>
<td>1-hour Ozone Modeled Demonstration of Attainment and Attainment Plan.</td>
<td>Washington 1-hour ozone nonattainment area.</td>
<td>9/5/03, 2/25/04</td>
<td>5/13/05, 70 FR 25688</td>
</tr>
<tr>
<td>RACT under the 8-Hour ozone NAAQS.</td>
<td>District of Columbia</td>
<td>9/22/08</td>
<td>6/16/09, 74 FR 28447</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.</td>
<td>District of Columbia</td>
<td>12/06/07, 1/11/08</td>
<td>4/12/11, 76 FR 20237</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 1997 PM&lt;sub&gt;2.5&lt;/sub&gt; NAAQS.</td>
<td>District of Columbia</td>
<td>8/25/08, 9/22/08</td>
<td>4/12/11, 76 FR 20237</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2006 PM&lt;sub&gt;2.5&lt;/sub&gt; NAAQS.</td>
<td>District of Columbia</td>
<td>9/21/09</td>
<td>4/12/11, 76 FR 20237</td>
</tr>
<tr>
<td>2002 Base Year Inventory for VOC, NO&lt;sub&gt;x&lt;/sub&gt;, and CO.</td>
<td>Washington DC–MD–VA 1997 8-hour ozone moderate nonattainment area.</td>
<td>6/12/07</td>
<td>9/20/11, 76 FR 58116</td>
</tr>
<tr>
<td>Regional Haze Plan.</td>
<td>Statewide</td>
<td>10/27/11</td>
<td>2/2/12, 77 FR 5191</td>
</tr>
<tr>
<td>2002 Base Year Emissions Inventory for the 1997 fine particulate matter (PM&lt;sub&gt;2.5&lt;/sub&gt;) standard.</td>
<td>District of Columbia portion of the Washington DC–MD–VA 1997 PM&lt;sub&gt;2.5&lt;/sub&gt; nonattainment area.</td>
<td>4/2/08</td>
<td>10/30/12, 77 FR 65630</td>
</tr>
<tr>
<td>Name of non-regulatory SIP revision</td>
<td>Applicable geographic area</td>
<td>State submission date</td>
<td>EPA approval date</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-----------------------------</td>
<td>-----------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2008 Lead NAAQS.</td>
<td>Statewide ..................</td>
<td>7/18/13</td>
<td>10/22/13, 78 FR 62455</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2010 NO$_2$ NAAQS.</td>
<td>Statewide ..................</td>
<td>6/9/14</td>
<td>4/13/15, 80 FR 19538</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS.</td>
<td>Statewide ..................</td>
<td>6/13/14</td>
<td>4/13/15, 80 FR 19538</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2010 SO$_2$ NAAQS.</td>
<td>Statewide ..................</td>
<td>7/17/14</td>
<td>4/13/15, 80 FR 19538</td>
</tr>
<tr>
<td>Emergency Air Pollution Plan.</td>
<td>Statewide ..................</td>
<td>6/13/14</td>
<td>4/13/15, 80 FR 19538</td>
</tr>
<tr>
<td>2011 Base Year Emissions Inventory for the 2008 8-hour ozone standard. Section 110(a)(2) Infrastructure Requirements for the 2006 PM$_{2.5}$ NAAQS.</td>
<td>District of Columbia portion of the Washington, DC-MD-VA 2008 ozone nonattainment area.</td>
<td>7/17/14</td>
<td>5/13/15, 80 FR 27255</td>
</tr>
</tbody>
</table>
§ 52.471

Classification of regions.

The District of Columbia plan was evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Capital Interstate</td>
<td>I</td>
<td>I</td>
<td>III</td>
<td>I</td>
<td>I</td>
</tr>
</tbody>
</table>

§ 52.472

Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves the District of Columbia’s plan for the attainment and maintenance of the national standards.

(b) [Reserved]

(c) With the exceptions set forth in this subpart, the Administrator approves the District of Columbia’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.

(d) Section 710 of title 20 of the District of Columbia Regulations is approved with the following condition: Any alternative controls or exemptions under section 710.8 approved or granted by the District of Columbia are subject to a public notice and public hearing requirements and must be submitted to EPA as SIP revisions. Such alternatives or exemptions are not effective until approved as SIP revisions by EPA.

(e) [Reserved]

§ 52.473 [Reserved]

§ 52.474 Base Year Emissions Inventory.

(a) EPA approves as a revision to the District of Columbia Implementation Plan the 1990 base year emission inventory for the Washington Metropolitan Statistical Area, submitted by Director, District of Columbia Consumer and Regulatory Affairs, on January 13, 1994 and October 12, 1995. This submittal consist of the 1990 base year stationary, area and off-road mobile and on-road mobile emission inventories in the Washington Statistical Area for the pollutant, carbon monoxide (CO).

(b) EPA approves as a revision to the District of Columbia State Implementation Plan the 1990 base year emission inventory for the District’s portion of the Metropolitan Washington DC ozone nonattainment area submitted by the Director, DCRA, on January 13, 1994. This submittal consists of the 1990 base year emissions inventory submitted by the District of Columbia.
§ 52.475 Determinations of attainment.

(a) Based upon EPA’s review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Metropolitan Washington, District of Columbia-Maryland-Virginia (DC-MD-VA) fine particle (PM$_{2.5}$) nonattainment area attained the 1997 annual PM$_{2.5}$ National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area’s air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Metropolitan Washington, DC-MD-VA 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, Washington, DC-MD-VA moderate nonattainment area has attained the 1997 8-hour ozone NAAQS by the applicable attainment date of June 15, 2010. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area’s air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Washington, DC-MD-VA moderate...
§52.476

nonattainment area will not be reclassified for failure to attain by its applicable attainment date pursuant to section 181(b)(2)(A).


§52.476 Control strategy: ozone.

(a) EPA approves as a revision to the District of Columbia State Implementation Plan the 15 Percent Rate of Progress Plan for the District of Columbia’s portion of the Metropolitan Washington, D.C. ozone nonattainment area, submitted by the Director of the District of Columbia Department of Health on April 16, 1998.

(b)-(c) [Reserved]

(d) Based upon EPA’s review of the air quality data for the 3-year period 2003 to 2005, EPA has determined that the Washington severe 1-hour ozone nonattainment area attained the 1-hour ozone NAAQS by the applicable attainment date of November 15, 2005.

EPA also has determined that the Washington severe 1-hour ozone nonattainment area is not subject to the imposition of the section 185 penalty fees.

(e) EPA approves revisions to the District of Columbia State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably available control measures, and contingency measures for the Washington DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Acting Director of the District of Columbia Department of the Environment on June 12, 2007.

(f) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Washington, DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Director of the Virginia Department of Environment Quality on June 12, 2007:

<table>
<thead>
<tr>
<th>Type of control strategy SIP</th>
<th>Year</th>
<th>VOC (TPD)</th>
<th>NOx (TPD)</th>
<th>Effective date of adequacy determination or SIP approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate of Progress Plan</td>
<td>2008</td>
<td>70.8</td>
<td>159.8</td>
<td>September 21, 2009 (74 FR 45853), published September 4, 2009.</td>
</tr>
</tbody>
</table>

(g) Determination of attainment. EPA has determined, as of February 28, 2012, that based on 2007 to 2009 and 2008 to 2010 ambient air quality data, the Washington, DC-MD-VA moderate nonattainment area has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). This determination, in accordance with 40 CFR 51.918, 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 8-hour ozone NAAQS.

(h) EPA approves revisions to the District of Columbia State Implementation Plan consisting of the attainment demonstration required under 40 CFR 51.908 demonstrating attainment of the 1997 ozone NAAQS by the applicable attainment date of June 15, 2010 and the failure to attain contingency measures for the Washington, DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Acting Director of the District of Columbia Department of the Environment on June 12, 2007.

(i) EPA approves the following 2009 attainment demonstration and 2010 motor vehicle emissions budgets (MVEBs) for the Washington, DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Acting Director of the District of Columbia Department of the Environment on June 12, 2007:
TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE WASHINGTON, DC-MD-VA AREA

<table>
<thead>
<tr>
<th>Type of control strategy SIP</th>
<th>Year</th>
<th>VOC (TPD)</th>
<th>NO\textsubscript{X} (TPD)</th>
<th>Effective date of adequacy determination or SIP approval</th>
</tr>
</thead>
</table>

§52.477 Control strategy: Particular matter.

(a) Determination of Attainment. EPA has determined, as of January 12, 2009, that the District of Columbia portion of the Metropolitan Washington, DC–MD–VA nonattainment area for the 1997 PM\textsubscript{2.5} NAAQS has attained the 1997 PM\textsubscript{2.5} NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration and 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 the area continues to attain the 1997 PM\textsubscript{2.5} NAAQS.

(b) Maintenance Plan and Transportation Conformity Budgets. EPA approves the maintenance plan for the District of Columbia portion of the Washington, DC–MD–VA nonattainment area for the 1997 annual PM\textsubscript{2.5} NAAQS submitted by the District of Columbia for the entire Area on June 3, 2013 and supplemented on July 22, 2013. The MVEBs are based on a tiered approach: Tier 1 MVEBs are effective as EPA has determined them adequate for transportation conformity purposes; Tier 2 mobile budgets will become effective upon the completion of the interagency consultation process and fully documented within the first conformity analysis that uses the Tier 2 MVEBs.

WASHINGTON, DC–MD–VA PM\textsubscript{2.5} AREA’S TIER 1 MOTOR VEHICLE EMISSIONS BUDGETS FOR THE 1997 ANNUAL PM\textsubscript{2.5} NAAQS, (TPY)

<table>
<thead>
<tr>
<th>Type of control strategy SIP</th>
<th>Year</th>
<th>NO\textsubscript{X}</th>
<th>PM\textsubscript{2.5}</th>
<th>Effective date of SIP approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance Plan .............</td>
<td>2017</td>
<td>41,709</td>
<td>1,787</td>
<td>1/5/14</td>
</tr>
<tr>
<td></td>
<td>2025</td>
<td>27,400</td>
<td>1,350</td>
<td></td>
</tr>
</tbody>
</table>

WASHINGTON, DC–MD–VA PM\textsubscript{2.5} AREA’S TIER 2 MOTOR VEHICLE EMISSIONS BUDGETS FOR THE 1997 ANNUAL PM\textsubscript{2.5} NAAQS, (TPY)

<table>
<thead>
<tr>
<th>Type of control strategy SIP</th>
<th>Year</th>
<th>NO\textsubscript{X}</th>
<th>PM\textsubscript{2.5}</th>
<th>Effective date of SIP approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance Plan .............</td>
<td>2017</td>
<td>50,051</td>
<td>2,144</td>
<td>Contingent and effective upon interagency consultation.</td>
</tr>
<tr>
<td></td>
<td>2025</td>
<td>32,880</td>
<td>1,586</td>
<td></td>
</tr>
</tbody>
</table>

§52.478 Rules and Regulations.

(a) On April 8, 1993, the District of Columbia submitted a letter to EPA declaring that there are no sources located in the District belonging to the following VOC categories:

1. Automobile and light-duty truck manufacturing;
2. Coating of cans, coils, paper, fabric and vinyl, metal furniture, large appliances, magnet wire, miscellaneous metal parts and products, and flatwood paneling;
§ 52.479

(3) Storage of petroleum liquids in fixed-roof tanks and external floating-roof tanks;
(4) Bulk gasoline plants and terminals;
(5) Petroleum refinery sources;
(6) Petroleum refinery equipment leaks;
(7) Manufacture of synthesized pharmaceutical products, pneumatic rubber tires, vegetable oil, synthetic organic chemicals (fugitive VOCs and air oxidation), and high density polyethylene, polypropylene and polystyrene resins;
(8) Graphic arts systems;
(9) Storage, transportation and marketing of VOCs (fugitive VOCs from oil and gas production and natural gas and gasoline processing).

(b) On September 4, 1997, the District of Columbia submitted a letter to EPA declaring that there are no sources located in the District which belong to the following VOC categories:
(1) Coating of plastic parts (business machines and other);
(2) Aerospace;
(3) Shipbuilding and repair;
(4) Automobile refinishing;
(5) Industrial wastewater;
(6) Distillation or reactor or batch processes in the synthetic organic chemical manufacturing industry;
(7) Volatile organic storage;
(8) Wood furniture coatings;
(9) Offset lithography;
(10) Clean-up solvents.

(c) On March 24, 2011, the District of Columbia submitted a letter to EPA declaring that there are no sources located in the District which belong to the following VOC categories:
(1) Auto and Light-duty Truck Assembly Coatings;
(2) Fiberglass Boat Manufacturing Materials;
(3) Paper, Film and Foil Coatings;
(4) Flatwood Paneling.

[64 FR 57781, Oct. 27, 1999, as amended at 78 FR 24997, Apr. 29, 2013]

§§ 52.481–52.483 [Reserved]

§ 52.484 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 located within the District of Columbia and for which requirements are set forth under the Federal CAIR NOX Annual Trading Program in subparts AA through II of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the District of Columbia State Implementation Plan (SIP) as meeting the requirements of CAIR for PM<sub>2.5</sub> relating to NOX under § 51.123 of this chapter, except to the extent the Administrator’s approval is partial or conditional or unless such approval is under § 51.123(p) of this chapter.

(b) Notwithstanding any provisions of paragraph (a)(1) of this section, if, at the time of such approval of the District of Columbia’s SIP, the Administrator has already allocated CAIR NOX allowances to sources in the District of Columbia for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NOX allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NOX allowances for those years.

On January 14, 1994 the District of Columbia’s Department of Consumer and Regulatory Affairs submitted a plan for the establishment and implementation of a Photochemical Assessment Monitoring Stations (PAMS) Program as a state implementation plan (SIP) revision, as required by section 182(c)(1) of the Clean Air Act. EPA approved the Photochemical Assessment Monitoring Stations (PAMS) Program on September 11, 1995 and made it part of the District of Columbia SIP. As with all components of the SIP, the District of Columbia must implement the program as submitted and approved by EPA.

[60 FR 47084, Sept. 11, 1995]
of Columbia and for which requirements are set forth under the Federal CAIR NO\textsubscript{\text{X}} Ozone Season Trading Program in subparts AAAA through IIII of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the District of Columbia State Implementation Plan (SIP) as meeting the requirements of CAIR for ozone relating to NO\textsubscript{\text{X}} under §51.123 of this chapter, except to the extent the Administrator’s approval is partial or conditional or unless such approval is under §51.123(ee) of this chapter.

(2) Notwithstanding any provisions of paragraph (b)(1) of this section, if, at the time of such approval of the District of Columbia’s SIP, the Administrator has already allocated CAIR NO\textsubscript{\text{X}} Ozone Season allowances to sources in the District of Columbia for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO\textsubscript{\text{X}} Ozone Season allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO\textsubscript{\text{X}} Ozone Season allowances for those years.

(c) Notwithstanding any provisions of paragraphs (a) and (b) of this section and subparts AA through II and AAAA through IIII of part 97 of this chapter to the contrary:

(1) With regard to any control period that begins after December 31, 2014,

(i) The provisions in paragraphs (a) and (b) of this section relating to NO\textsubscript{\text{X}} annual or ozone season emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AA through II and AAAA through IIII of part 97 of this chapter; and

(2) The Administrator will not deduct for excess emissions any CAIR NO\textsubscript{\text{X}} allowances or CAIR NO\textsubscript{\text{X}} Ozone Season allowances allocated for 2015 or any year thereafter;

(3) By March 3, 2015, the Administrator will remove from the CAIR NO\textsubscript{\text{X}} Allowance Tracking System accounts all CAIR NO\textsubscript{\text{X}} allowances allocated for a control period in 2015 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO\textsubscript{\text{X}} allowances will be required with regard to emissions or excess emissions for such control periods; and

(4) By March 3, 2015, the Administrator will remove from the CAIR NO\textsubscript{\text{X}} Ozone Season Allowance Tracking System accounts all CAIR NO\textsubscript{\text{X}} Ozone Season allowances allocated for a control period in 2015 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO\textsubscript{\text{X}} Ozone Season allowances will be required with regard to emissions or excess emissions for such control periods.


§ 52.485 Interstate pollutant transport provisions: What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each SO\textsubscript{2} source located within the District of Columbia and for which requirements are set forth under the Federal CAIR SO\textsubscript{2} Trading Program in subparts AAA through IIII of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the District of Columbia State Implementation Plan as meeting the requirements of CAIR for PM\textsubscript{2.5} relating to SO\textsubscript{2} under §51.124 of this chapter, except to the extent the Administrator’s approval is partial or conditional or unless such approval is under §51.124(r) of this chapter.

(b) Notwithstanding any provisions of paragraph (a) of this section and subparts AAA through IIII of part 97 of this chapter and any State’s SIP to the contrary:

(1) With regard to any control period that begins after December 31, 2014,

(i) The provisions of paragraph (a) of this section relating to SO\textsubscript{2} emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AAA through IIII of part 97 of this chapter; and

(2) The Administrator will not deduct for excess emissions any CAIR NO\textsubscript{\text{X}} allowances or CAIR NO\textsubscript{\text{X}} Ozone Season allowances allocated for 2015 or any year thereafter;

(3) By March 3, 2015, the Administrator will remove from the CAIR NO\textsubscript{\text{X}} Allowance Tracking System accounts all CAIR NO\textsubscript{\text{X}} allowances allocated for a control period in 2015 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO\textsubscript{\text{X}} allowances will be required with regard to emissions or excess emissions for such control periods.
through III of part 97 of this chapter; and

(2) The Administrator will not deduct for excess emissions any CAIR SO2 allowances allocated for 2015 or any year thereafter.


§§ 52.486–52.498 [Reserved]

§§ 52.499 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 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the District of Columbia.


§§ 52.510 Small business assistance program.

On October 22, 1993, the Administrator of the District of Columbia Environmental Regulation Administration submitted a plan for the establishment and implementation of a Small Business Technical and Environmental Compliance Assistance Program as a state implementation plan revision (SIP), as required by title V of the Clean Air Act. EPA approved the Small Business Technical and Environmental Compliance Assistance Program on August 17, 1994 and made it part of the District of Columbia SIP. As with all components of the SIP, the District of Columbia must implement the program as submitted and approved by EPA.

[59 FR 42168, Aug. 17, 1994]

§§ 52.515 Original identification of plan section.

(a) This section identifies the original “Air Implementation Plan for the District of Columbia” and all revisions submitted by the District of Columbia that were federally approved prior to July 1, 1998. The information in this section is available in the 40 CFR, part 52 edition revised as of July 1, 1999, the 40 CFR, part 52, Volume 1 of 2 (§§52.01 to 52.1018) editions revised as of July 1, 2000 through July 1, 2011, and the 40 CFR, part 52, Volume 1 of 3 (§§52.01 to 52.1018) edition revised as of July 1, 2012.

(b) [Reserved]

§§ 52.520 Identification of plan.

§§ 52.521 [Reserved]

§ 52.520 Identification of plan.

§ 52.520 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Florida under section 110 of the Clean Air Act, 42 U.S.C. 7401, 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 prior to January 1, 2003, 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 January 1, 2003, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 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 January 1, 2003.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; at the EPA, Office of Air and Radiation Docket and Information Center, Room B–108, 1301 Constitution Avenue, (Mail Code 6102T), 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...
## EPA-APPROVED FLORIDA REGULATIONS

<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–204.100 ...</td>
<td>Purpose and Scope .............................................</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td></td>
</tr>
<tr>
<td>62–204.200 ...</td>
<td>Definitions .....................................................</td>
<td>02/12/06</td>
<td>06/27/08</td>
<td></td>
</tr>
<tr>
<td>62–204.220 ...</td>
<td>Ambient Air Protection .......................................</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td></td>
</tr>
<tr>
<td>62–204.240 ...</td>
<td>Ambient Air Quality Standards ............................</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td></td>
</tr>
<tr>
<td>62–204.260 ...</td>
<td>Prevention of Significant Deterioration Maximum Allowable Increases (PSD Increments).</td>
<td>02/12/06</td>
<td>06/27/08</td>
<td></td>
</tr>
<tr>
<td>62–204.320 ...</td>
<td>Procedures for Designation and Redesignation of Areas.</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td></td>
</tr>
<tr>
<td>62–204.340 ...</td>
<td>Designation of Attainment, Nonattainment, and Maintenance Areas.</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td></td>
</tr>
<tr>
<td>62–204.360 ...</td>
<td>Designation of Prevention of Significant Deterioration Areas.</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td></td>
</tr>
<tr>
<td>62–204.400 ...</td>
<td>Public Notice and Hearing Requirements for State Implementation Plan Revisions.</td>
<td>11/30/04</td>
<td>6/16/99</td>
<td></td>
</tr>
<tr>
<td>62–204.500 ...</td>
<td>Conformity .....................................................</td>
<td>08/31/98</td>
<td>08/11/03, 68 FR 47473</td>
<td>Except for the incorporation by reference of 40 CFR 93.104(e) of the Transportation Conformity Rule.</td>
</tr>
</tbody>
</table>

| Chapter 62–210 Stationary Sources—General Requirements |
|-------------------------------------------|-----------------|-----------------|-----------------|-----------------|
| 62–210.100 ...                           | Purpose and Scope ............................................. | 11/23/94         | 6/16/99         | 64 FR 32346     |
| 62–210.200 ...                           | Definitions ..................................................... | 10/23/13         | 5/19/14, 79 FR 28607 |             |
| 62–210.220 ...                           | Small Business Assistance Program ....................... | 10/15/96         | 5/27/98         | 63 FR 28905     |
| 62–210.350 ...                           | Public Notice and Comment ................................ | 02/02/06         | 06/27/08        | 73 FR 36435     |
| 62–210.360 ...                           | Administrative Permit Corrections ........................| 11/23/94         | 6/16/99         | 64 FR 32346     |
| 62–210.370 ...                           | Emissions Computation and Reporting .................... | 02/02/06         | 06/27/08        | 73 FR 36435     |
| 62–210.550 ...                           | Stack Height Policy .......................................... | 11/23/94         | 6/16/99         | 64 FR 32346     |
| 62–210.650 ...                           | Circumvention ................................................ | 10/15/92         | 10/20/94        | 59 FR 52916     |
| 62–210.900 ...                           | Forms and Instructions ....................................... | 2/9/93           | 11/7/94         | 59 FR 46157     |
### Chapter 62–212 Stationary Sources—Preconstruction Review

<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–212.100 ...</td>
<td>Purpose and Scope</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–212.300 ...</td>
<td>General Preconstruction Review Requirements</td>
<td>6/29/09</td>
<td>4/12/11</td>
<td>76 FR 20239</td>
</tr>
<tr>
<td>62–212.400 ...</td>
<td>Prevention of Significant Deterioration</td>
<td>3/28/12</td>
<td>9/19/12, 77 FR 58031</td>
<td>As of September 19, 2012, 61–212.400 does not include Florida's revision to adopt the PM$<em>{2.5}$ SILs threshold and provisions (as promulgated in the October 20, 2010, PM$</em>{2.5}$ PSD Increment-SILs- SMC Rule at 40 CFR 52.21(k)(2)).</td>
</tr>
<tr>
<td>62–212.500 ...</td>
<td>Preconstruction Review for Nonattainment Areas ...</td>
<td>02/02/06</td>
<td>06/27/08</td>
<td>73 FR 36435</td>
</tr>
<tr>
<td>62–212.720 ...</td>
<td>Actuals Plantwide Applicability Limits (PALs) ......</td>
<td>12/17/2013</td>
<td>5/19/14, 79 FR 28607</td>
<td>As of May 19, 2014 the PAL provisions include certain revisions to 40 CFR 52.21 finalized July 12, 2012 (Step 3 GHG Tailoring Rule) and relating to GHG PALs, which are incorporated by reference at 62–212.720 through Florida State Rule 62.204.800, F.A.C., (which incorporates by reference 40 CFR 52.21, subpart A as of July 1, 2011, and as amended on July 15, 2012 at 77 FR 41051, December 17, 2013.)</td>
</tr>
</tbody>
</table>

### Chapter 62–243 Tampering With Motor Vehicle Air Pollution Control Equipment

<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–243.100 ...</td>
<td>Purpose and Scope</td>
<td>5/29/90</td>
<td>6/9/92</td>
</tr>
<tr>
<td>62–243.200 ...</td>
<td>Definitions</td>
<td>1/2/91</td>
<td>6/9/92</td>
</tr>
<tr>
<td>62–243.300 ...</td>
<td>Exemptions</td>
<td>1/2/91</td>
<td>6/9/92</td>
</tr>
<tr>
<td>62–243.400 ...</td>
<td>Prohibitions</td>
<td>1/2/91</td>
<td>6/9/92</td>
</tr>
<tr>
<td>62–243.500 ...</td>
<td>Certification</td>
<td>1/2/91</td>
<td>6/9/92</td>
</tr>
<tr>
<td>62–243.600 ...</td>
<td>Enforcement</td>
<td>1/2/91</td>
<td>6/9/92</td>
</tr>
<tr>
<td>62–243.700 ...</td>
<td>Penalties</td>
<td>5/29/90</td>
<td>6/9/92</td>
</tr>
</tbody>
</table>

### Chapter 62–244 Visible Emissions From Motor Vehicles

<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–244.100 ...</td>
<td>Purpose and Scope</td>
<td>5/29/90</td>
<td>6/9/92</td>
</tr>
<tr>
<td>62–244.200 ...</td>
<td>Definitions</td>
<td>1/2/91</td>
<td>6/9/92</td>
</tr>
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<td>62–244.300 ...</td>
<td>Exemptions</td>
<td>1/2/91</td>
<td>6/9/92</td>
</tr>
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<td>62–244.400 ...</td>
<td>Prohibitions</td>
<td>1/2/91</td>
<td>6/9/92</td>
</tr>
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<td>62–244.500 ...</td>
<td>Enforcement</td>
<td>1/2/91</td>
<td>6/9/92</td>
</tr>
</tbody>
</table>
# Environmental Protection Agency

## § 52.520

### EPA-APPROVED FLORIDA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–244.600</td>
<td>Penalties</td>
<td>5/29/90</td>
<td>6/9/92</td>
<td>57 FR 24370</td>
</tr>
</tbody>
</table>

**Chapter 62–252 Gasoline Vapor Control**

<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–252.300</td>
<td>Gasoline Dispensing Facilities Stage I Vapor Recovery</td>
<td>5/1/2015</td>
<td>8/12/2015, 80</td>
<td>FR 48262</td>
</tr>
</tbody>
</table>

**Chapter 62–256 Open Burning and Frost Protection Fires**

<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–256.100</td>
<td>Declaration and Intent</td>
<td>12/09/75</td>
<td>11/1/77</td>
<td>42 FR 57124</td>
</tr>
<tr>
<td>62–256.200</td>
<td>Definitions</td>
<td>11/30/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–256.300</td>
<td>Prohibitions</td>
<td>11/30/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–256.400</td>
<td>Agricultural and Silvicultural Fires</td>
<td>7/1/71</td>
<td>5/31/72</td>
<td>37 FR 10842</td>
</tr>
<tr>
<td>62–256.450</td>
<td>Burning for Cold or Frost Protection</td>
<td>6/27/91</td>
<td>9/9/94</td>
<td>59 FR 46552</td>
</tr>
<tr>
<td>62–256.500</td>
<td>Land Clearing</td>
<td>11/30/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–256.600</td>
<td>Industrial, Commercial, Municipal, and Research Open Burning</td>
<td>7/1/71</td>
<td>37 FR 10842</td>
<td></td>
</tr>
<tr>
<td>62–256.700</td>
<td>Open Burning Allowed</td>
<td>11/30/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–256.800</td>
<td>Effective Date</td>
<td>7/1/71</td>
<td>37 FR 10842</td>
<td></td>
</tr>
</tbody>
</table>

**Chapter 62–296 Stationary Sources—Emission Standards**

<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–296.100</td>
<td>Purpose and Scope</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.340</td>
<td>Best Available Retrofit Technology</td>
<td>1/31/07</td>
<td>8/28/13</td>
<td>78 FR 53250</td>
</tr>
<tr>
<td>62–296.401</td>
<td>Incinerators</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.402</td>
<td>Sulfuric Acid Plants</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.403</td>
<td>Phosphate Processing</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.404</td>
<td>Kraft (Sulfate) Pulp Mills and Tall Oil Plants</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.405</td>
<td>Fossil Fuel Steam Generators with more than 250 million Btu per Hour Heat Input.</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.406</td>
<td>Fossil Fuel Steam Generator with less than 250 million Btu per Hour Heat Input, New and Existing Emissions Units.</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.408</td>
<td>Nitric Acid Plants</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.412</td>
<td>Dry Cleaning Facilities</td>
<td>06/05/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.414</td>
<td>Concrete Batching Plants</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.500</td>
<td>Reasonably Available Control Technology (RACT)–Volatile Organic Compounds (VOC) and Nitrogen Oxides (NOx) Emitting Facilities.</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
</tbody>
</table>

625
<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–296.502 ...</td>
<td>Coil Coating ............................................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.503 ...</td>
<td>Paper Coating ............................................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.504 ...</td>
<td>Fabric and Vinyl Coating ...........................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.505 ...</td>
<td>Metal Furniture Coating ...........................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.506 ...</td>
<td>Surface Coating of Large Appliances .............................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.507 ...</td>
<td>Magnet Wire Coating .............................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.509 ...</td>
<td>Bulk Gasoline Plants ................................................</td>
<td>06/01/09</td>
<td>6/16/99</td>
<td>74 FR 26103</td>
</tr>
<tr>
<td>62–296.510 ...</td>
<td>Bulk Gasoline Terminals ...........................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.511 ...</td>
<td>Solvent Metal Cleaning ...........................................</td>
<td>06/05/96</td>
<td>6/16/99</td>
<td>68 FR 2205</td>
</tr>
<tr>
<td>62–296.512 ...</td>
<td>Cutback Asphalt .......................................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.513 ...</td>
<td>Surface Coating of Miscellaneous Metal Parts and Products.</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.514 ...</td>
<td>Surface Coating of Flat Wood Paneling ..........................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.515 ...</td>
<td>Graphic Arts Systems ................................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.516 ...</td>
<td>Petroleum Liquid Storage Tanks with External Floating Roofs.</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.570 ...</td>
<td>Reasonably Available Control Technology (RACT)—Requirements for Major VOC and NOx—Emitting Facilities.</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.600 ...</td>
<td>Reasonably Available Control Technology (RACT)—Lead.</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.601 ...</td>
<td>Lead Processing Operations in General ...........................</td>
<td>8/8/94</td>
<td>6/16/99</td>
<td>91 FR 49064</td>
</tr>
<tr>
<td>62–296.602 ...</td>
<td>Primary Lead Acid Battery Manufacturing Operations.</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>61 FR 49064</td>
</tr>
<tr>
<td>62–296.605 ...</td>
<td>Lead Oxide Handling Operations ...................................</td>
<td>8/8/94</td>
<td>6/16/99</td>
<td>61 FR 49064</td>
</tr>
<tr>
<td>62–296.700 ...</td>
<td>Reasonably Available Control Technology (RACT)—Particulate Matter.</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.701 ...</td>
<td>Portland Cement Plants ................................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.702 ...</td>
<td>Fossil Fuel Steam Generators .......................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.703 ...</td>
<td>Carbonaceous Fuel Burners ..........................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.704 ...</td>
<td>Asphalt Concrete Plants ............................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.705 ...</td>
<td>Phosphate Processing operations ...................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.706 ...</td>
<td>Glass Manufacturing Process ........................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.707 ...</td>
<td>Electric Arc Furnaces ................................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.708 ...</td>
<td>Sweat of Pot Furnaces ..............................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.709 ...</td>
<td>Lime Kilns ..............................................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
<tr>
<td>62–296.710 ...</td>
<td>Smelt Dissolving Tanks ...............................................</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>64 FR 32346</td>
</tr>
</tbody>
</table>
Environmental Protection Agency § 52.520

EPA-APPROVED FLORIDA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–296.711 ...</td>
<td>Materials Handling, Sizing, Screening, Crushing and Grinding operations.</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>E.P.A. approval date</td>
</tr>
</tbody>
</table>

Chapter 62–297 Stationary Sources—Emissions Monitoring

<table>
<thead>
<tr>
<th>State citation (Section)</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>62–297.100 ...</td>
<td>Purpose and Scope</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>E.P.A. approval date</td>
</tr>
<tr>
<td>62–297.310 ...</td>
<td>General Test Requirements</td>
<td>3/13/96</td>
<td>6/16/99</td>
<td>E.P.A. approval date</td>
</tr>
<tr>
<td>62–297.400 ...</td>
<td>EPA Methods Adopted by Reference</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>E.P.A. approval date</td>
</tr>
<tr>
<td>62–297.401 ...</td>
<td>Compliance Test Methods</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>E.P.A. approval date</td>
</tr>
<tr>
<td>62–297.440 ...</td>
<td>Supplementary Test Procedures</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>E.P.A. approval date</td>
</tr>
<tr>
<td>62–297.450 ...</td>
<td>EPA VOC Capture Efficiency Test Procedures</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>E.P.A. approval date</td>
</tr>
<tr>
<td>62–297.620 ...</td>
<td>Exceptions and Approval of Alternate Procedures and Requirements.</td>
<td>11/23/94</td>
<td>6/16/99</td>
<td>E.P.A. approval date</td>
</tr>
</tbody>
</table>

State Statutes

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>112.3143(4) ...</td>
<td>Voting Conflict</td>
<td>4/19/2012</td>
<td>7/30/2012</td>
<td>To satisfy the requirements of section 110(a)(2)(E)(ii).</td>
</tr>
<tr>
<td>112.3144 ...</td>
<td>Full and Public Disclosure of Financial Interests</td>
<td>4/19/2012</td>
<td>7/30/2012</td>
<td>To satisfy the requirements of section 110(a)(2)(E)(ii).</td>
</tr>
<tr>
<td>403.131 ...</td>
<td>Injunctive relief, remedies</td>
<td>4/19/2012</td>
<td>7/30/2012</td>
<td>To satisfy the requirements of section 110(a)(2)(G).</td>
</tr>
<tr>
<td>120.569 ...</td>
<td>Decisions which affect substantial interests</td>
<td>4/19/2012</td>
<td>7/30/2012</td>
<td>To satisfy the requirements of section 110(a)(2)(G).</td>
</tr>
</tbody>
</table>

(d) EPA-approved State Source-specific requirements.

EPA-APPROVED FLORIDA SOURCE-SPECIFIC REQUIREMENTS

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harry S Truman, animal import center</td>
<td>NA</td>
<td>11/26/96</td>
<td>1/19/00</td>
<td>Order Granting Variance from Rule 62–252.400. Requires the site to submit a...</td>
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<tr>
<td>Martin Gas Sales, Inc</td>
<td>0570477–007–AC</td>
<td>6/17/103</td>
<td>6/17/03</td>
<td>Order Granting Variance from Rule 62–252.400. Requires the site to submit a...</td>
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<tr>
<td>Broward County Aviation Department</td>
<td>8/15/03</td>
<td>6/17/03</td>
<td>69 FR 33862</td>
<td>Order Granting Variance from Rule 62–252.400. Requires the site to submit a...</td>
</tr>
<tr>
<td>Lockheed Martin Aeronautics Company</td>
<td>04/16/05</td>
<td>11/28/06</td>
<td>71 FR 66745</td>
<td>Order Granting Variance from Rule 62–252.400. Requires the site to submit a...</td>
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<tr>
<td>Combs Oil Company</td>
<td>7/31/2009</td>
<td>9/25/2015</td>
<td>80 FR 57727</td>
<td>Order Granting Variance from Rule 62–252.400. Requires the site to submit a...</td>
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</table>

(e) EPA-approved Florida non-regulatory provisions.

EPA-APPROVED FLORIDA NON-REGULATORY PROVISIONS

<table>
<thead>
<tr>
<th>Provision</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>FEDERAL REGISTER notice</th>
<th>Explanation</th>
</tr>
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<tbody>
<tr>
<td>Revision to Maintenance Plan for Southeast Florida Area</td>
<td>12/20/02</td>
<td>2/13/04</td>
<td>69 FR 7132</td>
<td>10 year update.</td>
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<tr>
<td>Revision to Maintenance Plan for the Tampa, Florida Area.</td>
<td>12/20/02</td>
<td>3/29/04</td>
<td>69 FR 16172</td>
<td>10 year update.</td>
</tr>
<tr>
<td>Revision to Maintenance Plan Update for Jacksonville Area, Florida.</td>
<td>12/20/02</td>
<td>7/26/10</td>
<td>75 FR 29671</td>
<td>110(a)(1) maintenance plan for 1997 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>110(a)(1) Maintenance Plan for the Southeast Florida Area.</td>
<td>7/2/09</td>
<td>7/26/10</td>
<td>75 FR 29671</td>
<td>110(a)(1) maintenance plan for 1997 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>110(a)(1) Maintenance Plan for the Tampa, Florida Area.</td>
<td>7/2/09</td>
<td>7/26/10</td>
<td>75 FR 29671</td>
<td>110(a)(1) maintenance plan for 1997 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>110(a)(1) Maintenance Plan for the Jacksonville, Florida Area.</td>
<td>7/2/09</td>
<td>7/26/10</td>
<td>75 FR 29671</td>
<td>110(a)(1) maintenance plan for 1997 8-hour ozone NAAQS.</td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards.</td>
<td>12/13/07</td>
<td>7/30/12</td>
<td>77 FR 44485</td>
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<tr>
<td>Section 128 Requirements</td>
<td>5/24/2012</td>
<td>7/30/12</td>
<td>77 FR 44485</td>
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<tr>
<td>Sections 110(a)(2)(E)(ii) and (G) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards.</td>
<td>5/24/2012</td>
<td>7/30/12</td>
<td>77 FR 44485</td>
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<tr>
<td>110(a)(2)(D)(i)(I) Infrastructure Requirements for the 2006 24-hour PM$_{2.5}$ NAAQS.</td>
<td>9/23/2009</td>
<td>10/11/12</td>
<td>77 FR 61724</td>
<td>EPA partially disapproved this SIP submission to the extent that it relied on the Clean Air Interstate Rule to meet the 110(a)(2)(D)(i)(I) requirements for the 2006 24-hour PM$_{2.5}$ NAAQS.</td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>4/18/2008</td>
<td>11/8/2012</td>
<td>77 FR 66927</td>
<td>With the exception of section 110(a)(2)(D)(i).</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>9/23/2009</td>
<td>11/8/2012</td>
<td>77 FR 66927</td>
<td>With the exception of section 110(a)(2)(D)(i).</td>
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<tr>
<td>Portion of Regional Haze Plan Amendment submitted on September 17, 2012.</td>
<td>9/17/12</td>
<td>11–29–12</td>
<td>77 FR 71111</td>
<td>Only the BART determinations approved in 77 FR 71111 are incorporated.</td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>4/18/2008</td>
<td>4/3/2013</td>
<td>78 FR 19998</td>
<td>EPA disapproved the State’s prong 3 of section 110(a)(2)(D)(i) as it relates to GHG PSD permitting requirements.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>9/23/2009</td>
<td>4/5/2013</td>
<td>78 FR 19998</td>
<td>EPA disapproved the State’s prong 3 of section 110(a)(2)(D)(i) as it relates to GHG PSD permitting requirements.</td>
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<td>Initial Regional Haze Plan Amendment .............................................</td>
<td>3/19/10</td>
<td>8/29/13</td>
<td>78 FR 53250</td>
<td>Remaining Portion of Regional Haze Plan Amendment not approved on November 29, 2012.</td>
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<tr>
<td>Regional Haze Plan Amendment 1 ..................................................</td>
<td>8/31/10</td>
<td>8/29/13</td>
<td>78 FR 53250</td>
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<td>Regional Haze Plan Amendment 2 ..................................................</td>
<td>9/17/12</td>
<td>8/29/13</td>
<td>78 FR 53250</td>
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<tr>
<td>Progress Energy Permit (Air Permit No. 0170004–038–AC).</td>
<td>10/15/12</td>
<td>8/29/13</td>
<td>78 FR 53250</td>
<td></td>
</tr>
<tr>
<td>Update to October 15, 2013, Progress Energy Permit (Air Permit No. 0170004–038–AC).</td>
<td>5/2/13</td>
<td>8/29/13</td>
<td>78 FR 53250</td>
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<td>Provision</td>
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<td>EPA approval date</td>
<td>FEDERAL REGISTER notice</td>
<td>Explanation</td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards.</td>
<td>10/31/2011</td>
<td>11/1/13</td>
<td>78 FR 65559</td>
<td>With the exception of section 110(a)(2)(D)(i)(I) concerning interstate transport; section 110(a)(2)(D)(i)(II) concerning visibility requirements; and the portions of sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J) related to the regulation of GHG emissions, which are being disapproved.</td>
</tr>
<tr>
<td>RVP Update for Florida 1997 8-hour Ozone Maintenance Plans.</td>
<td>8/15/13</td>
<td>1/6/14</td>
<td>79 FR 573</td>
<td></td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>4/18/2008</td>
<td>8/25/2014</td>
<td>79 FR 50554</td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>9/23/2009</td>
<td>8/25/2014</td>
<td>79 FR 50554</td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2006 Ozone National Ambient Air Quality Standards.</td>
<td>10/31/2011</td>
<td>8/25/2014</td>
<td>79 FR 50554</td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead NAAQS.</td>
<td>1/22/2013</td>
<td>3/18/2015</td>
<td>80 FR 14019</td>
<td>Addressing the PSD permitting requirements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2010 NO₂ NAAQS.</td>
<td>6/29/2012</td>
<td>4/16/2015</td>
<td>80 FR 20441</td>
<td></td>
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<tr>
<td>2008 Lead Attainment Demonstration for Hillsborough Area.</td>
<td>6/27/2013</td>
<td>4/16/2015</td>
<td>80 FR 20441</td>
<td></td>
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<tr>
<td>2008 Lead Attainment Demonstration for Hillsborough Area Amendment.</td>
<td>10/14/2011</td>
<td>9/24/2015</td>
<td>80 FR 57538</td>
<td>With the exception of provisions pertaining to PSD permitting requirements in sections 110(a)(2)(C), prong 3 of D(i) and (J).</td>
</tr>
<tr>
<td>Regional Haze Plan Amendment 3 ..................................................</td>
<td>4/30/2014</td>
<td>10/23/2015</td>
<td>80 FR 64344</td>
<td>Establishes NO₂ BART emissions limit for Unit 1 at the Lakeland Electric—C.D. McIntosh Power Plant and includes FDEP Permit No. 1050004–034–AC.</td>
</tr>
</tbody>
</table>

[64 FR 32348, June 16, 1999]

EDITORIAL NOTE: For Federal Register citations affecting §52.520, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.521 Classification of regions.

The Florida plan was evaluated on the basis of the following classifications:
§ 52.522 Approval status.
(a) With the exceptions set forth in this subpart, the Administrator approves Florida’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 I, of the Clean Air Act as amended in 1977.

(b) Disapproval. Submittal from the State of Florida, through the Florida Department of Environmental Protection (FDEP) on October 31, 2011, to address the Clean Air Act (CAA) sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J) for the 2008 8-hour Ozone National Ambient Air Quality Standards related to prevention of significant deterioration (PSD) requirements for the regulation of greenhouse gas emissions. EPA is disapproving FDEP’s submittal with respect to the PSD requirements of CAA sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J) for the 2008 8-hour Ozone National Ambient Air Quality Standards related to PSD requirements for the regulation of greenhouse gas emissions.

§ 52.524 Compliance schedule.
(a) The information in this section is available in the 40 CFR, part 52 edition revised as of July 1, 1999, the 40 CFR, part 52, Volume 1 of 2 (§§ 52.01 to 52.1018) editions revised as of July 1, 2000 through July 1, 2011, and the 40 CFR, part 52, Volume 1 of 3 (§§ 52.01 to 52.1018) editions revised as of July 1, 2012.

(b) [Reserved]

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

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

as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

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

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


§ 52.527 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 403.111 of the Florida Statutes could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 403.111 is disapproved.


§ 52.528 Control strategy: Sulfur oxides and particulate matter.

(a) In a letter dated October 10, 1986, the Florida Department of Environmental Regulation certified that no emission limits in the State's plan are based on dispersion techniques not permitted by EPA's stack height rules.

(b) The variance granted to the Turkey Point and Port Everglades plants of Florida Power and Light Company from the particulate emission limits of the plan is disapproved because the relaxed limits would cause violation of the Class I increment for sulfur dioxide in the Everglades National Park. These plants must meet the 0.1#/MMBTU particulate limit of the plan.


§ 52.529 Significant deterioration of air quality.

(a) EPA approves the Florida Prevention of Significant Deterioration program, as incorporated into this chapter, for power plants subject to the Florida Power Plant Siting Act.

(b) Pursuant to part C, subpart 1 of the Clean Air Act, EPA is approving a December 19, 2013 SIP revision submitted by the State of Florida, through the Florida Department of Environmental Protection (FDEP), Division of Air Resource Management that establishes prevention of significant deterioration (PSD) applicability thresholds for greenhouse gas (GHG) emissions at the same emissions thresholds and in the same timeframes as those specified by EPA in the GHG Tailoring Rule. This approval gives FDEP the authority to regulate GHG-emitting sources and issue GHG PSD permits. FDEP’s December 19, 2013 SIP revision also includes a GHG PSD Permit Transition Plan which governs the transition from EPA administering GHG PSD permitting requirements for Florida sources under a Federal Implementation Plan (FIP) to the State administering GHG PSD permitting requirements under its approved SIP. Under this GHG PSD Permit Transition Plan, FDEP will administer and enforce GHG PSD permits...
§ 52.532
40 CFR Ch. I (7–1–16 Edition)

Issued by EPA to Florida sources under the GHG PSD FIP. FDEP’s authority over these existing EPA-issued GHG PSD permits includes the authority for FDEP to conduct general administration of these existing permits, authority to process and issue any and all subsequent permit actions relating to such permits, and authority to enforce such permits.

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Florida shall be submitted to the State agency, Florida Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399–2400, rather than to EPA’s Region 4 office.

(d) The requirements of sections 160 through 165 of the Clean Air Act are not met since the Florida plan, as submitted, does not apply to certain sources. Therefore, the provisions of § 52.21 except paragraph (a)(1) are hereby incorporated by reference and made a part of the Florida plan for:

(1) Sources proposing to locate on Indian reservations in Florida; and

(2) Permits issued by EPA prior to approval of the Florida PSD rule.

§ 52.533 Source surveillance.

The plan lacks test methods for several source categories. As required by § 52.22(c)(1) of this part, EPA test methods (found at 40 CFR part 60) will be used by EPA to determine compliance with the following emission limiting standards:

(a) Particulate emissions from citrus plants controlled by a scrubber and subject to the process weight table (submitted as 17–2.05(2) and reformatted as 17–2.610(1.1.a).

(b) TRS emissions from recovery furnaces at kraft pulp mills (submitted as 17–2.05(6)D and reformatted as 17–2.600(4)).

(c) Sulfur dioxide emissions from fossil fuel steam sources (submitted as 17–2.05(6)E and reformatted as 17–2.600 (5) and (6)).

(d) Emissions from portland cement plants (submitted as 17–2.05(6)F and reformatted as 17–2.600(7)).

(e) Particulate and visible emissions from carbonaceous fuel burning equipment (submitted as 17–2.05(6)I and reformatted as 17–2.600(10)).

§ 52.534 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility new source review. The provisions of § 52.28 are hereby incorporated and made part of the applicable plan for the State of Florida.

§ 52.536 Original identification of plan section.

(a) This section identified the original “Air Implementation Plan for the State of Florida” and all revisions submitted by Florida that were federally approved prior to July 1, 1998. The information in this section is available in the 40 CFR, part 52 edition revised as of July 1, 1999, the 40 CFR, part 52, Volume 1 of 2 (§§ 52.01 to 52.1018) editions revised as of July 1, 2000 through July 1, 2011, and the 40 CFR, part 52, Volume 1 of 3 (§§ 52.01 to 52.1018) editions revised as of July 1, 2012.

(b)–(c) [Reserved]

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

(a) The owner and operator of each source and each unit located in the State of Florida and Indian country within the borders of the State and for which requirements are set forth under the TR NOx Ozone Season Trading Program in subpart BBBBB of part 97 of
this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units located in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Florida’s State Implementation Plan (SIP) as correcting in part 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. The obligation to comply with such requirements with regard to Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Florida’s SIP.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Florida’s SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR NO\textsubscript{X} 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\textsubscript{X} 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 48362, Aug. 8, 2011]

Subpart L—Georgia

§52.569 [Reserved]

§52.570 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Georgia under section 110 of the Clean Air Act, 42 U.S.C. 7401, 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 prior to September 1, 2009, for Georgia 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 September 1, 2009, for Georgia will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 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 the dates referenced in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303, the Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566-1742. For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.

(c) EPA approved regulations.

EPA APPROVED GEORGIA REGULATIONS

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<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
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<tr>
<td>391–3–1–.01</td>
<td>Definitions</td>
<td>10/14/2014</td>
<td>7/31/2015, 80 FR 45609</td>
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### GPA APPROVED GEORGIA REGULATIONS—Continued

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<td>391–3–1–.02</td>
<td>Provisions</td>
<td></td>
<td></td>
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<td>391–3–1–.02(1)</td>
<td>General Requirements</td>
<td>3/20/79</td>
<td>9/18/79, 44 FR 54047</td>
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<tr>
<td>391–3–1–.02(2)</td>
<td>Emission Standards</td>
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<td>391–3–1–.02(2)(a)</td>
<td>General Provisions</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td>Except for paragraph 391–3–1–.02(2)(a)1 (as approved on 3/16/06).</td>
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<tr>
<td>391–3–1–.02(2)(b)</td>
<td>Visible Emissions</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
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<td>391–3–1–.02(2)(c)</td>
<td>Incinerators</td>
<td>6/15/98</td>
<td>7/20/95, 61 FR 36092</td>
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<tr>
<td>391–3–1–.02(2)(d)</td>
<td>Fuel-burning Equipment</td>
<td>7/20/05</td>
<td>9/28/05, 70 FR 59554</td>
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<tr>
<td>391–3–1–.02(2)(e)</td>
<td>Particulate Emission from Manufacturing Processes</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
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<tr>
<td>391–3–1–.02(2)(f)</td>
<td>Normal Superphosphate Manufacturing Facilities</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
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<td>391–3–1–.02(2)(g)</td>
<td>Sulfur Dioxide</td>
<td>7/17/02</td>
<td>3/20/02, 67 FR 16327</td>
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<td>391–3–1–.02(2)(h)</td>
<td>Portland Cement Plants</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
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<td>391–3–1–.02(2)(i)</td>
<td>Particulate Emission from Asphaltic Concrete Hot Mix Plants</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
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<td>391–3–1–.02(2)(j)</td>
<td>Conical Burners</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
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<tr>
<td>391–3–1–.02(2)(k)</td>
<td>Sulfuric Acid Plants</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
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<td>391–3–1–.02(2)(l)</td>
<td>Particulate Emissions from Kaolin and Fuller’s Earth Processes</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(m)</td>
<td>Particulate Emissions from Cotton Gins</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
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<tr>
<td>391–3–1–.02(2)(n)</td>
<td>Particulate Emissions from Granular and Mixed Fertilizer Manufacturing Units</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(o)</td>
<td>VOC Emissions from Automobile and Light Duty Truck Manufacturing</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(q)</td>
<td>VOC Emissions from Coil Coating</td>
<td>9/16/1992</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(r)</td>
<td>VOC Emissions from Paper Coating</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
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<td>391–3–1–.02(2)(s)</td>
<td>VOC Emissions from Fabric and Vinyl Coating</td>
<td>9/16/1992</td>
<td>9/28/2012, 77 FR 59554</td>
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<tr>
<td>391–3–1–.02(2)(t)</td>
<td>VOC Emissions from Metal Furniture Coating</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(u)</td>
<td>VOC Emissions from Large Appliance Surface Coating</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(v)</td>
<td>VOC Emissions from Wire Coating</td>
<td>9/16/1992</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(w)</td>
<td>Petroleum Liquid Storage</td>
<td>1/9/91</td>
<td>10/13/92, 57 FR 46780</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(x)</td>
<td>Bulk Gasoline Terminals</td>
<td>1/9/91</td>
<td>10/13/92, 57 FR 46780</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(y)</td>
<td>Cutback Asphalt</td>
<td>1/17/79</td>
<td>9/18/79, 44 FR 54047</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(z)</td>
<td>Petroleum Refinery Equipment Leaks</td>
<td>6/24/94</td>
<td>2/26/96, 61 FR 38172</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(aa)</td>
<td>VOC Emissions from Surface Coating of Flat Wood Paneling</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(ab)</td>
<td>VOC Emissions from Synthesized Pharmaceutical Manufacturing</td>
<td>12/18/80</td>
<td>11/24/81, 46 FR 57486</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(ac)</td>
<td>VOC Emissions from the Manufacture of Pneumatic Rubber Tires</td>
<td>12/18/80</td>
<td>11/24/81, 46 FR 57486</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(ad)</td>
<td>VOC Emissions from Graphic Arts Systems</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(ae)</td>
<td>VOC Emissions from External Floating Roof Tanks</td>
<td>12/18/80</td>
<td>11/24/81, 46 FR 57486</td>
<td></td>
</tr>
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</table>

634
<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tr>
<td>391–3–1–.02(2)(ac)</td>
<td>Fiberglass Insulation Manufacturing Plants</td>
<td>12/18/80</td>
<td>11/24/81, 46 FR 57486</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(qq)</td>
<td>VOC Emissions from Large Petroleum Dry Cleaners.</td>
<td>4/3/91</td>
<td>10/13/92, 57 FR 46780</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(tt)</td>
<td>VOC Emissions from Major Sources</td>
<td>6/8/2008</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(vv)</td>
<td>VOC Emissions from Bulk Mixing Tanks</td>
<td>4/12/2009</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(ww)</td>
<td>Perchloroethylene Dry Cleaners</td>
<td>11/15/94</td>
<td>12/28/96, 61 FR 33372</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(xx)</td>
<td>Emissions of Nitrogen Oxides from Major Sources.</td>
<td>4/12/2009</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(yy)</td>
<td>VOC Emissions from Fuel-burning Equipment.</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(zz)</td>
<td>NO\textsubscript{X} Emissions from Electric Utility Steam Generating Units.</td>
<td>7/17/02</td>
<td>7/9/03, 68 FR 40789</td>
<td></td>
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<td>391–3–1–.02(2)(aaa)</td>
<td>NO\textsubscript{X} Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity.</td>
<td>May 4, 2014</td>
<td>9/1/15, 80 FR 52627</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(bbb)</td>
<td>NO\textsubscript{X} Emissions from Large Stationary Gas Turbines.</td>
<td>2/16/00</td>
<td>7/10/01, 66 FR 35906</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(ccc)</td>
<td>Heavy-Duty Diesel Engine Requirements</td>
<td>12/28/01</td>
<td>7/11/02, 67 FR 45909</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(dd)</td>
<td>NO\textsubscript{X} Emissions from Small Fuel-Burning Equipment.</td>
<td>4/12/2009</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(ee)</td>
<td>VOC Emissions from the use of Miscellaneous Parts and Products.</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
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<tr>
<td>391–3–1–.02(2)(ff)</td>
<td>VOC Emissions from the use of Miscellaneous Industrial Adhesives.</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
</tr>
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<td>391–3–1–.02(2)(gg)</td>
<td>VOC Emissions from Industrial Cleaning Solvents</td>
<td>3/7/2012</td>
<td>9/28/2012, 77 FR 59554</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(ii)</td>
<td>Sampling</td>
<td>6/15/98</td>
<td>1/28/86, 51 FR 3466</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(jj)</td>
<td>Ambient Air Standards</td>
<td>10/14/2014</td>
<td>7/31/2015, 80 FR 45609</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(kk)</td>
<td>Open Burning</td>
<td>7/13/06</td>
<td>2/9/09, 75 FR 6309</td>
<td></td>
</tr>
<tr>
<td>391–3–1–.02(2)(ll)</td>
<td>Source Monitoring</td>
<td>12/28/00</td>
<td>7/11/02, 67 FR 45909</td>
<td></td>
</tr>
</tbody>
</table>
### EPA APPROVED GEORGIA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>391–3–1–02(7)</td>
<td>Prevention of Significant Deterioration of Air Quality (PSD).</td>
<td>8/9/12</td>
<td>4/9/13, 78 FR 21065</td>
<td>As of 4/9/13 EPA is approving a revision to 391–3–1–02(7) to incorporate by reference the version of 40 CFR 52.21 as of July 20, 2011. See 78 FR 21065 with the exception of the PM$_2.5$, SMC and SILs thresholds and provisions promulgated in the October 20, 2010 PM$_2.5$, PSD Increment-SILs-SCM Rule at 40 CFR 52.21(i)(i) and (k)(2) respectively. September 9, 2011(76 FR 55572)—Georgia’s PSD Rule 391–3–1–02(7) incorporates by reference the regulations found at 40 CFR 52.21 as of June 3, 2010, with changes. This EPA action is approving the incorporation by reference with the exception of the following provisions: (1) The provisions amended in the Ethanol Rule (72 FR 24060) which exclude facilities that produce ethanol through a natural fermentation process from the definition of “chemical process plants” in the major NSR source permitting program found at 40 CFR 52.21(b)(1)(i)(a) and (b)(1)(iii)(c); and (2) the administrative regulations amended in the Fugitive Emissions Rule (73 FR 77882). Additionally, this EPA action is not approving the “automatic rescission clause” provision at 391–3–1.02(7)(a)2.(iv). This rule contains NOx as a precursor to ozone for PSD and NSR.</td>
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</tbody>
</table>

| 391–3–1.02(11) | Compliance Assurance Monitoring | 6/15/98 | 12/2/98, 64 FR 67491 | |

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This text is a direct transcription of the content from the EPA’s approved Georgia regulations as of the date provided.
## EPA APPROVED GEORGIA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>391–3–1–02(12)</td>
<td>Clean Air Interstate Rule NOx Annual Trading Program.</td>
<td>2/28/07</td>
<td>10/9/07, 72 FR 57202</td>
<td></td>
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<tr>
<td>391–3–1–02(13)</td>
<td>Clean Air Interstate Rule SO2 Annual Trading Program.</td>
<td>2/28/07</td>
<td>10/9/07, 72 FR 57202</td>
<td></td>
</tr>
<tr>
<td>391–3–1–03</td>
<td>Permits</td>
<td>8/9/12</td>
<td>4/9/13, 78 FR 21065</td>
<td>Changes specifically to (8)—Permit Requirements.</td>
</tr>
<tr>
<td>391–3–1–04</td>
<td>Air Pollution Episodes</td>
<td>11/20/75</td>
<td>8/20/76, 41 FR 35184</td>
<td></td>
</tr>
<tr>
<td>391–3–1–07</td>
<td>Inspections and Investigations</td>
<td>11/20/75</td>
<td>8/20/76, 41 FR 35184</td>
<td></td>
</tr>
<tr>
<td>391–3–1–08</td>
<td>Confidentiality of information</td>
<td>11/20/75</td>
<td>8/20/76, 41 FR 35184</td>
<td></td>
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<tr>
<td>391–3–1–09</td>
<td>Enforcement</td>
<td>10/6/10</td>
<td>6/15/2012, 77 FR 35866</td>
<td></td>
</tr>
</tbody>
</table>

### EPA-Approved State Source Specific requirements.

#### EPA-APPROVED GEORGIA SOURCE-SPECIFIC REQUIREMENTS

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
</tr>
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<tbody>
<tr>
<td>ITT Rayonier, Inc.</td>
<td>2631–151–7686-C</td>
<td>11/4/80</td>
<td>8/14/81, 46 FR 41050</td>
</tr>
<tr>
<td>Union Camp</td>
<td>2631–025–7379-0</td>
<td>12/18/81</td>
<td>4/13/82, 47 FR 15794</td>
</tr>
<tr>
<td>Blue Bird Body Company</td>
<td>3719–111–8601</td>
<td>12/27/95</td>
<td>7/18/96, 64 FR 13348</td>
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<tr>
<td>Plant McDonough</td>
<td>4911–033–5037–0</td>
<td>1/17/73</td>
<td>11/30, 45 FR 781</td>
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<tr>
<td>Plant Yates</td>
<td>4911–038–4838–0</td>
<td>12/27/95</td>
<td>3/18/96, 64 FR 13348</td>
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<td>4911–038–4840–0</td>
<td>12/27/95</td>
<td>3/18/96, 64 FR 13348</td>
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<td>4911–038–4841–0</td>
<td>12/27/95</td>
<td>3/18/96, 64 FR 13348</td>
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<td>Plant Atkinson</td>
<td>4911–033–1321–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>Plant Atkinson</td>
<td>4911–033–1322–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>Plant Atkinson</td>
<td>4911–033–1323–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>Plant Atkinson</td>
<td>4911–033–1324–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>4911–033–1325–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>4911–033–1326–0</td>
<td>11/15/94</td>
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<td>11/15/94</td>
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<td>4911–033–1328–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>4911–033–1329–0</td>
<td>11/15/94</td>
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<td>4911–033–1330–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>Plant Atkinson</td>
<td>4911–033–1331–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>4911–033–1332–0</td>
<td>11/15/94</td>
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<td>4911–033–1333–0</td>
<td>11/15/94</td>
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<td>4911–033–1334–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>Plant Atkinson</td>
<td>4911–033–1335–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
</tr>
<tr>
<td>Plant McDonough</td>
<td>4911–033–6949–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>Atlanta Gas Light Company</td>
<td>4922–028–10902–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>Atlanta Gas Light Company</td>
<td>4922–031–10912–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<tr>
<td>Austell Box Board Corporation</td>
<td>2631–033–11436–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
</tr>
<tr>
<td>Emory University</td>
<td>8922–044–10094–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
</tr>
<tr>
<td>General Motors Corporation</td>
<td>3711–044–15453–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
</tr>
<tr>
<td>Georgia Proteins Company</td>
<td>2077–058–11226–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<tr>
<td>Owens-Brockway Glass Container, Inc.</td>
<td>3221–060–10576–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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<td>Owens-Corning Fiberglass Corporation</td>
<td>3296–060–10079–0</td>
<td>11/15/94</td>
<td>3/18/96, 64 FR 13348</td>
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</tbody>
</table>

(e) EPA-Approved Georgia non-regulatory provisions.
<table>
<thead>
<tr>
<th>Name of nonregulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<td>7/31/00</td>
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<td>5/31/00</td>
<td>2/22/02.</td>
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<td>7/17/01</td>
<td>5/7/02.</td>
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<td>Atlanta Metropolitan Area</td>
<td>12/24/03</td>
<td>7/19/04, 69 FR 42884.</td>
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<td>Atlanta Metropolitan Area</td>
<td>6/30/04</td>
<td>6/14/05, 70 FR 34358.</td>
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<td>Atlanta Metropolitan Area</td>
<td>2/1/05</td>
<td>6/14/05, 70 FR 34660.</td>
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<td>Atlanta Metropolitan Area</td>
<td>12/31/04</td>
<td>8/26/05, 70 FR 50199.</td>
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<td>12/31/04</td>
<td>8/26/05, 70 FR 50195.</td>
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<tr>
<td></td>
<td>Walker and Catossa Counties.</td>
<td>12/31/04</td>
<td>8/26/05, 70 FR 50199.</td>
<td></td>
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<td></td>
<td>Columbia and Richmond Counties.</td>
<td>12/31/04</td>
<td>8/26/05, 70 FR 50195.</td>
<td></td>
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<tr>
<td></td>
<td>Douglas County, GA</td>
<td>9/19/06</td>
<td>11/28/06, 71 FR 68743.</td>
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<td></td>
<td>Macon, GA encompassing a portion of Monroe County.</td>
<td>6/15/07</td>
<td>9/19/07, 72 FR 53432.</td>
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<td></td>
<td>Murray County</td>
<td>6/15/07</td>
<td>10/18/07, 72 FR 58538.</td>
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<td></td>
<td>Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton counties.</td>
<td>1/12/07</td>
<td>2/20/08, 73 FR 9206.</td>
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</table>
### EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS—Continued

<table>
<thead>
<tr>
<th>Name of nonregulatory SIP provision</th>
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<th>Explanation</th>
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<tbody>
<tr>
<td>Rome; 1997 Fine Particulate Matter 2002 Base Year Emissions Inventory.</td>
<td>Floyd County ..................</td>
<td>10/27/2009 ; 1/12/12, 77 FR 1873.</td>
<td>10/27/09 ; 2/8/12, 77 FR 6467.</td>
<td>110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards.</td>
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<td>110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards.</td>
<td>Catossa and Walker Counties.</td>
<td>10/13/2007 ; 1/12/12, 77 FR 5706.</td>
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<td>-</td>
<td>Bibb County and Monroe County.</td>
<td>8/17/2009</td>
<td>3/02/12, 77 FR 12724.</td>
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<tr>
<td>Regional Haze Plan .......................................</td>
<td>Statewide ..................</td>
<td>2/11/10</td>
<td>6/28/12, 77 FR 38501.</td>
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<tr>
<td>Regional Haze Plan Supplement (including BART and Reasonable Progress emissions limits).</td>
<td>Statewide ..................</td>
<td>11/19/10</td>
<td>6/28/12, 77 FR 38501.</td>
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<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Georgia ..................</td>
<td>7/23/2008</td>
<td>4/12/2013</td>
<td>Addressing element 110(a)(2)(D)(i)(II) prong 3 only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>10/21/2009</td>
<td>4/12/2013</td>
<td>Addressing element 110(a)(2)(D)(i)(II) prong 3 only.</td>
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<tr>
<td>1997 Annual PM$_{2.5}$ Maintenance Plan for the Macon Area.</td>
<td>Bibb County and a portion of Monroe County, Macon, Georgia Non-attainment Area.</td>
<td>6/21/12 .........</td>
<td>5/13/14, 79 FR 27193.</td>
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<td>1997 Annual PM$_{2.5}$ Maintenance Plan for the Rome Area.</td>
<td>Floyd County, Rome, Georgia Area.</td>
<td>6/21/12 .........</td>
<td>5/14/2014, 79 FR 27496.</td>
<td>Addressing the PSD permitting requirements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J) only.</td>
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<td>1997 Annual PM$_{2.5}$ Maintenance Plan for the Georgia portion of the Chattanooga TN-GA-AL Area.</td>
<td>Catoosa and Walker Counties.</td>
<td>9/14/12 .........</td>
<td>12/19/14, 79 FR 75748.</td>
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<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead NAAQS.</td>
<td>Georgia .........................</td>
<td>5/14/2012 ......</td>
<td>3/18/2015, 80 FR 14019.</td>
<td>Addressing the PSD permitting requirements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J) only.</td>
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<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone NAAQS.</td>
<td>Georgia .........................</td>
<td>3/6/2012 .........</td>
<td>3/18/2015, 80 FR 14019.</td>
<td>Addressing the PSD permitting requirements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J) only.</td>
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<td>110(a)(1) and (2) Infrastructure Requirements for the 2010 NO$_2$ NAAQS.</td>
<td>Georgia .........................</td>
<td>3/25/2013 .........</td>
<td>3/18/2015, 80 FR 14019.</td>
<td>Addressing the PSD permitting requirements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J) only.</td>
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<tr>
<td>Offset measures associated with the repeal of Georgia Rules 391–3–1–02(2)(aa) and 391–3–1–02(2)(bbb) and the revision to Georgia Rule 391–3–1–02(2)(mmm).</td>
<td>Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Pulaski, Rockdale, Spalding, Troup, Walton and Upson.</td>
<td>May 4, 2014 ......</td>
<td>9/1/15, 80 FR 52627.</td>
<td>Includes the contingency offset measure in the event that the locomotive conversion program cannot be fully completed.</td>
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EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS—Continued

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<tr>
<td>Atlanta 2008 8-hour Ozone Marginal Area Requirements.</td>
<td>Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale Counties.</td>
<td>2/6/15 8/11/15, 80 FR 48041.</td>
<td>8/1/15, 80 FR</td>
<td>With the exception of provisions pertaining to PSD permitting requirements in sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J) only.</td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards.</td>
<td>Georgia</td>
<td>3/6/2012 10/5/15</td>
<td>10/5/15</td>
<td>With the exception of sections: 110(a)(2)(C), (D)(i)(II) prong 3 and (J) concerning PSD permitting requirements and 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2, and 4) concerning interstate transport requirements.</td>
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<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards.</td>
<td>Georgia</td>
<td>5/14/2012 10/9/2015, 80 FR 61109.</td>
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<td>With the exception of interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2, and 4).</td>
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<td>110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO2 National Ambient Air Quality Standard.</td>
<td>Georgia</td>
<td>10/22/2013 4/28/2016, 81 FR 25355.</td>
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<td>With the exception of interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2, and 4).</td>
</tr>
</tbody>
</table>
§ 52.572 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Georgia’s plans for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I, of the Clean Air Act as amended in 1977.

(b) Disapproval. Submittal from the State of Georgia, through the Georgia’s Department of Natural Resources Environmental Protection Division (EPD) on January 13, 2011, that would allow for the automatic rescission of federal permitting-related requirements in certain circumstances. EPA is disapproving a portion of the SIP submittal related to a provision (at 391–3–1–02(7)(a)(2)(iv)) that would automatically rescind portions of Georgia’s State Implementation Plan in the wake of certain court decisions or other triggering events (the automatic rescission clause).

[76 FR 55577, Sept. 8, 2011, as amended at 81 FR 11445, Mar. 4, 2016]

§ 52.573 Control strategy: General.

The generic rules and procedures for emission trades (bubbles), submitted on October 27, 1982, by the Georgia Department of Natural Resources, are disapproved because they do not meet the requirements of the Clean Air Act.

[49 FR 44464, Nov. 7, 1984]

§§ 52.574–52.575 [Reserved]

§ 52.576 Compliance schedules.

(a) [Reserved]

(b) The extended compliance schedule for the General Motors Lakewood Assembly Plant submitted on July 30, 1982, is disapproved because the State has failed to show that the schedule would not interfere with the attainment of the ozone standard in the Atlanta nonattainment area.


§ 52.577 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 Chattanooga, Alabama-Georgia-Tennessee 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 Chattanooga, Alabama-Georgia-Tennessee 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 2007–2009, EPA determined that the Macon, Georgia 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
Environmental Protection Agency § 52.578

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 Macon, Georgia PM$_{2.5}$ nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(c) Based upon EPA’s review of the air quality data for the 3-year period 2007–2009, EPA determined that the Rome, Georgia PM$_{2.5}$ nonattainment area attained the 1997 annual PM$_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area’s air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Rome, Georgia PM$_{2.5}$ 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 2008–2010, EPA determined that the Atlanta, Georgia, 1997 8-hour ozone nonattainment Area attained the 1997 8-hour ozone NAAQS by the applicable attainment date of June 15, 2011. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2) 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 Atlanta, Georgia, 1997 8-hour ozone nonattainment Area is not subject to the consequences of failing to attain pursuant to section 181(b)(2).

§ 52.578 Control Strategy: Sulfur oxides and particulate matter.

In a letter dated March 26, 1987, the Georgia Department of Natural Resources certified that no emission limits in the State’s plan are based on dispersion techniques not permitted by EPA’s stack height rules. This certification does not apply to Georgia Power plants; Hammond (Coosa), McDonough (Smyrna), Arkwright (Macon), Branch (Milledgeville), Wansley (Roopville), Scherer (Juliette), and Yates (Newnan), Savannah Electric Plants McIntosh (Rincon) and Port Wentworth (Port Wentworth); Inland (Rome); Buckeye Cellulose (Oglethorpe); Georgia Kraft (Macon), Union Camp (Savannah); and Stone Container (Savannah).

(a) Determination of Attaining Data. EPA has determined, as of April 5, 2011, the Rome, Georgia, nonattainment area has attaining data for the 1997 annual PM$_{2.5}$ 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$_{2.5}$ NAAQS.

(b) Determination of Attaining Data. EPA has determined, as of May 31, 2011, the Chattanooga, Tennessee, nonattainment area has attaining data for the 1997 annual PM$_{2.5}$ 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$_{2.5}$ NAAQS.

(c) Determination of Attaining Data. EPA has determined, as of June 2, 2011, the Macon, Georgia, nonattainment area has attaining data for the 1997 annual PM$_{2.5}$ 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$_{2.5}$ NAAQS.

(d) Disapproval. EPA is disapproving portions of Georgia’s Infrastructure SIP for the 2006 24-hour PM$_{2.5}$ NAAQS addressing interstate transport, specifically with respect to section 110(a)(2)(D)(I)(I).
§ 52.579 Economic feasibility considerations.

Section 88–906(h), (i), (k), (o) and (q) of the Georgia Code is disapproved, since consideration of economic feasibility could, in some cases, conflict, with the requirements of the Act that primary standards be attained as expeditiously as practicable, but in no case later than July 1975.

[39 FR 34536, Sept. 26, 1974]

§ 52.580 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 Georgia on February 11, 2010, and supplemented on November 19, 2010, 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\textsubscript{X} and SO\textsubscript{2} from electric generating units. EPA has given limited disapproval to the plan provisions addressing these requirements.

(b) Measures Addressing Limited Disapproval Associated with NO\textsubscript{X}. The deficiencies associated with NO\textsubscript{X} identified in EPA’s limited disapproval of the regional haze plan submitted by Georgia on February 11, 2010, and supplemented on November 19, 2010, are satisfied by § 52.584.

(c) Measures Addressing Limited Disapproval Associated with SO\textsubscript{2}. The deficiencies associated with SO\textsubscript{2} identified in EPA’s limited disapproval of the regional haze plan submitted by Georgia on February 11, 2010, and supplemented on November 19, 2010, are satisfied by § 52.585.

[77 FR 33656, June 7, 2012]

§ 52.581 Significant deterioration of air quality.

(a) All applications and other information required pursuant to §52.21 of this part from sources located in the State of Georgia shall be submitted to the State agency, Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354 rather than to EPA’s Region 4 office.

(b) [Reserved]

[77 FR 23398, Apr. 19, 2012]

§ 52.582 Control strategy: Ozone.

(a) Approval—The Administrator approves the incorporation of the photochemical assessment ambient monitoring system submitted by Georgia on November 8, 1993, into the Georgia State Implementation Plan. This submittal satisfies 40 CFR 58.20(f) which requires the State to provide for the establishment and maintenance of photochemical assessment monitoring stations (PAMS).

(b) On August 29, 1997, Harold F. Reheis, Director, Georgia Department of Natural Resources submitted to John Hankinson, Regional Administrator, United States Environmental Protection Agency Region IV, a State Implementation Plan revision including the following transportation control measures.

(1) HOV Lane—This project referred to as AR 073B is the addition of HOV lanes on I-85 from Chamblee-Tucker Road to State Route 316.

(2) Ridershare Program—This project is referred to as AR–220 and is a lump sum eligible to all colleges and universities with the 10 county ARC region.

(3) Transportation Management Associations—Referred to as project AR 221 is to set up a “pot” of funds set aside specially to assist in the development of transportation management associations and start-up ridershare services in the areas that are considered to be highly congested throughout the Region.
(4) MARTA Transit Incentives Program—This project is referred to as AR–231.

(5) Alternative Fuel Refueling Station/Park and Ride Transportation Center—This project is referred to as DO–AR–211.

(c) EPA is giving final interim approval to the Georgia Inspection and Maintenance (I/M) Program submitted on March 27, 1996, with supplemental information submitted on January 31, 1997, until November 11, 1999.

(d) Determination of attaining data. EPA has determined, as of June 23, 2011, the Atlanta, Georgia nonattainment area has attaining data for the 1997 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.918, 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 8-hour ozone NAAQS.

§ 52.583 Additional rules and regulations.

Section 391–3–1–.02(2)(e), Particulate Emissions from Manufacturing Processes, is hereby approved only to the extent that it provides for the establishment, as permit conditions, of emission limits more stringent than those otherwise applicable under the currently approved Georgia regulations. Any application of this regulation which would result in permit provisions less stringent than those otherwise required by the State's regulations must be formally submitted to EPA for prior approval as a plan revision pursuant to section 110(a) of the Clean Air Act.

§ 52.584 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 Georgia and for which requirements are set forth under the TR NOX 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 Georgia'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 Georgia's SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NOX 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 NOX 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 Georgia and for which requirements are set forth under the TR NOX Ozone Season Trading Program in subpart 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 Georgia'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 Georgia's SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NOX Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in the State for
§ 52.585 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 Georgia and for which requirements are set forth under the TR SO₂ Group 2 Trading Program in subpart DDDDD 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 Georgia’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 Georgia’s SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO₂ Group 2 allowances under subpart DDDDD of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart DDDDD of part 97 of this chapter authorizing the Administrator to complete the allocation and recording of TR SO₂ Group 2 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 48363, Aug. 8, 2011]

§ 52.620 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for State of Hawaii under section 110 of the Clean Air Act, 42 U.S.C. 7401–7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference. (1) Material listed in paragraph (c) and (d) of this section with EPA approval dates prior to May 1, 2012, 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 May 1, 2012, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region IX 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 May 1, 2012.

(3) Copies of the materials incorporated by reference may be inspected at the Region IX EPA Office at 75 Hawthorne Street, San Francisco, CA 94105; Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave., NW., Washington, DC; or the National Archives and Records Administration (NARA). For information on the availability of this material at

[79 FR 30050, May 27, 2014]
### EPA-APPROVED STATE OF HAWAII REGULATIONS

<table>
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<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>Effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tr>
<td><strong>Department of Health, Public Health Regulations, Chapter 43, Air Pollution Control Regulations</strong>*</td>
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<tr>
<td>Section 22</td>
<td>Hearings and Appeals</td>
<td>12/26/1972</td>
<td>05/14/1973, 38 FR 12711</td>
<td>See also 74 FR 11037 (March 16, 2009).</td>
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<td>Section 23</td>
<td>Application</td>
<td>03/28/1972</td>
<td>05/31/1972, 37 FR 10842</td>
<td>See also 74 FR 11037 (March 16, 2009).</td>
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<td><strong>Department of Health, Title 11, Chapter 60, Air Pollution Control Regulations</strong>*</td>
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<tr>
<td><strong>Department of Health, Title 11, Chapter 60.1, Air Pollution Control, Hawaii Administrative Rules</strong>*</td>
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<tr>
<td>11–60.1–5</td>
<td>Permit conditions</td>
<td>04/23/2012, 77 FR 24148</td>
<td>New regulation.</td>
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### EPA-APPROVED STATE OF HAWAII REGULATIONS—Continued

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<td>11–60.1–84</td>
<td>Duty to supplement or correct permit applications.</td>
<td>04/23/2012, 77 FR 24148</td>
<td>New regulation.</td>
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<tr>
<td>11–60.1–93</td>
<td>Federally-enforceable permit terms and conditions.</td>
<td>04/23/2012, 77 FR 24148</td>
<td>New regulation.</td>
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<tr>
<td>11–60.1–104</td>
<td>Applications for significant modifications.</td>
<td>04/23/2012, 77 FR 24148</td>
<td>New regulation.</td>
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(d) EPA approved State source specific requirements.

<table>
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<th>Name of source</th>
<th>Permit No.</th>
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<tbody>
<tr>
<td>None.</td>
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</tbody>
</table>

(e) EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures.

**EPA APPROVED HAWAII NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES**

<table>
<thead>
<tr>
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<tr>
<td>Section I—Introduction</td>
<td>State-wide</td>
<td>01/28/72</td>
<td>05/31/72, 37 FR 10842.</td>
<td></td>
</tr>
<tr>
<td>Sections V and VI: Section V—Air Quality Data Summary.</td>
<td>State-wide</td>
<td>08/15/73</td>
<td>06/25/74, 39 FR 22946.</td>
<td></td>
</tr>
<tr>
<td>Section VI—Emission Inventory Summary.</td>
<td>State-wide</td>
<td>08/15/73</td>
<td>06/25/74, 39 FR 22946.</td>
<td></td>
</tr>
</tbody>
</table>
### EPA APPROVED HAWAII NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>Section XII—Air Quality Surveillance Network:</td>
<td>State-wide</td>
<td>08/21/80</td>
<td>08/10/81, 46 FR 40512.</td>
<td></td>
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<tr>
<td>Air Quality Surveillance Network, SIP Amendment—PM 2.5</td>
<td>State-wide</td>
<td>09/14/88</td>
<td>07/09/88, 49 FR 41431.</td>
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<tr>
<td>Sections XIII and XIV:</td>
<td>State-wide</td>
<td>01/28/72</td>
<td>05/31/72, 37 FR 10842.</td>
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<tr>
<td>Section XIV—Intergovernmental Cooperation.</td>
<td>State-wide</td>
<td>01/28/72</td>
<td>05/31/72, 37 FR 10842.</td>
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</tbody>
</table>
### State of Hawaii Air Pollution Control Implementation Plans for Nitrogen Dioxide, Ozone, PM$_{2.5}$, and Lead

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>State of Hawaii Air Pollution Control Implementation Plan for Lead.</td>
<td>Statewide</td>
<td>10/29/82</td>
<td>8/18/83, 48 FR 37402</td>
<td>Excluding section II (“Notice of Public Hearing”); Hawaii Statute on Environmental Quality, Chapter 342, Hawaii Revised Statutes, section 342–7 (see 74 FR 11037 (March 16, 2009)); and section IV (“Control Regulations”). The statutory provisions in Section III (“Legal Authority”) superseded statutory provisions approved at 37 FR 10842 (May 31, 1972) and at 38 FR 30876 (November 8, 1973) and were, with few exceptions, superseded by approval of more recent statutory provisions at 77 FR 47530 (August 9, 2012). Statutory provisions that remain in the current applicable SIP are listed separately in the table in paragraph (e).</td>
</tr>
<tr>
<td>State Implementation Plan Revision, Clean Air Act Section 110(a)(2), 1997 Ozone National Ambient Air Quality Standard and 1997 and 2006 PM$_{2.5}$ National Ambient Air Quality Standards.</td>
<td>Statewide</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Approval excludes appendix A (“Hawaii Revised Statutes, Chapter 84, Standards of Conduct, Chapter 342B, Air Pollution Control”), appendix B, (“Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control”), appendix D (“SIP Public Comment Proceedings”), and appendix E (“Public Proceedings for Hawaii Administrative Rules, Chapter 11–60.1”). Approved statutory provisions included in appendix A are listed separately in the table in paragraph (e). In separate rulemakings, EPA has taken action to approve certain regulations included in appendix B. Approved regulations are listed separately in the table in paragraph (c).</td>
</tr>
<tr>
<td>Name of SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submittal date</td>
<td>EPA approval date</td>
<td>Explanation</td>
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<tr>
<td>Hawaii State Implement-</td>
<td>Statewide</td>
<td>2/13/13</td>
<td>79 FR 19012, 4/7/2014</td>
<td>Approved SIP revision excludes attachment 6 (“Summary of Public Participation Proceedings”), appendix A (“Hawaii Revised Statutes Chapter 342A, Air Pollution Control”), appendix B (“Hawaii Revised Statutes Chapter 84, Standards of Conduct”), appendix C (“Hawaii Administrative Rules Chapter 11–60.1, Air Pollution Control”), and appendix F (“Approval and Public Participation Proceedings from the Most Recent Amendment and Public Comment for HAR 11–60.1–90: September 15, 2001 version”). The statutory provisions in appendices A and B were previously approved and are listed separately in the table under paragraph (e). EPA-approved regulations contained in appendix C are listed separately in the table under paragraph (c). This action addresses the following CAA elements or portions thereof for the 2008 Pb NAAQS: 110(a)(2)(A), (B), (C), (D)(i)(I), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
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</table>
### EPA APPROVED HAWAII NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
</table>
| Hawaii State Implementa-
| tion Plan Revision, Na-
| tional Ambient Air Qual-
| ity Standards for 2008
| Ozone and 2010 Nitro-
| gen Dioxide, Clean Air
| Act Section 110(a)(1) &
| (2), excluding attachment
| 3, and appendices A, B,
| and C. | Statewide .......................... | 4/4/14 | 8/21/14, 79 FR 49454 | Approved SIP revision ex-
| | | | | cludes attachment 3
| | | | | (“Summary of Public
| | | | | Participation Pro-
| | | | | ceedings”), appendix A
| | | | | (“Hawaii Revised Stat-
| | | | | utes, Title 19, Health,
| | | | | Chapter 342B, Air Pol-
| | | | | lution Control Sections
| | | | | 4 and 5”); appendix B
| | | | | (“Hawaii Administrative
| | | | | Rules, Title 11, Depart-
| | | | | ment of Health, Chapter
| | | | | 11–60.1, Air Pollution
| | | | | Control, Section 31;)
| | | | | appendix C (“Approvals
| | | | | & Public Participation
| | | | | Proceedings for HAR
| | | | | §11–60.1–31: November
| | | | | 26, 1993 version”).
| | | | | The statutory provisions
| | | | | in appendix A are listed
| | | | | separately in the table
| | | | | under paragraph (e).
| | | | | The regulations in ap-
| | | | | pendix B are listed sep-
| | | | | arately in the table
| | | | | under paragraph (c).
| | | | | This action addresses
| | | | | the following CAA ele-
| | | | | ments or portions there-
| | | | | of for the 2008 Ozone
| | | | | and 2010 Nitrogen Di-
| | | | | oxide NAAQS:
| | | | | 110(a)(2)(A), (B), (C),
| | | | | (E), (F), (G), (H), (J),
| | | | | (K), (L), and (M). |
| Hawaii Revised Statutes, Division 1 (Government), Title 7 (Public officers and employees), Chapter 84 (Standards of Conduct) | | | | |
| 84–1 ............................. | Construction .......................... | 12/14/11 | 8/9/12, 77 FR 47530 | Laws 1972, Act 163, pt of
| | | | | §1. Included in appen-
| | | | | dix A to the Hawaii SIP
| | | | | revision for the 1997
| | | | | ozone, and 1997 and
| | | | | 2006 PM$_{2.5}$ national am-
| | | | | bient air quality stand-
| | | | | ards. |
| 84–2 ............................. | Applicability .......................... | 12/14/11 | 8/9/12, 77 FR 47530 | Most recently amended in
| | | | | Laws 1979, Act 91, §3.
| | | | | Included in appendix A
| | | | | to the Hawaii SIP revi-
| | | | | sion for the 1997
| | | | | ozone, and 1997 and
| | | | | 2006 PM$_{2.5}$ national am-
| | | | | bient air quality stand-
| | | | | ards. |
| 84–3 ............................. | Definitions .......................... | 12/14/11 | 8/9/12, 77 FR 47530 | Law as amended through
| | | | | 1984. Included in ap-
| | | | | pendix A to the Hawaii
| | | | | SIP revision for the
| | | | | 1997 ozone, and 1997
| | | | | and 2006 PM$_{2.5}$ national ambient air quality standards. |
## Environmental Protection Agency

### § 52.620

**EPA APPROVED HAWAII NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued**

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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</thead>
<tbody>
<tr>
<td>84–11</td>
<td>Gifts</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Law as amended through 1984. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>84–11.5</td>
<td>Reporting of gifts</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 322, pt of §1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>84–12</td>
<td>Confidential information</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Law as amended through 1984. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>84–14</td>
<td>Conflicts of interests</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1978, Act 245, §2. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>84–17</td>
<td>Requirements of disclosure</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 2007, Act 9, §4. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342–18</td>
<td>Other powers of department not affected</td>
<td>10/29/82</td>
<td>8/18/83, 48 FR 37402</td>
<td>Laws 1972, Act 100, pt of §1. Included in Section III (&quot;Legal Authority&quot;) in the State of Hawaii Air Pollution Control Implementation Plan for Lead.</td>
</tr>
<tr>
<td>Name of SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submittal date</td>
<td>EPA approval date</td>
<td>Explanation</td>
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<tr>
<td>342B-1</td>
<td>Definitions</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1993, Act 208, §§ 2, 11. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM\textsubscript{2.5} national ambient air quality standards.</td>
</tr>
<tr>
<td>342B-2</td>
<td>Administration</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM\textsubscript{2.5} national ambient air quality standards.</td>
</tr>
<tr>
<td>342B-3</td>
<td>General functions, duties, and powers of the director.</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 2000, Act 253, § 150. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM\textsubscript{2.5} national ambient air quality standards.</td>
</tr>
<tr>
<td>342B-4</td>
<td>Other powers of department and director not affected.</td>
<td>4/4/14</td>
<td>8/21/14, 79 FR 49454</td>
<td>Most recently amended in Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii State Implementation Plan Revision, National Ambient Air Quality Standards for 2008 Ozone and 2010 Nitrogen Dioxide, Clean Air Act Section 110(a)(1) &amp; (2).</td>
</tr>
<tr>
<td>342B-7</td>
<td>Annual reports</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1993, Act 208, § 3. Most recently amended in Laws 1993, c 208, § 3. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM\textsubscript{2.5} national ambient air quality standards.</td>
</tr>
<tr>
<td>Name of SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submittal date</td>
<td>EPA approval date</td>
<td>Explanation</td>
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<tr>
<td>342B–12</td>
<td>Specific powers of the director</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1994, Act 268, § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM&lt;sub&gt;2.5&lt;/sub&gt; national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–15</td>
<td>Complaints; hearings; appointment of masters.</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM&lt;sub&gt;2.5&lt;/sub&gt; national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–16</td>
<td>Research, educational, and training programs.</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM&lt;sub&gt;2.5&lt;/sub&gt; national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–22</td>
<td>Permit and permit renewal; requirements</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM&lt;sub&gt;2.5&lt;/sub&gt; national ambient air quality standards.</td>
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</table>
### Table: EPA Approved Hawaii Nonregulatory Provisions and Quasi-Regulatory Measures—Continued

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<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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</table>
## Environmental Protection Agency

### § 52.620

**EPA APPROVED HAWAII NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued**

<table>
<thead>
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<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>342B–31</td>
<td>Government records; confidential information.</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
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<tr>
<td>342B–32</td>
<td>Clean air special fund</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–33</td>
<td>Minimum permit conditions</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1994, Act 268, § 3. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–34</td>
<td>Exceptions</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–41</td>
<td>Inspection of premises</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–42</td>
<td>Enforcement</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1995, Act 201, § 2. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–43</td>
<td>Emergency powers; procedures</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1995, Act 201, § 1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–44</td>
<td>Injunctive and other relief</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1995, Act 180, § 3. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>Name of SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submittal date</td>
<td>EPA approval date</td>
<td>Explanation</td>
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<td>342B–45</td>
<td>Citation</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1997, Act 27; §1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
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<tr>
<td>342B–46</td>
<td>Appeal</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of §1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–47</td>
<td>Civil penalties</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1993, Act 208, §8. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–49</td>
<td>Criminal penalties</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Most recently amended in Laws 1993, Act 208, §9. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–50</td>
<td>Disposition of collected fines and penalties</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of §1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–51</td>
<td>Enforcement by state and county authorities</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of §1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
</tr>
<tr>
<td>342B–52</td>
<td>Nonliability of department personnel</td>
<td>12/14/11</td>
<td>8/9/12, 77 FR 47530</td>
<td>Laws 1992, Act 240, pt of §1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.</td>
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Name of SIP provision | Applicable geographic or nonattainment area | State submission date | EPA approval date | Explanation
--- | --- | --- | --- | ---
342B–53 | Other action not barred | 12/14/11 | 8/9/12, 77 FR 47530 | Laws 1992, Act 240, pt of §1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.
342B–54 | Priority in courts | 12/14/11 | 8/9/12, 77 FR 47530 | Laws 1992, Act 240, pt of §1. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.
342B–55 | Consent orders; settlement agreements. | 12/14/11 | 8/9/12, 77 FR 47530 | Most recently amended in Laws 1993, Act 208, §10. Included in appendix A to the Hawaii SIP revision for the 1997 ozone, and 1997 and 2006 PM$_{2.5}$ national ambient air quality standards.

§ 52.621 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
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<tr>
<td>State of Hawaii</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
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</table>

§ 52.622 Original identification of plan.

(a) This section identified the original “State of Hawaii Air Pollution Control Implementation Plan” and all revisions submitted by the State of Hawaii that were federally approved prior to June 1, 2005.

(b) The plan was officially submitted on January 28, 1972.

(1) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted from the SIP without replacement Air Pollution Control Law, Hawaii Revised Statutes, chapter 322, part V, section 322-68 and Public Health Regulations, chapter 43, section 20.

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

(1) Certification that the plan was adopted submitted on April 4, 1972, by the Department of Health.

(2) Telegram and letters (Non-regulatory) clarifying the plan submitted on May 8, 1972, by the Governor.

(3) Telegram (Non-regulatory) clarifying the particulate matter control strategy submitted on May 22, 1972, by the Governor.
(4) Letter (Non-regulatory) clarifying disapproval of the plan submitted on June 15, 1972, by the Governor.

(i) Previously approved on November 8, 1973 in paragraph (c)(4) of this section and now deleted from the SIP without replacement S.B. No. 1982-72, Act 100, section 7.

(ii) Revised regulations (in their entirety) for the State of Hawaii submitted on November 21, 1972, by the Governor.

(iii) Previously approved on May 14, 1973 in paragraph (c)(4) of this section and now deleted from the SIP without replacement S.B. No. 1382–72, Act 100, section 7.

(iv) [Reserved]

(5) Revised regulations (in their entirety) for the State of Hawaii submitted on November 21, 1972, by the Governor.

(i) Previously approved on May 14, 1973 in paragraph (c)(5) of this section and now deleted from the SIP without replacement chapter 43, section 20.

(ii) [Reserved]

(6) Regulations establishing a permit system for agricultural burning submitted on May 15, 1973, by the Governor.


(8) 18-month extension plan for particulate matter submitted on August 15, 1973, by the Governor.

(9) Date for attainment of the national ambient air quality standards for particulate matter submitted on April 25, 1974, by the Governor.

(10) Previously approved on April 23, 1979 and now deleted without replacement: A variance to the Hawaii Public Health Regulations, chapter 43, section 7(b)(5) submitted on September 12, 1978, by the Governor.

(11) A variance to the Hawaii Public Health Regulations, Chapter 43, Section 7(b)(5) submitted on February 22, 1979 by the Governor.

(12) The following amendments to the plan were submitted on August 21, 1980, by the Governor.

(i) XII. Air Quality Surveillance Network.

(13) A variance to the Hawaii Public Health Regulations, Chapter 43, Section 7(b)(5) submitted on September 12, 1978, by the Governor.

(14) A variance to the Hawaii Public Health Regulations, Chapter 43, Section 7(b)(5) submitted on November 25, 1978, by the Governor.

(15) The following amendment to the plan was submitted on September 14, 1988, by the Governor’s designee.

(i) Incorporation by reference. (A) Hawaii Department of Health.


(16) The following amendments to the plan were submitted on December 20, 1982 by the State.

(i) Title 11—Department of Health, Chapter 60, Air Pollution Control.


(B) Previously approved on August 18, 1983 and now deleted without replacement section 11–60–36.

(17) The following amendment to the plan was submitted on September 14, 1988, by the Governor’s designee.

(i) Incorporation by reference. (A) Hawaii Department of Health.


(18) The following amendment to the plan was submitted on August 15, 1973, by the Governor.

(i) Previously approved on August 23, 1983 and now deleted without replacement: A variance to the Hawaii Public Health Regulations, chapter 43, section 8(b)(1) submitted on April 6, 1982, by the Governor.

(19) The following amendment to the plan was submitted on December 14, 2011 by the Governor.

(i) 1997 8-hour ozone NAAQS: The SIP submitted on December 14, 2011 is partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C) and (J), and is disapproved for CAA elements 110(a)(2)(D)(i)(II) and (D)(II).

(b) 1997 PM$_{2.5}$ NAAQS: The SIP submitted on December 14, 2011 is partially disapproved for Clean Air Act (CAA)
elements 110(a)(2)(C) and (J), and is disapproved for CAA elements 110(a)(2)(D)(i)(II) and (D)(ii).

(d) 2006 PM$_{2.5}$ NAAQS: The SIP submitted on December 14, 2011 is partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C) and (J), and is disapproved for CAA elements 110(a)(2)(D)(i)(II) and (D)(ii).

[79 FR 17874, Mar. 31, 2014]

§ 52.624 General requirements.

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

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

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

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

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


§ 52.625 Legal authority.

(a) The requirements of §51.230(f) of this chapter are not met, since sections 322-64(5) and 322-66 of the Hawaii Revised Statutes could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, sections 322-64(5) and 322-66 are disapproved.


§ 52.626 Compliance schedules.

(a) [Reserved]

(b) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of Subpart N of this chapter.

The regulations cited are air pollution control regulations of the State.

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation sections involved</th>
<th>Date of adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nanakuli Pavement &amp; Rock Co., Ltd.</td>
<td>Molokai</td>
<td>8, 13</td>
<td>7/27/73.</td>
</tr>
<tr>
<td>Kohala Corp</td>
<td>Halauna</td>
<td>8, 12</td>
<td>Do.</td>
</tr>
</tbody>
</table>

§§ 52.627–52.631 [Reserved]

§ 52.632 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 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Hawaii.


§ 52.633 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§52.26, 52.27 and 52.28, are hereby incorporated and made part of the applicable plan for the State of Hawaii.

(c) Long-term strategy. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of Hawaii.

(d) Regional Haze Plan Provisions—(1) Applicability— This paragraph (d) applies to following electric generating units (EGUs) and boilers: Kanohe Power Plant, Hill 5 and Hill 6; Puna Power Plant, Boiler 1; Shipman Power Plant, Boiler S–3 and Boiler S–4.

(2) Definitions. Terms not defined below shall have the meaning given to them in the Clean Air Act or EPA’s regulations implementing the Clean Air Act. For purposes of this paragraph (d):

Owner/operator means any person who owns, leases, operates, controls, or supervises an EGU or boiler identified in paragraph (d)(1) of this section.

SO₂ means sulfur dioxide.

Unit means any of the EGUs or boilers identified in paragraph (d)(1) of this section.

(3) Emissions cap. The EGUs identified in paragraph (d)(1) of this section shall not emit or cause to be emitted SO₂ in excess of a total of 3,550 tons per year, calculated as the sum of total SO₂ emissions for all five units over a rolling 12-month period.

(4) Compliance date. Compliance with the emissions cap and other requirements of this section is required at all times on and after December 31, 2018.

(5) Monitoring, recordkeeping and reporting requirements.

(i) All records, including support information, required by paragraph (d)(5) of this section shall maintain records of fuel deliveries identifying the delivery dates and the type and amount of fuel received. The fuel to be fired in the boilers shall be sampled and tested in accordance with the most current American Society for Testing and Materials (ASTM) methods.

(ii) The owners and operators of the EGUs identified in paragraph (d)(1) of this section shall maintain records of fuel deliveries identifying the delivery dates and the type and amount of fuel received. The fuel to be fired in the boilers shall be sampled and tested in accordance with the most current American Society for Testing and Materials (ASTM) methods.

(iii) The owners and operators of the EGUs identified in paragraph (d)(1) of this section shall analyze on a monthly basis the SO₂ emissions for each unit for the preceding month based on the sulfur content, heat value and total gallons of fuel burned.

(iv) The owners and operators of the EGUs identified in paragraph (d)(1) of this section shall analyze on a monthly basis the total emissions for all units for the preceding twelve (12) months.

(v) The owners and operators of the EGUs identified in paragraph (d)(1) of this section shall analyze on a monthly basis the total emissions for all units for the preceding twelve (12) months.
this section shall notify the Hawaii Department of Health and EPA Region 9 of any exceedance of the emission cap in paragraph (d)(3) of this section within thirty (30) days of such exceedance.

(vii) By March 1, 2019 and within sixty (60) days following the end of each calendar year thereafter, the owners and operators of the EGUs identified in paragraph (d)(1) of this section shall report to the Hawaii Department of Health and EPA Region 9 the total tons of SO$_2$ emitted from all units for the preceding calendar year by month and the corresponding rolling 12-month total emissions for all units.

(viii) Any document (including reports) required to be submitted by this rule shall be certified as being true, accurate, and complete by a responsible official and shall be mailed to the following addresses: Clean Air Branch, Environmental Management Division, State of Hawaii Department of Health, P.O. Box 3378, Honolulu, HI 96801–3378 and Director of Enforcement Division, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987; 77 FR 61506, Oct. 9, 2012]

§ 52.634 Particulate matter (PM–10) Group III SIP.

(a) On September 14, 1988, the Governor of Hawaii submitted a revision to the State Implementation Plan (SIP) for implementing the required monitoring activities and other tasks necessary to satisfy the requirements of the PM–10 Group III SIP.

(b) The Hawaii Department of Health has committed to meet the ongoing requirements for PM–10 Group III areas.

[55 FR 18110, May 1, 1990]

Subpart N—Idaho

§ 52.670 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Idaho under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference. (1) Material listed as incorporated by reference in paragraphs (c) and (d) 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. The material incorporated is 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 on or after January 15, 2015, will be incorporated by reference in the next update to the SIP compilation.

(2)(i) EPA Region 10 certifies that the rules and regulations provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules and regulations which have been approved as part of the State implementation plan as of January 15, 2015.

(ii) EPA Region 10 certifies that the source-specific requirements provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated source-specific requirements which have been approved in the notebook “40 CFR 52.670(d)—Source Specific Requirements” as part of the State implementation plan as of January 15, 2015.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region 10 Office of Air, Waste, and Toxics (AWT–150), 1200 Sixth Avenue, Seattle, Washington 98101; 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.

(c) EPA approved regulations.
<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>004</td>
<td>Catchlines</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217</td>
<td></td>
</tr>
<tr>
<td>005</td>
<td>Definitions</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td>Abbreviations</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217</td>
<td>Except Section 107.03(f) through (p), and with respect to 107.03(c), its incorporation by reference of 40 CFR 52.21(i)(5)(i)(c) and (k)(2).</td>
</tr>
<tr>
<td>107</td>
<td>Incorporations by Reference</td>
<td>3/30/2014, 3/30/2007, 7/1/1997, 5/1/1994</td>
<td>4/7/2015, 80 FR 18526 Except Section 107.03(f) through (m), and with respect to 107.03(c), its incorporation by reference of 40 CFR 52.21(i)(5)(i)(c), (k)(2), and the second sentence of (b)(49)(ii)(a).</td>
<td></td>
</tr>
<tr>
<td>121</td>
<td>Compliance Requirements by Department.</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217</td>
<td></td>
</tr>
<tr>
<td>122</td>
<td>Information Orders by the Department.</td>
<td>4/5/2000, 5/1/1994</td>
<td>1/16/2003, 68 FR 2217</td>
<td></td>
</tr>
<tr>
<td>123</td>
<td>Certification of Documents</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217</td>
<td></td>
</tr>
<tr>
<td>127</td>
<td>Format of Responses</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217</td>
<td></td>
</tr>
<tr>
<td>130</td>
<td>Startup, Shutdown, Scheduled Maintenance, Safety Measures, Upset and Breakdown.</td>
<td>4/5/2000</td>
<td>1/16/2003, 68 FR 2217</td>
<td></td>
</tr>
<tr>
<td>132</td>
<td>Correction of Condition</td>
<td>4/5/2000</td>
<td>1/16/2003, 68 FR 2217</td>
<td></td>
</tr>
</tbody>
</table>
### EPA APPROVED IDAHO REGULATIONS AND STATUTES—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>203</td>
<td>Permit Requirements for New and Modified Stationary Sources</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217.</td>
<td>(Except subsection 203.03).</td>
</tr>
<tr>
<td>400</td>
<td>Procedures and Requirements for Tier II Operating Permits</td>
<td>7/1/2002</td>
<td>11/26/2010, 75 FR 72719.</td>
<td>Except 401.01.a (bubbles) and 401.04 (compliance date extension).</td>
</tr>
<tr>
<td>403</td>
<td>Permit Requirements for Tier II Sources</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217.</td>
<td></td>
</tr>
<tr>
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<td>Title/subject</td>
<td>State effective date</td>
<td>EPA approval date</td>
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</tr>
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</tr>
<tr>
<td>500</td>
<td>Registration Procedures and Requirements for Portable Equipment.</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217.</td>
<td></td>
</tr>
<tr>
<td>516</td>
<td>No Restriction on Actual Stack Height.</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217.</td>
<td></td>
</tr>
<tr>
<td>566</td>
<td>Definitions for the Purpose of Sections 563 Through 574 and 582.</td>
<td>3/30/2001</td>
<td>4/12/2001, 66 FR 18873.</td>
<td></td>
</tr>
<tr>
<td>568</td>
<td>ICC Member Roles in Consultation.</td>
<td>3/30/2001</td>
<td>4/12/2001, 66 FR 18873.</td>
<td></td>
</tr>
<tr>
<td>569</td>
<td>ICC Member Responsibilities in Consultation.</td>
<td>3/30/2001</td>
<td>4/12/2001, 66 FR 18873.</td>
<td></td>
</tr>
<tr>
<td>State citation</td>
<td>Title/subject</td>
<td>State effective date</td>
<td>EPA approval date</td>
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</tr>
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<td>Title/subject</td>
<td>State effective date</td>
<td>EPA approval date</td>
<td>Explanations</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>-------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>617</td>
<td>Crop Residue</td>
<td>7/1/2011, 4/2/2008</td>
<td>3/19/2013, 78 FR</td>
<td>16790</td>
</tr>
<tr>
<td>618</td>
<td>Permit By Rule</td>
<td>7/1/2011, 4/2/2008</td>
<td>3/19/2013, 78 FR</td>
<td>16790</td>
</tr>
<tr>
<td>619</td>
<td>Registration for Permit By Rule</td>
<td>7/1/2011, 4/2/2008</td>
<td>3/19/2013, 78 FR</td>
<td>16790</td>
</tr>
<tr>
<td>620</td>
<td>Registration Fee</td>
<td>4/2/2008</td>
<td>8/1/2008, 73 FR</td>
<td>44915</td>
</tr>
<tr>
<td>621</td>
<td>Burn Determination</td>
<td>4/2/2008</td>
<td>8/1/2008, 73 FR</td>
<td>44915</td>
</tr>
<tr>
<td>624</td>
<td>Spot Burn, Baled Agricultural</td>
<td>7/1/2011</td>
<td>3/19/2013, 78 FR</td>
<td>16790</td>
</tr>
<tr>
<td>650</td>
<td>Rules for Control of Fugitive Dust</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>676</td>
<td>Standards for New Sources</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>677</td>
<td>Standards for Minor and Existing Sources.</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>678</td>
<td>Combinations of Fuels</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>680</td>
<td>Altitude Correction</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>785</td>
<td>Rules for Control of Incinerators</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>786</td>
<td>Emission Limits</td>
<td>4/5/2000</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>805</td>
<td>Rules for Control of Hot-mix Asphalt Plants</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>806</td>
<td>Emission Limits</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>807</td>
<td>Multiple Stacks</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>808</td>
<td>Fugitive Dust Control</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>815</td>
<td>Rules for Control of Kraft Pulping Mills.</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>821</td>
<td>Recovery Furnace Particulate Standards.</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>823</td>
<td>Smelt Tank Standards</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>825</td>
<td>Special Studies</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
<tr>
<td>826</td>
<td>Exceptions</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR</td>
<td>2217</td>
</tr>
</tbody>
</table>
### EPA APPROVED IDAHO REGULATIONS AND STATUTES—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>845</td>
<td>Rules for Control of Sulfur Oxide Emissions from Sulfuric Acid Plants.</td>
<td>5/1/1994</td>
<td>1/16/2003, 68 FR 2217.</td>
<td></td>
</tr>
</tbody>
</table>

### City and County Ordinances

<table>
<thead>
<tr>
<th>City and County</th>
<th>Title/subject</th>
<th>Effective Date</th>
<th>Approval Date</th>
<th>Explanations</th>
</tr>
</thead>
</table>
### EPA APPROVED IDAHO REGULATIONS AND STATUTES—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Clifton Ordinance No. 120.</td>
<td>Ordinance No. 120</td>
<td>8/11/2012</td>
<td>3/25/2014, 79 FR 16201</td>
<td>Except Section 9 (Penalty).</td>
</tr>
</tbody>
</table>

**State Statutes**


(d) EPA approved State Source-specific requirements.

**EPA APPROVED IDAHO SOURCE-SPECIFIC REQUIREMENTS**

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of source</td>
<td>Permit No.</td>
<td>State effective date</td>
<td>EPA approval date</td>
<td>Explanation</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------</td>
<td>----------------------</td>
<td>--------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>C. Wright Construction, Inc., Meridian, Idaho.</td>
<td>T2–000033</td>
<td>7/8/2003 ...</td>
<td>10/27/2003, 68 FR 61106.</td>
<td>The following conditions: 2 (heading only), 2.5, 2.12, Table 2.2 as it applies to PM₁₀, 3 (heading only), 3.3, Table 5.1, 3.4, 3.5, 3.6, 3.7, 3.8, 3.10, 3.11, 3.12, 4 (heading only), 4.2, 4.3, 4.4, 4.7, 5, and Table 5.1. (Boise/Ada County Maintenance Plan).</td>
</tr>
<tr>
<td>Nelson Construction Co., Boise, Idaho.</td>
<td>T2–020029</td>
<td>7/21/2003 ...</td>
<td>10/27/2003, 68 FR 61106.</td>
<td>The following conditions: 2 (heading only), 2.12, 2.14, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.9, 3.10, 3.11, 3.12, 4 (heading only), 4.3, 4.4, 4.5, 4.6, 5, and Table 5.1. (Boise/Ada County Maintenance Plan).</td>
</tr>
<tr>
<td>Mike’s Sand and Gravel, Nampa, Idaho.</td>
<td>001–00184</td>
<td>7/12/2002 ...</td>
<td>10/27/2003, 68 FR 61106.</td>
<td>The following conditions: 1.1, 1.3, 2.2.1, 3.1, and the Appendix. (Boise/Ada County Maintenance Plan).</td>
</tr>
<tr>
<td>Idaho Concrete Co., Eagle, Idaho</td>
<td>T2–020031</td>
<td>7/8/2003 ...</td>
<td>10/27/2003, 68 FR 61106.</td>
<td>The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).</td>
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<tr>
<td>Idaho Concrete Co., Eagle, Idaho</td>
<td>T2–020032</td>
<td>7/8/2003 ...</td>
<td>10/27/2003, 68 FR 61106.</td>
<td>The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).</td>
</tr>
<tr>
<td>Idaho Concrete Co. Eagle, Idaho</td>
<td>T2–020033</td>
<td>7/8/2003 ...</td>
<td>10/27/2003, 68 FR 61106.</td>
<td>The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).</td>
</tr>
</tbody>
</table>
### EPA APPROVED IDAHO SOURCE-SPECIFIC REQUIREMENTS 1—Continued

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Amalgamated Sugar Company LLC, Nampa, Idaho.</td>
<td>027–00010</td>
<td>9/30/2002</td>
<td>10/27/2003, 68 FR 61106 and 11/1/2004, 69 FR 63324.</td>
<td>The following conditions: 2 (heading only), (2.7, Table 2.2 as it applies to PM(<em>{10})), 2.10, 2.10.1, 2.10.2, 2.11, 2.11.1, 2.11.2, 2.11.3, 2.11.4, 2.11.5, 2.12, 2.12.1, 2.12.2, 2.12.3, 2.13, 2.13.1, 2.13.2, 2.13.3, 2.14, 2.14.1, 2.14.2, 2.16.3 (heading only), (3.3, Table 3.2 as it applies to PM(</em>{10})), 3.5, 3.7, 3.8, 3.8.1, 3.8.2, 3.8.3, 3.8.4, 3.8.5, 3.8.6, 3.8.7, 3.8.8, 3.9, 4 (heading only), (4.3, Table 4.1 as it applies to PM(<em>{10})), 4.5, 4.6, 4.7, 5 (heading only), (5.3, Table 5.3 as it applies to PM(</em>{10})), 5.5, 5.9, 5.9.1, 5.9.2, 5.9.3, 5.9.4, 5.9.5, 5.9.6, 5.9.7, 5.9.8, 5.9.9, 5.10, 5.11.6 (heading only), 6.3, Table 6.1, 6.5, 6.6, 6.7, 6.7.1, 6.7.2, 6.8, 7 (heading only), 7.3, Table 7.1 as it applies to PM(<em>{10}), 7.5, 7.7, 7.7.1, 7.7.2, 7.8, 8 (heading only), 8.3, Table 8.1, 8.5, 8.7, 8.7.1, 8.7.2, 8.8, 9 (heading only), 9.3, Table 9.1, 9.5, 9.7, 9.7.1, 9.7.2, 9.8, 10 (heading only), 10.3, Table 10.1, 10.6, 10.8, 10.8.1, 10.8.2, 10.9, 11 (heading only), 11.3, Table 11.2, 11.4, 11.6, 11.8, 11.8.1, 11.8.2, 11.9, 12 (heading only), 12.3, Table 12.1, 12.5, 12.7, 12.7.1, 12.7.2, 12.8, 13 (heading only), 13.1 (except as it applies to condition 13.3, 13.3.1, 13.3.2, 13.5, 13.5.1, 13.5.2, 13.5.3, 13.6, 13.6.1, 13.6.2 and 13.9), Table 13.1 (except conditions 13.3, 13.5 and 13.6), (13.2, Table 13.2 as it applies to PM(</em>{10})), 13.2.1, 13.4, 13.4.1, 13.4.2, 13.4.3, 13.7, 13.7.1, 13.7.2, 13.8, 13.8.1, 13.8.2, 13.8.3, 13.10, and 13.11 (Boise/Ada County PM(_{10}) Maintenance Plan).</td>
</tr>
<tr>
<td>Lake Pre-Mix, Sandpoint, Idaho.</td>
<td>777–00182</td>
<td>5/17/1996</td>
<td>6/26/2002, 67 FR 43006.</td>
<td>The following conditions for the cement silo vent: 1.1, 2.1.1, 2.1.2, 3.1.1, and 3.1.2. (Sandpoint nonattainment area plan).</td>
</tr>
<tr>
<td>Interstate Concrete and Asphalt, Sandpoint, Idaho.</td>
<td>017–00048</td>
<td>8/2/1999</td>
<td>6/26/2002, 67 FR 43006.</td>
<td>The following conditions: for the asphalt plant, 2.2, 3.1.1, 4.1, 4.1.1, 4.1.2, 4.2.1 (as it applies to the hourly PM(<em>{10}) emission limit in Appendix A), 4.2.2, 4.2.2.1, 4.2.2.2, and 4.2.2.3; for the concrete batch plant, 2.1, 3.1.1, 4.1, 4.1.1, and 4.1.2; Appendix A (as it applies to PM(</em>{10}) emission rates after 7/1/96) and Appendix B (as it applies after 7/1/96). (Sandpoint nonattainment area plan).</td>
</tr>
<tr>
<td>Name of source</td>
<td>Permit No.</td>
<td>State effective date</td>
<td>EPA approval date</td>
<td>Explanation</td>
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<tr>
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### §52.670  40 CFR Ch. I (7–1–16 Edition)

**EPA APPROVED IDAHO SOURCE-SPECIFIC REQUIREMENTS 1—Continued**

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>P4 Production, L.L.C., Soda</td>
<td>T2–2009.0109</td>
<td>11/17/2009 (date issued)</td>
<td>6/22/2011, 76 FR 36329</td>
<td>The following conditions: 1.2 (including Table 1.1), 2.3, 2.4, 2.5, 2.6, 2.7, and 2.8. (Regional Haze SIP Revision).</td>
</tr>
</tbody>
</table>

1 EPA does not have the authority to remove these source-specific requirements in the absence of a demonstration that their removal would not interfere with attainment or maintenance of the NAAQS, violate any prevention of significant deterioration increment or result in visibility impairment. Idaho Department of Environmental Quality may request removal by submitting such a demonstration to EPA as a SIP revision.

2 Only a small portion of this facility is located on State lands. The vast majority of the facility is located in Indian Country. It is EPA’s position that unless EPA has explicitly approved a program as applying in Indian country, State or local regulations or permits are not effective within the boundaries of that Indian country land for purposes of complying with the CAA. 68 FR 2217, 2220 (January 16, 2003).

(e) EPA Approved Nonregulatory provisions and Quasi-Regulatory Measures.

**EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES**

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter I—Introduction</td>
<td>State-wide</td>
<td>01/15/80</td>
<td>07/28/82, 47 FR 32530</td>
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<tr>
<td>Chapter II—Administra- tion</td>
<td>State-wide</td>
<td>01/15/80</td>
<td>07/28/82, 47 FR 32530</td>
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<tr>
<td>Chapter III—Emission Inventory</td>
<td>State-wide</td>
<td>01/15/80, 02/14/80</td>
<td>07/28/82, 47 FR 32530</td>
<td></td>
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<tr>
<td>Chapter IV—Air Quality Monitoring</td>
<td>State-wide</td>
<td>01/15/80</td>
<td>07/28/82, 47 FR 32530</td>
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<tr>
<td>Chapter V—Source Surveillance</td>
<td>State-wide</td>
<td>01/15/80</td>
<td>07/28/82, 47 FR 32530</td>
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<tr>
<td>Chapter VI—Emergency Episode Plan</td>
<td>State-wide</td>
<td>01/15/80</td>
<td>07/28/82, 47 FR 32530</td>
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</tbody>
</table>

**Chapter VIII—Nonattainment Area Plans**

| Chapter VIII-a | Silver Valley TSP Non-attainment Area Plan. | 01/15/80             | 07/28/82, 47 FR 32530 |         |
| Chapter VIII-b | Lewiston TSP Non-attainment Area Plan. | 01/15/80, 12/04/80, and 02/05/81 | 07/28/82, 47 FR 32530 |         |
| Chapter VIII-c | Transportation Control Plan for carbon monoxide, Ada County. | 05/24/84, 01/03/85, 03/25/85, and 06/28/94 | 7/28/82, 47 FR 32530 |         |
| Chapter VIII-d | Pocatello TSP Non-attainment Area Plan. | 03/07/80 and 02/05/81 | 07/28/82, 47 FR 32530 |         |
| Chapter VIII-e | Soda Springs TSP Non-attainment Area Plan. | 01/15/80             | 07/28/82, 47 FR 32530 |         |
| Chapter VIII-f | Pinehurst PM–10 Non-attainment Area Plan. | 04/14/92             | 08/25/94, 59 FR 43745 |         |
| Chapter VIII-g | Northern Ada County PM10 Nonattainment Area Plan. | 11/14/91, 12/30/94, and 07/13/95 | 05/30/96, 61 FR 27019 |         |
| Chapter VIII-h | Sandpoint PM10 Non-attainment Area Plan. | 08/16/96             | 06/26/02, 67 FR 43006 |         |
| Chapter VIII-i | Northern Ada County CO Limited Maintenance Plan. | 01/17/02             | 10/28/02, 67 FR 65713 |         |
| Chapter VIII-j | Ada County/Boise Idaho PM–10 Maintenance Plan. | 09/27/02, 07/10/03, and 07/21/03 | 10/27/03, 68 FR 61106 |         |
| Chapter IX—Reserved. | State-wide | 02/03/84             | 06/04/84 (EPA effective date). |         |
| Chapter X—Plan for Maintenance of National Ambient Air Quality Standards for Lead. | State-wide | 01/15/80             | 07/28/82, 47 FR 32530 |         |
| Small Business Assistance Program. | State-wide | 01/03/94             | 09/19/94, 59 FR 47801 |         |
| Appendix A—Legal Authority and Other Administrative Matters. | State-wide | 01/15/80             | 07/28/82, 47 FR 32530 |         |
### EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>Appendix A.2—Idaho Environmental Protection and Health Act, Idaho Code Section 39–101 et seq.</td>
<td>State-wide</td>
<td>03/15/01</td>
<td>01/16/03, 68 FR 2217.</td>
<td></td>
</tr>
<tr>
<td>Four sections of Appendix A.3—Rules and Regulations for Control of Air Pollution in Idaho—that were approved but not incorporated by reference in section (c).</td>
<td>State-wide</td>
<td>05/17/94</td>
<td>01/16/03, 68 FR 2217 ... IDAPA 58.01.01000 (legal authority), 58.01.01002 (written interpretations), 58.01.01003 (administrative appeals), and 58.01.01128 (confidential business information).</td>
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</tr>
<tr>
<td>Regional Haze SIP Revision.</td>
<td>State-wide</td>
<td>10/25/10</td>
<td>06/22/11, 76 FR 36329</td>
<td>The portion of the Regional Haze SIP revision relating to BART, the calculation of baseline and natural conditions, and the statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal Area.</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 1997 8-hour Ozone NAAQS.</td>
<td>Statewide</td>
<td>9/15/2008, 6/24/2010</td>
<td>7/17/2012, 77 FR 41916</td>
<td>This action addresses following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E)(ii), (E)(iii), (F), (G), (H), (J), (K), (L), (M), and (M).</td>
</tr>
<tr>
<td>Regional Haze SIP Revision.</td>
<td>State-wide</td>
<td>10/25/10</td>
<td>11/8/12, 77 FR 66929 ...</td>
<td>The remaining portion of the regional haze SIP elements as proposed in the May 22, 2012 notice. 77 FR 40248.</td>
</tr>
<tr>
<td>Sandpoint PM10 Non-attainment Area Limited Maintenance Plan.</td>
<td>Bonner County: Sandpoint Area.</td>
<td>12/14/2011</td>
<td>04/03/2013, 78 FR 20001</td>
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<tr>
<td>Name of SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submittal date</td>
<td>EPA approval date</td>
<td>Comments</td>
</tr>
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</tr>
<tr>
<td>Idaho State Board SIP Revision; Idaho Code §§ 59–701 through 705; Ethics in Government Act.</td>
<td>Statewide</td>
<td>9/16/2013</td>
<td>10–24–13, 78 FR 63394</td>
<td>To satisfy the requirements of CAA section 128(a)(2) and CAA section 110(a)(2)(E) for all criteria pollutants.</td>
</tr>
<tr>
<td>Idaho Department of Environmental Quality letter dated October 18, 2013 supplementing the May 9, 2013 SIP Submittal.</td>
<td>State-wide</td>
<td>10/24/13</td>
<td>3/3/14, 79 FR 11711</td>
<td></td>
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<tr>
<td>Letter of Intent PM 2.5 Reduction, Franklin County Road Department to Department of Environmental Quality (Voluntary Measure).</td>
<td>Franklin County, Logan UT-ID PM$_{2.5}$ Non-attainment Area.</td>
<td>12/19/12</td>
<td>3/25/14, 79 FR 16201</td>
<td>Fine Particulate Matter Control Measures; Franklin County.</td>
</tr>
<tr>
<td>Road Sanding Agreement, Idaho Transportation Department to Idaho Department of Environmental Quality (Voluntary Measure).</td>
<td>Franklin County, Logan UT-ID PM$_{2.5}$ Non-attainment Area.</td>
<td>12/19/12</td>
<td>3/25/14, 79 FR 16201</td>
<td>Fine Particulate Matter Control Measures; Franklin County.</td>
</tr>
<tr>
<td>Regional Haze SIP Revision.</td>
<td>State-wide</td>
<td>6/29/12</td>
<td>4/28/14, 79 FR 23273</td>
<td>The portion of the Regional Haze SIP relating to BART for the TASCO, Nampa facility.</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2008 Pb NAAQS.</td>
<td>State-wide</td>
<td>2/14/2012</td>
<td>5/22/2014, 79 FR 23935</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (L), and (M).</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 1997 PM$_{2.5}$ NAAQS.</td>
<td>State-wide</td>
<td>9/15/2008; 6/28/2010</td>
<td>7/14/2014, 79 FR 40662</td>
<td>This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2006 PM$_{2.5}$ NAAQS.</td>
<td>State-wide</td>
<td>6/28/2010; 8/10/2011</td>
<td>7/14/2014, 79 FR 40662</td>
<td>This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
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</table>
## EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS.</td>
<td>State-wide</td>
<td>6/28/2010</td>
<td>7/14/2014, 79 FR 40662</td>
<td>This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(iv), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
</tr>
<tr>
<td>Fine Particulate Matter Baseline Emissions Inventory.</td>
<td>Franklin County, Logan UT–ID PM</td>
<td>12/19/12</td>
<td>7/18/14, 79 FR 41904</td>
<td>This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(iv), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
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<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2010 NO(_2) NAAQS.</td>
<td>State-wide</td>
<td>9/16/2013</td>
<td>8/11/2014, 79 FR 46708</td>
<td>This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(iv), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
</tr>
<tr>
<td>Portneuf Valley PM(_{10}) Nonattainment Area Plan and Maintenance Plan.</td>
<td>Portneuf Valley</td>
<td>7/13/06</td>
<td>71 FR 39574.</td>
<td></td>
</tr>
<tr>
<td>Portneuf Valley PM(_{10}) Maintenance Plan—Revision.</td>
<td>Portneuf Valley</td>
<td>04/21/14</td>
<td>07/17/14, 79 FR 41647</td>
<td></td>
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<tr>
<td>Pinehurst PM(_{10}) Contingency Measures.</td>
<td>Pinehurst/Shoshone County</td>
<td>7/13/95</td>
<td>10/2/14, 79 FR 59435.</td>
<td></td>
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</tbody>
</table>
| Interstate Transport Requirements for the 2006 24-hour PM\(_{2.5}\) NAAQS. | State-wide | 6/28/2010 | 4/17/2015, 80 FR 21181 | This action addresses the following CAA elements: 110(a)(2)(D)(i)(I).

§ 52.671 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Idaho Intrastate</td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Eastern Washington Northern Idaho Interstate (Idaho)</td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Idaho Intrastate</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Metropolitan Boise Intrastate</td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>


§ 52.672 Approval of plans.

(a) Carbon Monoxide. (1) EPA approves as a revision to the Idaho State Implementation Plan, the Limited Maintenance Plan for the Northern Ada County Carbon Monoxide Not-Classified Nonattainment Area, submitted by the State on January 17, 2002.

(2) EPA approves as a revision to the Idaho State Implementation Plan, the Northern Ada County Air Quality Maintenance Area Second 10-year Carbon Monoxide Limited Maintenance Plan submitted by the State on February 10, 2011.

(b) Lead. [Reserved]

(c) Nitrogen Dioxide. [Reserved]

(d) Ozone. [Reserved]

(e) Particulate Matter. (1) EPA approves as a revision to the Idaho State Implementation Plan, the Northern Ada County PM_{10} SIP Maintenance Plan, adopted by the State on September 26, 2002.

(2) EPA approves as a revision to the Idaho State Implementation Plan, the Northern Ada County PM_{10} Second Ten-Year Maintenance Plan adopted by the State on March 11, 2013.

(3) EPA approves as a revision to the Idaho State Implementation Plan, the Pinehurst PM_{10} Contingency Measures, adopted by the State on July 13, 1995.

(f) Sulfur Dioxide. [Reserved]

(g) Visibility protection. (1) EPA approves portions of a Regional Haze SIP revision submitted by the Idaho Department of Environmental Quality on October 25, 2010, as meeting the requirements of Clean Air Act section 169A and 40 CFR 51.308(e) regarding Best Available Retrofit Technology for The Amalgamated Sugar Company LLC, facility located in Nampa, Idaho. The SIP revision also meets the requirements of 40 CFR 51.308(d)(2) and (4)(v) regarding the calculation of baseline and natural conditions for Craters of the Moon National Monument, Sawtooth Wilderness Area, and Selway-Bitterroot Wilderness Area and the statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal Area. The SIP revision also meets the requirements of Clean Air Act section 110(a)(2)(D)(i)(II) as it applies to visibility for the 1997 8-hour ozone NAAQS and 1997 PM2.5 NAAQS.

(2) EPA approves the remaining portions of the Regional Haze SIP revision submitted by the Idaho Department of Environmental Quality on October 25, 2010, as meeting the requirements of the Clean Air Act section 169A and 169B and 40 CFR 51.308.

(3) The EPA is vacating its approval of Idaho’s NO_{x} and SO_{x} BART determination for the Riley boiler at The Amalgamated Sugar Company, LLC Nampa facility, published June 22, 2011.

(4) The EPA approves a Regional Haze SIP revision submitted by the Idaho Department of Environmental Quality on June 29, 2012, as meeting the requirements of Clean Air Act section 169A and 40 CFR 51.308(e) regarding Best Available Retrofit Technology for The Amalgamated Sugar Company LLC, facility located in Nampa, Idaho. The EPA is approving a revised NO_{x} BART determination and revised emission limit for NO_{x}, a revised emission
Environmental Protection Agency

§ 52.675

Control strategy: Sulfur oxides—Eastern Idaho Intrastate Air Quality Control Region.

(a)(1) Regulation R of the Rules and Regulations for the Control of Air Pollution in Idaho, which is part of the sulfur dioxide (SO\(_2\)) control strategy, is disapproved since it is inconsistent with the purposes and provisions of subpart G of this chapter. These requirements are not met by Regulation R in that the SO\(_2\) control strategy contained therein is not adequate for the attainment and maintenance of SO\(_2\) national ambient air quality standards (NAAQS).

(2) Rules 1–1801 through 1–1804 (Rules for Control of Sulfur Oxide Emissions from Sulfuric Acid Plants) of the “Rules and Regulations for the Control of Air Pollution in Idaho” are inadequate to ensure attainment and maintenance of Sulfur Dioxide National Ambient Air Quality Standards in the Eastern Idaho Intrastate Air Quality Control Region. Special limits have previously been established for certain existing acid plants in this Air Quality Control Region (§§ 52.670(c)(15) and 52.675(b)). Therefore, Rules 1–1801 through 1–1804 are approved except as they apply to existing acid plants with approved or promulgated emission limits that are more stringent than the limit found in 1–1802.

(b) Regulation for control of sulfur dioxide (SO\(_2\)) emissions: Sulfuric Acid Plants. (1) The provisions of this paragraph shall apply to the owner(s) and operator(s) of The J. R. Simplot Company’s Minerals and Chemical Division, located in Power County, Idaho, in the Eastern Idaho Intrastate Air Quality Control Region.

(2) The owner(s) and operator(s) of The J. R. Simplot Company facility shall utilize best engineering techniques in the operation of their plant to prevent fugitive SO\(_2\) losses. Such techniques shall include but are not limited to:

(i) Operating and maintaining all conduits, flues, and stacks in a leakfree condition.

(ii) Operating and maintaining all process equipment and gas collection systems in such a fashion that leakage of SO\(_2\) gases will be prevented to the maximum extent possible.

(3) The owner(s) and operator(s) of The J. R. Simplot Company facility shall limit SO\(_2\) emissions from their sulfuric acid plants per the following:

(i) The combined SO\(_2\) emissions from the designated 100 and 200 sulfuric acid plants shall not exceed 2 kilograms (kg) per metric ton (4 pounds per ton) of 100 percent sulfuric acid produced.

(ii) The SO\(_2\) emissions from the designated 300 sulfuric acid plant and stack shall not exceed 994 kg per hour (2190 pounds per hour).

(4) (i) The owner(s) and operator(s) of The J. R. Simplot Company shall achieve compliance with the requirements specified in paragraphs (b)(2) and (b)(3) of this section in accordance with the following schedule:

(A) Advise EPA as to status of contract(s) and construction schedules for pollution abatement projects within 30 days of the effective date of this regulation.

(B) Attain final compliance by July 31, 1976.

(ii) A performance test of the 300 acid plant shall be necessary to determine whether compliance has been achieved with the requirements specified in paragraphs (b)(2) and (b)(3) of this section. Such test must be completed within 15 days of the final compliance date specified in paragraph (b)(4)(i) of this section. Notice must be given to the Administrator at least 10 days prior to such a test to afford him an opportunity to have an observer present.

(iii) Within 60 days after achieving the maximum production rate at which the 100 and 200 acid plant will be operated, but not later than 180 days after

§ 52.675

40 CFR Ch. I (7–1–16 Edition)

initial start-up of these plants and at such other times as may be required by the Administrator under section 114 of the Clean Air Act, the owner(s) and operator(s) of the facility shall conduct performance test(s) in accordance with the requirements of 40 CFR 60.8.

(iv) If the owner(s) and operator(s) of the J. R. Simplot Company facility are presently in compliance with the requirements of paragraphs (b)(2) and (b)(3) of this section or in compliance with a portion of these requirements, such compliance shall be certified to the Administrator within 15 days following the date of the publication of these requirements as a final regulation in the FEDERAL REGISTER. If the owner(s) or operator(s) of The J. R. Simplot Company achieve compliance prior to July 31, 1976, such compliance shall be certified to the Administrator within 15 days of the date of achieving compliance. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(5) (i) By no later than September 30, 1976, the owner(s) and operator(s) of The J. R. Simplot Company facility shall install, calibrate, maintain and operate measurement system(s) for:

(A) Continuously monitoring and recording SO$_2$ concentration rates in each sulfuric acid plant discharge stack per the requirements of 40 CFR 60.13 and 60.84.

(B) Continuously monitoring and recording gas volumetric flow rates in the exhaust stack of the designated 300 sulfuric acid plant.

(ii) By no later than October 30, 1976, and at such other times following that date as the Administrator may specify, the SO$_2$ concentration measurement system(s) and stack gas volumetric flow rate system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in 40 CFR 60.13 and Appendix E to this part, respectively. The Administrator shall be notified at least 10 days prior to the start of this field test period to afford the Administrator the opportunity to have an observer present.

(iii) The sampling point for monitoring the concentration of SO$_2$ emissions shall be in the duct at the centroid of the cross section of the discharge stack if the cross sectional area is less than 4.65 m$^2$ (50 ft$^2$) or at a point no closer to the wall than 0.91 m (3 ft) if the cross sectional area is 4.65 m$^2$ (50 ft$^2$) or more. The monitor sample point shall be representative of the average concentration in the duct.

(iv) The measurement system(s) shall be maintained, operated and calibrated in accordance with the methods prescribed by the manufacturers. Records of maintenance and/or calibration shall be kept and submitted to the Administrator upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance.

(v) The owner(s) and operator(s) of The J. R. Simplot Company facility shall maintain a daily record of three hour average emission rate measurements for each sulfuric acid plant. Three hour average emission rates shall be calculated for each day beginning at midnight. For the 100 and 200 acid plants, the calculations shall be in conformance with 40 CFR 60.84. For the 300 acid plant, average SO$_2$ emission rates expressed in kg SO$_2$ per hour shall be calculated. The results of these calculations for each month shall be submitted to the Administrator within 15 days following the end of each month. Such submission shall identify each period of excess emissions that occurred and the nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted. The records of such measurements including strip charts and other appropriate raw data shall be retained for a minimum of two years following the date of such measurements.

(vi) The continuous monitoring and recordkeeping requirements of paragraph (b)(5) of this section shall become applicable September 30, 1976.

(6)(i) Compliance with the requirements set forth in paragraph (b)(3) of this section shall be determined using the emission rates measured by the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (b)(5) of this section.
(ii) At the Administrator's discretion, compliance may also be determined using the manual source test methods per 40 CFR 60.85 and Appendix A to part 60 of this title. Emission rates for each stack shall be expressed in units consistent with those in paragraph (b)(3) of this section.

(iii) A violation of the requirements of paragraph (b)(3) of this section shall occur whenever the SO$_2$ emission rates determined according to paragraph (b)(6)(i) or (b)(6)(ii) of this section exceed the corresponding SO$_2$ emission rates specified in paragraph (b)(3) of this section.

(7) The owner(s) and operator(s) of The J. R. Simplot Company facility shall by September 30, 1976, install, calibrate, maintain and operate a network for continuously monitoring ground level ambient SO$_2$ concentrations and wind speed and direction.

(i) The monitoring network shall consist of at least four ambient SO$_2$ monitoring stations and one meteorological station placed at locations approved by the Administrator.

(ii) The SO$_2$ monitoring network shall be consistent with automated equivalent methods for measurement of ambient concentrations of SO$_2$ as defined in part 53 of this chapter.

(iii) The monitoring network installed and used pursuant to this subparagraph shall be maintained, operated and calibrated in accordance with the methods prescribed by the manufacturers. Records of maintenance and/or calibration shall be kept and submitted to the Administrator upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance.

(iv) The owner(s) and operator(s) of The J. R. Simplot Company facility shall maintain a daily record of all measurements required by this subparagraph. Strip charts and other raw data from the monitoring network shall be retained for a minimum of two years following the date of such measurement.

(v) The owner(s) and operator(s) of The J. R. Simplot Company shall calculate hourly average ambient SO$_2$ concentrations, wind speed, and wind direction from each monitoring station and submit such values to the Administrator within 15 days following the end of each month.

(vi) The continuous monitoring and recordkeeping requirements of paragraph (b)(7) of this section shall become applicable September 30, 1976 and shall remain applicable until such time as the Administrator declares that an adequate ambient air data base has been established, which shall be no earlier than at least one calendar year.

(vii) Within 90 days of the Administrator's declaration of an adequate data base, Simplot shall submit to the Administrator a technical analysis of the degree of permanent control required on the 300 acid plant to ensure attainment and maintenance of NAAQS.

(8) Nothing in paragraph (b) of this section shall be construed to relieve the owner(s) and operator(s) of The J. R. Simplot Company to comply with any applicable requirements of part 60 of this title. In the event of conflicting requirements or interpretations between part 60 of this title and this paragraph, the more restrictive interpretation or requirement shall apply.

(9) In the event that measurement systems cannot be installed and operational by the date specified in this section, The J. R. Simplot Company shall propose the earliest possible date by which such requirements can be met. Such proposal shall include adequate justification and supporting documentation.


§ 52.677 [Reserved]

§ 52.677 Original identification of plan section.

(a) This section identifies the original “Idaho Air Quality Implementation Plan” and all revisions submitted by Idaho that were federally approved prior to November 12, 2004.

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

(c) The plan revisions listed below were submitted on the dates specified.
(1) Miscellaneous additions (compliance schedules and non-regulatory provisions) to the plan submitted on February 23, 1972, by the Idaho Air Pollution Control Commission.
(2) Request for delegation of legal authority submitted on March 2, 1972, by the Governor.
(3) Compliance schedules submitted on April 12, 1972, by the Governor.
(4) Request for an 18-month extension for particulate matter in all AQCR’s submitted on May 5, 1972, by the Governor.
(5) Miscellaneous additions (Non-regulatory) to the plan submitted on May 26, 1972, by the Idaho Air Pollution Control Commission.
(6) Appendices D and E of the plan submitted on June 9, 1972, by the Governor.
(7) Revisions to the Rules and Regulations for the Control of Air Pollution in Idaho submitted on February 15, 1973, by the Governor.
(9) Amendment to Chapter IX of the plan to provide for review of indirect sources and a new Chapter XIV which sets forth the control strategy for attaining secondary particulate matter standards on October 16, 1973, by the Governor.
(11) A new section 4 of Regulation A (General Provisions) and revised Regulation T (Air Pollution Sources Permits) of the Rules and Regulations for the Control of Air Pollution in Idaho (Chapter VII of the plan), an addition to Chapter XI of the plan to include administrative procedures for indirect source review, and compliance schedules submitted on July 1, 1974, by the Governor.
(12) Air quality maintenance area designation submitted on June 11, 1974, by the Idaho Department of Environmental and Community Services.
(13) An amendment to Regulation C (Ambient Air Quality Standards) and Regulation S (Control of Sulfur Oxide Emissions from Combined Lead/Zinc Smelters) of the Rules and Regulations for the Control of Air Pollution in Idaho and revisions to Chapter IV and Appendix F of the Implementation Plan submitted on January 10, 1975, by the Governor.
(14) Revisions sections 2 and 6 of Regulation A (General Provisions) of the Rules and Regulations for the Control of Air Pollution in Idaho submitted on January 24, 1975, by the Governor.
(15) Consent Order for Beker Industries submitted on July 28, 1975 by the Governor.
(16) On January 15, 1980 the Governor submitted the transportation portion of the Boise-Ada County carbon monoxide plan.
(17) On July 1, 1980 the Governor submitted a SIP revision containing a variance from the indirect source regulation for an urban renewal project located in downtown Boise, as well as an adjustment to the TCP which had been submitted to EPA in January 1980.
Environmental Protection Agency § 52.677

County Carbon Monoxide Non-Attainment Area;” Appendix G “Permits—Silver Valley” (six permits); and Appendix K “Permits—Soda Springs” (four permits).

(20) Chapter VIII-b “Lewiston Non-Attainment Plan” submitted by the Governor of Idaho on January 15, 1980. On December 4, 1980, the Governor submitted revised pages 31–39, an operating permit for a kraft pulp and paper mill (Appendix H.1), operating permits for two grain loading terminals (Appendices H.3 and H.4), and an operating permit for an asphalt plant (Appendix H.5). On February 5, 1981 the Governor further revised the nonattainment area plan by submitting a permit for a wood products operation (Appendix H.2).

(21) Chapter VIII-d “Pocatello TSP Non-Attainment Plan” submitted by the Governor of Idaho on March 7, 1980. This submittal included operating permits for an elemental phosphorus plant (Appendix J.1), a phosphate fertilizer manufacturing plant (Appendix J.2), and a Portland cement plant (Appendix J.3). On February 5, 1981, the Governor submitted a revised Chapter VIII-d.

(22) On February 3, 1984 the State of Idaho Department of Health and Welfare submitted a revision to add a lead maintenance strategy to the Idaho Implementation Plan.

(23) On May 29, 1984, the State of Idaho Department of Health and Welfare submitted revised rules regulating the use of stack heights and dispersion techniques (section 16.01.1002.94 and section 16.01.1014) as revisions to the Idaho state implementation plan. Additional revisions included clarifications to section 16.01.1009 (Total Compliance), and section 16.01.1201.03 (Visible Emissions-Exception).
§ 52.677  


(B) Section 16.01.1002.94 (Stack), section 16.01.1014 (Stack Height and Dispersion Techniques), section 16.01.1009 (Total Compliance) and section 16.01.1201.03 (Visible Emissions-Exception) adopted by the State of Idaho Department of Health and Welfare on February 11, 1987.  

(26) On June 15, 1990, the Administrator of the Idaho Department of Health and Welfare submitted amendments to State of Idaho’s Rules and Regulations for the Control of Air Pollution in Idaho Manual as revisions to the Idaho state implementation plan as follows: Idaho Administrative Procedures Act, Section 16.01.01002 Definitions, Section 16.01.01012 Procedures and Requirements for Permits to Construct and Operating Permits, and Section 16.01.01101 Air Quality Standards and Area Classification.  


(B) September 4, 1992, letter from the Administrator of the Idaho Department of Health and Welfare to EPA Region 10 submitting amendments to the Idaho state implementation plan.  


(28) On April 14, 1992, the State of Idaho submitted a revision to the SIP for Pinehurst, ID, for the purpose of bringing about the attainment of the national ambient air quality standards for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers. This submittal includes an additional area in Shoshone County adjacent to the City of Pinehurst which EPA designated nonattainment and moderate for PM–10 on January 20, 1994.  

(i) Incorporation by reference. (A) April 7, 1992 letter from Idaho Department of Health and Welfare to EPA Region 10 submitting the Pinehurst Particulate Air Quality Improvement Plan as a revision to the Implementation Plan for the Control of Air Pollution in the State of Idaho. The plan has been adopted in accordance with the authorities and requirements of the Federal Clean Air Act and the Idaho Environmental Protection and Health Act (Idaho Code section 39–10 et seq).  

(B) SIP revision for Pinehurst Particulate Air Quality Improvement Plan, February 5, 1992 (adopted on April 7, 1992).  


(i) Incorporation by reference. (A) June 29, 1994 letter from Idaho Department of Health and Welfare to EPA Region 10 submitting the CO SIP for Northern Ada County, Idaho.  

(B) Minor Revision of the Northern Ada County, Idaho 1984 State Implementation Plan for CO, June 1994 (including Ada County Ordinance 228, City of Boise Ordinance 5273, City of Meridian Ordinance 547, City of Garden City Ordinance 558, and City of Eagle Ordinance 177), as adopted by the Idaho Department of Health and Welfare on June 28, 1994.  

(30) On January 7, 1994, the Administrator for the Idaho Department of Health and Welfare, Division of Environmental Quality, submitted the State PROGRAM as a revision to the Idaho SIP.  

(i) Incorporation by reference. (A) The January 3, 1994 letter from the Administrator of the Idaho Department of
Environmental Protection Agency

§ 52.677

Health and Welfare, Division of Environmental Quality, submitting the PROGRAM to EPA.


(31) On November 14, 1991, and on December 30, 1994, the Idaho Department of Health and Welfare (IDHW) submitted revisions to the Idaho State Implementation Plan (SIP) for the Northern Ada County/Boise Particulate (PM$_{10}$) Air Quality Improvement Plan.

(i) Incorporation by reference. (A) November 14, 1991, letter from the IDHW Administrator to the EPA Region 10 Regional Administrator submitting a revision to the Idaho SIP for the Northern Ada County/Boise Particulate Air Quality Improvement Plan; The Northern Ada County Boise Particulate (PM$_{10}$) Air Quality Improvement Plan adopted on November 14, 1991.

(B) December 30, 1994, letter from the IDHW Administrator to the EPA Region 10 Regional Administrator including a revision to the Idaho SIP for the Northern Ada County/Boise PM$_{10}$ Air Quality Improvement Plan; Appendix C–1, Supplemental Control Strategy Documentation, Northern Ada County/Boise PM$_{10}$ Air Quality Improvement Plan, adopted December 30, 1994, with the following attachments: Garden City Ordinances #514 (May 14, 1987), #533 (January 10, 1989) and #624 (September 13, 1994); Meridian Ordinance #667 (August 16, 1994); Eagle Ordinance #245 (April 26, 1994); Ada County Ordinance #254 (November 3, 1992); and Table Ordinance-1 (December 30, 1994).

(32) On December 6, 2000, the Idaho Department of Environmental Quality submitted amendments to State of Idaho’s Rules and Regulations for the Control of Air Pollution in Idaho as revisions to the Idaho state implementation plan as follows: sections 58.01.01.563 through 58.01.01.574.

(i) Incorporation by reference. (A) Section 58.01.01.563 Transportation Conformity, Section 58.01.01.564 Incorporation by Reference, Section 58.01.01.565 Abbreviations, Section 58.01.01.566 Definitions for the Purpose of Sections 563 Through 574 and 582, Section 58.01.01.567 Agencies Affected by Consultation, Section 58.01.01.568 ICC Member Roles in Consultation, Section 58.01.01.569 ICC Member Responsibilities in Consultation, Section 58.01.01.570 General Consultation Process, Section 58.01.01.571 Consultation Procedures, Section 58.01.01.572 Final Conformity Determinations by USDOT, Section 58.01.01.573 Resolving Conflicts, Section 58.01.01.574 Public Consultation Procedures.

(33) On February 9, 2001, the Idaho Department of Environmental Quality submitted amendments to State of Idaho’s Rules and Regulations for the Control of Air Pollution in Idaho as revisions to the Idaho state implementation plan as follows:

Section 58.01.01.582

(i) Incorporation by reference. (A) Section 58.01.01.582 Interim Conformity Provisions for Northern Ada County Former Nonattainment Area for PM$_{10}$.

(34) On February 9, 2001, the Idaho Department of Environmental Quality submitted amendments to State of Idaho’s Rules and Regulations for the Control of Air Pollution in Idaho as revisions to the Idaho state implementation plan as follows: Section 58.01.01.204.

(i) Incorporation by reference. (A) IDAPA 58.01.01.204 Permit Requirements for New Major Facilities or Major Modifications in Nonattainment Areas and in the Former PM–10 Northern Ada County Nonattainment Area (as Defined in Section 582), state adopted January 26, 2001.

(35) On August 16, 1996, the State of Idaho adopted and submitted a revision to the SIP for Sandpoint, Idaho, for the purpose of bringing about the attainment of the national ambient air quality standards for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

(i) Incorporation by reference. (A) Ordinance No. 939, Material Specifications for Street Sanding Material, as adopted
by the City of Sandpoint on February 22, 1994.

(B) Ordinance No. 965, Solid Fuel Heating Appliance Ordinance, as adopted by the City of Sandpoint on February 21, 1995.

(C) The following terms and conditions limiting particulate matter emissions in the following permits:

1. State of Idaho Air Pollution Operating Permit for Lake Pre-Mix concrete, Permit No. 777–00182, issued May 17, 1996, the following conditions for the cement silo vent: 1.1, 2.1.1, 2.1.2, 3.1.1, and 3.1.2.

2. State of Idaho Air Pollution Operating Permit for Interstate Concrete & Asphalt, Permit No. 017–00048, issued August 2, 1999, the following conditions: for the asphalt plant, 2.2, 3.1.1, 4.1, 4.1.1, 4.1.2, 4.2.1 (as it applies to the hourly PM\textsubscript{10} emission limit in Appendix A), 4.2.2, 4.2.2.1, 4.2.2.2, and 4.2.2.3; for the concrete batch plant, 2.1, 3.1.1, 4.1, 4.1.1, and 4.1.2; Appendix A (as it applies to PM\textsubscript{10} emission rates after 7/1/96) and Appendix B (as it applies after 7/1/96).

3. State of Idaho Department of Environmental Quality Air Quality Tier II Operating Permit for Louisiana-Pacific Corporation, Permit No. 017–00003, issued October 31, 2001, the following conditions: for the Kipper and Sons Hog Fuel Boiler, 2.3 (as it applies to PM\textsubscript{10}), 2.5, 2.7, 2.13, 2.14, 2.17, 2.19; Cleaver-Brooks Natural Gas-Fired Boilers, 3.2 (as it applies to PM\textsubscript{10}); Pneumatic Conveyance System, 4.2, 4.4, 4.7; Drying Kilns, 5.2, 5.4, 5.5; Fugitive Emission Sources, 6.5, 6.7, 6.13; and the Appendix (as it applies to PM\textsubscript{10}).

Additional materials. (A) Sandpoint PM\textsubscript{10} Air Quality Improvement Plan, adopted August 16, 1996.

(36) [Reserved]


1. Incorporation by reference. (A) IDAPA 58.01.01 as in effect on March 30, 2001 except for the following provisions: section 000; section 002; section 003; section 008; section 009; section 010; subsections 107.03; section 128; sections 140 through 149; section 161; subsection 203.03; section 209; section 210; section 214; subsection 222.03; section 223; sections 300 through 307; subsection 401.01.a, and 401.04; sections 440 and 441; sections 525 through 538; sections 552, 553, 556, 558, and 561; subsection 577.06; sections 585, 586, 587, 590 and 591; section 700; section 710; sections 750 and 751; sections 775 and 776; section 818; section 819; section 820; subsection 824.01; sections 835 through 839; and sections 855 through 862.

(B) IDAPA 58.01.01 sections 209 and 700 as in effect on April 5, 2000.

(C) IDAPA 58.01.01 sections 552, 553, 556, 558, and 561 as in effect on March 15, 2002.

(ii) Incorporation by reference. (A) The following terms and conditions limiting particulate matter emissions in the following permits:

1. State of Idaho Air Pollution Operating Permit for LP Wood Polymers, Inc. Permit No. 001–00115, issued July 12, 2002, the following conditions: 1.1, 1.3, 3.1, and the Appendix.

2. State of Idaho Air Pollution Operating Permit for Consolidated Concrete Company, Permit No. 001–00046, issued December 03, 2001, the following conditions: 1.1, 1.3, 2.3, 3.1, 3.2, and the Appendix.

3. State of Idaho Air Pollution Operating Permit for Crookham Company, Permit No. 027–00020, issued January 18, 2002, the following conditions: 1.1, 1.3, 2.1, 2.3, 3.1.1, 3.1.2, 3.2.3, and the Appendix.

4. State of Idaho Air Pollution Operating Permit for Double D Service Center, Permit No. 001–00168, issued February 4, 2002, the following conditions: 1.1, 1.3, 3.1, 3.2.1, 3.2.2, 3.2.3, and the Appendix.

5. State of Idaho Air Pollution Operating Permit for Plum Creek Northwest Lumber, Inc., Permit No. 001–
Environmental Protection Agency

§ 52.681

00091, issued July 12, 2002, the following conditions: 1.1, 1.3, 2.1.2, 3.1, and the Appendix.

(6) State of Idaho Air Pollution Operating Permit for C. Wright Construction, Inc., Permit No. T2-000033, issued July 08, 2003, the following conditions: 2 (heading only), 2.5, (2.12 Table 2.2 as it applies to PM\textsubscript{10}), 2.14, 3 (heading only), 3.3, Table 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.10, 4 (heading only), 4.2, 4.3, 4.4, 4.7, 5, and Table 5.1.

(7) State of Idaho Air Pollution Operating Permit for Nelson Construction Co., Permit No. T2-020029, issued July 21, 2003, the following conditions: 2 (heading only), 2.12, 2.14, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.9, 3.10, 3.11, 3.12, 4 (heading only), 4.3, 4.4, 4.5, 4.6, 5, and Table 5.1.

(8) State of Idaho Air Pollution Operating Permit for Mike’s Sand and Gravel, Permit No. 001-00184, issued July 12, 2002, the following conditions: 1.1, 1.3, 2.2.1, 3.1, and the Appendix.

(9) State of Idaho Air Pollution Operating Permit for Idaho Concrete Co., Permit No. T2-020031, issued July 8, 2003, the following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1.

(10) State of Idaho Air Pollution Operating Permit for Idaho Concrete Co., Permit No T2-020032, issued July 8, 2003, the following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1.

(11) State of Idaho Air Pollution Operating Permit for Idaho Concrete Co., Permit No T2-020033, issued July 8, 2003, the following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1.

(12) State of Idaho Air Pollution Operating Permit for The Amalgamated Sugar Company LLC, Permit No. 027-00010, issued September 30, 2002, the following conditions: 2 (heading only), (2.7, Table 2.2 as it applies to PM\textsubscript{10}), 2.10, 2.10.1, 2.10.2, 2.11, 2.11.1, 2.11.2, 2.11.3, 2.11.4, 2.11.5, 2.12, 2.12.1, 2.12.2, 2.12.3, 2.13, 2.13.1, 2.13.2, 2.13.3, 2.14, 2.14.1, 2.14.2, 2.16, 3 (heading only), (3.3, Table 3.2 as it applies to PM\textsubscript{10}), 3.5, 3.7, 3.8, 3.8.1, 3.8.2, 3.8.3, 3.8.4, 3.8.5, 3.8.6, 3.8.7, 3.8.8, 3.9, 4 (heading only), (4.3, Table 4.1 as it applies to PM\textsubscript{10}), 4.5, 4.6, 4.7, 5 (heading only), (5.3, Table 5.3 as it applies to PM\textsubscript{10}), 5.5, 5.9, 5.9.1, 5.9.2, 5.9.3, 5.9.4, 5.9.5, 5.9.6, 5.9.7, 5.9.8, 5.9.9, 5.10, 5.11, 6 (heading only), 6.3, Table 7.5, 7.7, 7.7.1, 7.7.2, 7.8, 8 (heading only), 8.3, Table 8.1, 8.5, 8.7, 8.7.1, 8.7.2, 8.8, 9 (heading only), 9.3, Table 9.1, 9.5, 9.7, 9.7.1, 9.7.2, 9.8, 10 (heading only), 10.3, Table 10.1, 10.6, 10.8, 10.8.1, 10.8.2, 10.9, 11 (heading only), 11.3, Table 11.2, 11.6, 11.8, 11.8.1, 11.8.2, 11.9, 12 (heading only), 12.3, Table 12.1, 12.5, 12.7, 12.7.1, 12.7.2, 12.8, 13 (heading only), 13.1 (except as it applies to conditions 13.3, 13.3.1, 13.3.2, 13.5, 13.5.1, 13.5.2, 13.5.3, 13.6, 13.6.1, 13.6.2 and 13.9), Table 13.1 (except conditions 13.3, 13.5 and 13.6), (13.2, Table 13.2 as it applies to PM\textsubscript{10}), 13.2.1, 13.3, 13.4, 13.4.1, 13.4.2, 13.4.3, 13.7, 13.7.1, 13.7.2, 13.8, 13.8.1, 13.8.2, 13.8.3, 13.10, and 13.11.

[37 FR 10861, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.677, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§§ 52.678–52.680 [Reserved]

§ 52.681 Permits to construct and tier II operating permits.

(a) Except as otherwise provided in paragraph (b) of this section, emission limitations and other provisions contained in Permits to Construct and Tier II Operating Permits issued by the Idaho Department of Environmental Quality in accordance with the Federally-approved Idaho Rules for Control of Air Pollution in Idaho, incorporated by reference in section 52.670 (IDAPA 58.01.01.200 through 222, IDAPA 58.01.01.400 through 406), shall be applicable requirements of the Federally-approved Idaho SIP (in addition to any other provisions) for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by any person in the same manner as other requirements of the SIP.

(b) Operating Permits authorizing the use of alternative emission limits (bubbles) under IDAPA 58.01.01.401.01.a, 58.01.01.401.01.b, and 58.01.01.441 (including the use of banked emission reduction
§ 52.682 Credits in a bubble pursuant to IDAPA 58.01.01.461, and Tier II Operating Permits authorizing compliance schedule extensions under IDAPA 58.01.01.401.04 must be submitted to EPA for approval as revisions to the Idaho SIP before they become applicable requirements of the Idaho SIP.

(88 FR 2225, Jan. 16, 2003)

§ 52.682 [Reserved]

§ 52.683 Significant deterioration of air quality.

(a) The State of Idaho Rules for Control of Air Pollution in Idaho, specifically, IDAPA 58.01.01.005 through 007 (definitions), IDAPA 58.01.01.107.03(a), (b), (c) (incorporations by reference) except, with respect to Section 107.03(c), its incorporation by reference of 40 CFR 52.21(i)(5)(1)(c) and (k)(2)), IDAPA 58.01.01.200 through 222 (permit to construct rules); IDAPA 58.01.01.510 through 516 (stack height rules); and IDAPA 58.01.01.575 through 581 (standards, increments and area designations) (except Section 577), are approved as meeting the requirements of title I, part C, subpart 1 of the Clean Air Act for preventing significant deterioration of air quality.

(b) The requirements of sections 160 through 165 of the Clean Air Act are not met for Indian reservations since the plan does not include approvable procedures for preventing significant deterioration of air quality on Indian reservations. Therefore, the provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Idaho.

(c) Long-term strategy. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Idaho.

[50 FR 28553, July 12, 1985; 51 FR 23759, July 1, 1986, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.691 Extensions.

(a) The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, hereby extends for one year (until December 31, 1995) the attainment date for the Power-Bannock Counties PM–10 nonattainment area and the Sandpoint PM–10 nonattainment area.

(b) The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, hereby grants a second one-year extension (until December 31, 1996) to the attainment date for the Power-Bannock Counties PM–10 nonattainment area.


Subpart O—Illinois

§ 52.719 [Reserved]

§ 52.720 Identification of plan.

(a) Title of plan: “State of Illinois Air Pollution Implementation Plan.”

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

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

(1) The role of the City of Chicago as a local agent was defined in a letter from the State Environmental Protection Agency on March 13, 1972.

(2) Copies of the Illinois Pollution Control Board Regulations, Chapter 2,
Parts I, II and III were submitted May 4, 1972, by the Governor.

(3) A document describing the role of the Chicago Department of Environmental Control was submitted July 28, 1972, by the State Environmental Protection Agency.

(4) Copies of the revisions to the State air episode regulations were submitted on August 29, 1972, by the Governor.

(5) Compliance schedules submitted on March 13, 1973, by the Pollution Control Board.

(6) Compliance schedules submitted on April 3, 1973, by the Pollution Control Board.

(7) Transportation control plan submitted on April 17, 1973, by the Pollution Control Board.

(8) Compliance schedules submitted on May 3, 1973, by the Pollution Control Board.

(9) Compliance schedules submitted on June 15, 1973, by the Pollution Control Board.

(10) Compliance schedules submitted on August 7, 1973, by the Pollution Control Board.

(11) Information concerning the coal ban in the Chicago area was submitted on October 22, 1973, by Governor Walker.

(12) On July 22, 1976, the Director of the Illinois Environmental Protection Agency submitted revised emergency episode regulations.

(13) On November 29, 1977, the Director of the Illinois Environmental Protection Agency submitted grain handling and drying emission limitations as revisions to Rule 203.


(15) Revision consisting of an Illinois Pollution Control Board Order issued to Shell Oil Company’s Wood River refinery on December 14, 1978 by the Illinois Environmental Protection Agency.

(16) On April 4, 1979, the State submitted its draft nonattainment area plan for all areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained a request for extensions of the statutory attainment deadline for CO and O3. The submittal also included a vehicle emission inspection and maintenance program and a new source review plan. Although the State submittal also included the following provisions, U.S. EPA is taking no action to include them in the federally approved SIP at this time: the portions of Rules 101, 103 and 105 relating to the provisions addressing malfunctions, general requirements of the Clean Air Act which are not Part D requirements, and the provisions covering open burning, mobile source emission standards, sulfur dioxide emissions for certain fuel combustion sources located outside major metropolitan areas, compliance dates for organic emission limitations, particulate emissions from low carbon waste incinerators, and adoption of Federal New Source Performance Standards. In addition, U.S. EPA is not rulemaking at this time on those portions of the following rules which contain specified changes made between the publication of the notice of proposed rulemaking and the final rulemaking action:

(i)–(iii) [Reserved]

(iv) The new materials in Section 4.11 of the Rules for Issuance of Permits to New or Modified Air Pollution Sources;

(v) The addition of a definition of “reconstruction” in Section 4.7 of the Rules for Issuance of Permits;

(vi) The procedure allowing external offsets contained in Section 10 of the Rules for Issuance of Permits.

(17) On August 29, 1979, the State submitted additional information and clarification for the nonattainment area plan in response to USEPA’s July 2, 1979 notice of proposed rulemaking.

(18) On September 20, 1979, the State submitted a summary of public hearing comments on the plan.

(19) On October 30, 1979, the State submitted copies of Illinois Pollution Control Board final orders for control of VOC emissions from stationary sources (Rule 205), sources of fugitive particulate (Rule 203(f)), and particulate emissions from iron and steel sources (Rule 203(d)).
(20) On December 20, 1979, the State submitted a letter containing the dates that most of the regulatory and non-regulatory portions of the nonattainment area plans were finally adopted by the Illinois Pollution Control Board. Rule 205 containing RACT controls for stationary sources of VOC was effective in the State on July 18, 1979. Rule 203(f) governing fugitive dust emissions was effective in the State on September 18, 1979.

(21) On January 25, 1980, the State submitted a copy of finally enacted “Rules for the Issuance of Permits to New or Modified Air Pollution Sources Affecting Nonattainment Areas.” Sections 5.1(a)(2)(ii) and 5.1(a)(2)(iii) of these rules were reserved by the State. The effective date of these Rules was January 16, 1980.

(22) On March 21, 1979, the State of Illinois submitted to the USEPA revised regulations for control of sulfur dioxide emissions. On September 19, 1979, the State submitted additional information on these revised regulations to the USEPA.

(23) On January 17, 1980 and on February 7, 1980 the State submitted further information and clarifications to Rule 204.

(24) On September 19, 1979, the State of Illinois submitted a revision to the USEPA revised regulations for control of sulfur dioxide emissions. On September 19, 1979, the State submitted additional information on these revised regulations to the USEPA.

(25) On January 8, 1980, the State submitted an Opinion and Final Order of the Pollution Control Board (dated November 19, 1979) which deletes Rule 206(d) of Chapter 2 from the Illinois Air Pollution Control Regulations.

(26) On December 20, 1979, the State of Illinois submitted a revision to provide for modification of the existing air quality surveillance network.

(27) On January 8, 1980, the State submitted an Opinion and Final Order of the Pollution Control Board (dated November 19, 1979) which deletes Rule 206(d) of Chapter 2 from the Illinois Air Pollution Control Regulations.

(28) On September 18, 1979, the State submitted a Final Order of the Pollution Control Board (dated April 12, 1979) which amended Rule 205(g)(1) of Chapter 2 of the Illinois Air Pollution Control Regulations.

(29) On July 21, 1981, the State submitted Volume 9 Lead, of the Illinois State Implementation Plan for Air Pollution Control for incorporation in the Illinois State Implementation Plan. This plan covers all areas in Illinois except for Granite City in the St. Louis Interstate AQCR.

(30) On July 29, 1980, the State submitted a May 29, 1980, Opinion and Order of the Illinois Pollution Control Board granting a variance from the requirements Rule 203(d)(B)(B) of Chapter 2 of the Air Pollution Control Regulations to Continental Grain Company’s grain elevator located in Crossville, White County, Illinois. This variance expired July 1, 1980.

(31) On April 4, 1980, the State submitted a November 29, 1979, Opinion and Order of the Illinois Pollution Control Board (IPCB) and Supplementary IPCB Orders dated January 24, 1980, and February 7, 1980. These Orders grant 13 Caterpillar Tractor Company boilers a variance from the requirements of IPCB (A), Rule 203(g)(1)(C)(i) and/or Rule 203(g)(1)(D) which regulate particulate emissions from new and existing sources. No action is taken at this time on variance provisions for Mapleton facility boilers #2, 3, 4, and 5. This variance expired on October 8, 1981.

(32) On August 31, 1981, the State of Illinois submitted a revision to the Illinois State Implementation Plan in the form of a July 9, 1981, Order of the Illinois Pollution Control Board (R–77–15). This Order creates Rule 204(c)(1)(E) which establishes sulfur dioxide (SO) emission limitations of 5.5 lbs/SO/MMBTU for solid fuel combustion sources having actual heat input not greater than 250 million BTU’s per hour owned or operated by Bemis Company, Inc., Celotex Corporation or Sherex Corporation. On November 17, 1981, the State submitted additional information in support of this revision.

(33) On August 20, 1980, and March 20, 1981, the State submitted additional information on the transportation control plans for the Northeast Illinois (Chicago) Area.

(34) On October 15, 1980, the State submitted additional information on the transportation control plans for the Peoria Metropolitan Area.
(35) On April 1, 1981, the State submitted additional information on the transportation control plans for the St. Louis Metropolitan (Illinois) Area.

(36) On December 10, 1980, the State submitted a July 24, 1980, Opinion and Order of the Illinois Pollution Control Board and a September 18, 1980, Order of the Board granting Bunge Corporation's Cairo, Illinois soybean processing plant and grain elevator variance from Illinois Pollution Control Board's particulate emission standards under Rules 203(g)(1)(D) and 103(b)(1) of Chapter 2 of the Air Pollution Control Regulations through October 15, 1981.

(37) On July 17, 1980, the State submitted an April 3, 1980, Opinion and Order of the Illinois Pollution Control Board adopting a December 13, 1979, Proposed Opinion and Order of the Board which exempted certain small explosive waste incinerators from the requirements of Rule 203(e) Particulate Emission Standards and Limitations for incinerators and Rule 206(b) Carbon Monoxide Emissions Standards and Limitations for incinerators.

(38) On May 10, 1982, the State submitted a February 4, 1982, Illinois Pollution Control Board Opinion and Order (PCB 81–184) granting a variance from the requirements of Rules 205(m)(1)(B) and 204(n)(1)(G) of Chapter 2 of the Air Pollution Control Regulations to the Lyon Metal Products, Montgomery, Illinois facility. This variance expires on May 31, 1985.

(39) On October 1, 1981, the State submitted a report in satisfaction of the Total Suspended Particulate Control Strategy approval condition in which the State agreed to conduct a study to demonstrate that the three pound per hour, 15 pound per day exemption for solvent metal cleaners contained in Rule 205(k) represents RACT, to submit the results of the study to EPA, to submit the necessary regulations to the Illinois Pollution Control Board and promulgate and submit any necessary regulations to EPA. The State reviewed this report and in a February 11, 1981, letter to EPA noted their agreement with the findings of the report and indicated that because there was no need for further regulations, this condition is satisfied.

(40) EPA Study Volatile Organic Compound Emissions from Solvent Cleaning Operations in the State of Illinois (EPA 905/4–80–006) was prepared to satisfy the Ozone Control Strategy approval condition in which the State agreed to conduct a study to demonstrate that the three pound per hour, 15 pound per day exemption for solvent metal cleaners contained in Rule 205(k) represents RACT, to submit the results of the study to EPA, to submit the necessary regulations to the Illinois Pollution Control Board and promulgate and submit any necessary regulations to EPA. The State reviewed this report and in a February 11, 1981, letter to EPA noted their agreement with the findings of the report and indicated that because there was no need for further regulations, this condition is satisfied.

(41) On December 7, 1981, the State submitted a October 8, 1981, Illinois Pollution Control Board Final Order (R79–11). This Final Order amends Rule 203(g)(1) by adding subsection (E).

(42) On January 4, 1983, the State submitted a revision to the Illinois State Implementation Plan in the form of an October 27, 1982, Illinois Pollution Control Board (IPCB) Opinion and Order (PCB 82–88). This Opinion and Order grants a variance from the requirements of Rule 203(a) of Chapter 2 of the Air Pollution Control Regulations to a proposed fluidized bed combustion boiler at B.F. Goodrich's Henry County, Illinois facility. This variance continues until October 1, 1987, or until the facility is no longer subject to Rule 206(a), whichever comes first.

(43) On March 17, 1983, the Illinois Environmental Protection Agency (IEPA) submitted a revision to its ozone SIP for Chrysler's Belvidere facility. The revision request contains an alternative compliance time schedule with interim emission limitations which is in the form of a variance for prime coating and prime surface coating operations. Final compliance is changed from December 31, 1982 to December 31, 1987.
(45) On August 19, 1983, the State of Illinois submitted a revision to the Illinois State Implementation Plan in the form of a July 26, 1983, Order of the Illinois Pollution Control Board (R82–12). This Order creates Rule 313 which establishes 1.5 micrograms per cubic meter, maximum arithmetic mean, averaged over a calendar quarter as the State’s ambient air quality standard for lead. The Board also adopted, as part of Rule 313, a measurement method for determining compliance with the standard.


(47) On March 24, 1983, and May 3, 1983, the State submitted information that indicated that a February 21, 1980 (45 FR 11472), conditional approval of the incorporation of a revised Part D sulfur dioxide control strategy into the Illinois State Implementation Plan has been satisfied for Cincinnati, Pekin and Elm Grove Townships in Tazewell County and for Logan and Limestone Townships in Peoria County. This approval condition required that the SIP include a reanalysis of the Pekin, Illinois area; a submittal of the analysis results to USEPA; the proposal of any necessary regulations to the Illinois Pollution Control Board necessary to insure attainment and maintenance of the sulfur dioxide standard; and the promulgation of any necessary regulations. Any promulgated regulations must be submitted to USEPA.

(48)–(49) [Reserved]

(50) On May 3, 1983, the State requested that USEPA incorporate IPCB Rule 204(f)(2) into the Illinois SIP. Rule 204(f)(2) was adopted by Illinois as part of a February 24, 1983, Order of the Board (R80–22). USEPA approves the incorporation of Rule 204(f)(2) as it pertains to Pekin Energy, a source in the Peoria major metropolitan area.

(51) On January 30, 1984, the State submitted Rule 204(f) as contained in a February 24, 1983, Order of the IPCB (R80–22) as it applies to sources in the Peoria Major Metropolitan area for incorporation in the SIP. USEPA approves the incorporation of Rule 204(f) into the SIP as it applies to all sources in Peoria and Tazewell Counties except Caterpillar Tractor Mapleton and East Peoria Plants. No action is taken on Rule 204(f) as it applies to the Chicago or St. Louis (Illinois—portion) Major Metropolitan Areas or on Rule 204(f) (1) and (2).

(52) [Reserved]

(53) On September 30, 1983, the State submitted a revision to the Illinois State Implementation Plan in the form of a lead plan to assure attainment and maintenance of the NAAQS in the Granite City area. The Illinois plan includes a discussion of air quality data measured since 1978, an emission inventory of three source categories capable of emitting lead, atmospheric modeling analyses and proposed necessary control strategies. On March 19, 1984, the State submitted five consent decrees entered by the State of Illinois with the Circuit Court for the Third Judicial Circuit of Madison County and filed March 16, 1984, for incorporation in the lead plan. These include People of the State of Illinois vs. Taracorp, Inc.; People of the State of Illinois vs. St. Louis Lead Recyclers; People of the State of Illinois vs. First Granite City National Bank; People of the State of Illinois vs. Stackorp Inc.; and People of the State of Illinois vs. B.V. and G.V. Transport Company.

(54) [Reserved]

(55) On November 14, 1985, the State of Illinois submitted a negative declaration for natural gas/gasoline processing plants.

(1) Incorporation by reference. (A) Letter dated November 14, 1985, from Michael J. Hayes, Manager, Division of Air Pollution Control, Illinois Environmental Protection Agency.

(56) On June 19, 1984, the State submitted Illinois Environmental Protection Agency Rule 252 entitled, “Rules for Governing Public Participation in the Air Pollution Permit Program for
Environmental Protection Agency

§ 52.720

Major Source in Nonattainment Areas.”

(i) Incorporation by reference. (A) Illinois Environmental Protection Agency Rule 252 entitled, “Rule for Governing Public Participation in the Air Pollution Permit Program for Major Sources in Nonattainment Areas,” published on June 8, 1984.

(57)–(60) [Reserved]

(61) On March 15, 1984 and June 14, 1984 the Illinois Environmental Protection Agency submitted commitments for satisfying several outstanding conditions to the sulfur dioxide [52.724(a)(1)] State Implementation Plan.


(i) Incorporation by reference. (A) June 14, 1984, Opinion and Order of the Illinois Pollution Control Board (IPCB), PCB 84–19. This is a variance from Illinois Rule 206(a) until June 14, 1987, for CO emissions from a fluidized bed combustion boiler at Midwest Solvents Company’s facility in Tazewell County, Illinois.

(63) On February 6, 1985, the Illinois Environmental Protection Agency (IEPA) submitted a site-specific revision to its total suspended particulates State Implementation Plan for Villa Grove’s “Dump and Boot Pit” emissions in Champaign County, Illinois.

(i) Incorporation by reference. (A) Illinois Pollution Control Board Opinion and Order of the Board, PCB 84–53, Villa Grove’s “Dump and Boot Pit” site-specific TSP revision. This revision extends the compliance date for control requirements on these emissions until September 1, 1987, and was adopted on July 14, 1984.

(64) On May 13, 1985, the Illinois Environmental Protection Agency (IEPA) submitted a variance from Illinois Rule 202(b) for a Brule pathological waste incinerator (BPWI) at NPWC’s facility located at the Great Lakes Naval Base, Great Lakes, Shields Township, Illinois, as a revision to its TSP SIP. Shields Township is an attainment area for both the primary and secondary national ambient air quality standards (NAAQS) for TSP.


(65) Submitted from the Illinois Environmental Protection Agency (IEPA) dated July 22, 1985, requesting an extended compliance schedule for Precision Coatings Incorporated (PCI) coating Machine Number 2.

(i) Incorporation by reference. (A) Illinois Pollution Control Board Opinion and Order of the Board, PCB 84–117, which was adopted on February 20, 1985, and a modification to PCB 84–117 which was adopted on April 14, 1985.

(66) On March 27, 1985, the Illinois Environmental Protection Agency (IEPA) submitted a site-specific revision to its Carbon Monoxide State Implementation Plan for Anderson Clayton Foods, Inc. (ACF), a variance from 35 Illinois Administrative Code (IAC) 216.121 which governs Carbon Monoxide emissions from the Fluidized Bed Combustor retrofitted boiler at ACF’s Jacksonville, Illinois facility. IAC 216.121 was incorporated in the Illinois SIP on May 31, 1972 (37 FR 10862), as Illinois Pollution Control Board Rule 206(a).

(i) Incorporation by reference. (A) Illinois Pollution Control Board Opinion and Order of the Board, PCB 84–147, which was adopted on January 24, 1985.

(67) On April 18, 1983, the State of Illinois submitted a 0.60 lb TSP/MMBTU emission limit for the City of Rochelle Municipal Steam Power Plant. On May 24, 1985, it submitted a revised modeling analysis.

(i) Incorporation by reference. Illinois Pollution Control Board Order (R78–15), Rule 203(g)(1)(C)(iii) which is dated February 24, 1983.


(i) Incorporation by reference. (A) A January 24, 1985, Opinion and Order of the Illinois Pollution Control Board (ICPB), PCB 84–106. This is a variance until December 31, 1987, for the coating
reformulation programs at American Can Corporation’s Hoopeston facility located in Hoopeston, Illinois.

(69) On January 28, 1983, the Illinois Environmental Protection Agency submitted a December 30, 1982, Illinois Pollution Control Board Order (R80–5). Illinois Pollution Control Board Rules 205(l) (4) through (10), 205(t) and 205(u) are approved.

(i) Incorporation by reference. (A) Illinois Pollution Control Board Rules 205(l)(4) through (10), 205(t) and 205(u) as contained in December 30, 1982, Illinois Pollution Control Board Order R80–5.

(ii) Additional material. None.

(70) On February 13, 1986, the Illinois Environmental Protection Agency (IEPA) submitted a revision to its ozone SIP for the Fedders-USA’s facility located in Effingham, Effingham County, Illinois. It grants Fedders-USA a compliance date extension for control requirements from October 1, 1982, to April 1, 1986, and provides for a legally enforceable compliance program.

(i) Incorporation by reference. (A) A January 9, 1986, Opinion and Order of the Illinois Pollution Control Board (IPCB), PCB 83–47.

(71) On October 20, 1983, the Illinois Environmental Protection Agency submitted a site-specific revision to Illinois’ sulfur dioxide plan for Illinois Power Company’s Baldwin Power Station. The revised SO2 emission limitations are 101,966 lbs/hour, in the aggregate, and 6 lbs/MMBTU.

(i) Incorporation by reference. (A) Emission limits within Paragraph 1 of Illinois Pollution Control Board Final Order PCB 79–7, which was adopted September 8, 1983.

(72) [Reserved]

(73) On May 6, 1985, the Illinois Environmental Protection Agency, requested an extended compliance schedule for National Can Corporation’s Rockford facility.

(i) Incorporation by reference. (A) Illinois Pollution Control Board, April 1, 1982, Opinion and Order of the Board, PCB 81–189 and a January 24, 1985, Opinion and Order PCB 84–108. These orders grant National Can Corporation (Rockford Plant) a variance from the existing VOC SIP requirements from December 31, 1982, until December 31, 1983, and from December 31, 1983, until December 31, 1985, respectively.

(74) On October 30, 1986, the Illinois Environmental Protection Agency submitted a September 25, 1986, Final Order of the Illinois Pollution Control Board R85–33 revises the State’s coke oven pushing and charging rules and recodifies some related rules.

(i) Incorporation by reference. (A) Order of the Illinois Pollution Control Board R85–33, which was adopted September 25, 1986.

(75)–(77) [Reserved]


(i) Incorporation by reference. (A) The following sections of title 35, Environmental Protection; subtitle B: Air Pollution; Chapter 1: Pollution Control Board of the Illinois Administrative Code, (June 1989): section 211.122 (definitions of bead-dipping; component; dry cleaning facility; external floating roof; gas service; green tire spraying; green tires; heavy liquid; liquid mounted seal; liquid service; pneumatic rubber tire manufacture; refinery unit, process unit, or unit; tread end cementing; undertread cementing; valves not externally regulated; vapor collection system; vapor mounted primary seal; volatile organic liquid; and volatile organic material) of subpart B (part 211); section 215.104 (definitions of continuous process; in vacuum service; material recovery section; open-ended valve; polystyrene plant; polystyrene resin; repaired; styrene devolatilizer unit; and styrene recovery unit) of subpart B (part 215); sections 215.408 of subpart P (part 215); sections 215.420 through 215.431, 215.433, 215.434, 215.435, 215.437, and 215.438, all of subpart Q (part 215); section 215.453 of subpart R (part 215); sections 215.465 and 215.466 of subpart S (part 215); sections 215.520, 215.521, 215.525, 215.526, and 215.527 all of subpart V (part 215); sections 215.582, 215.583,


(ii) Additional material. (A) "Technical Procedures Memorandum—Enforcement" between the Illinois Secretary of State and the Illinois Environmental Protection Agency, as submitted by Michael J. Hayes, Manager, Division of Air Pollution Control on July 1, 1987.

(80) [Reserved]


(82)–(83) [Reserved]

(84) On September 18, 1991, and November 18, 1991, the State submitted documents intended to satisfy federal requirements for an operating permit program which can issue federally enforceable operating permits.

(i) Incorporation in reference. (A) Public Act 87–555, an Act to amend the Environmental Protection Act by changing section 9.1, effective September 17, 1991. (Ch. 111 1/2, par. 1009.1) par. 1009.1(a), (b), (c), (d) and (f).

(85) On March 13, 1985, the State submitted revisions to its sulfur dioxide limitations.

(i) Incorporation by reference. (A) Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Part 214 Sulfur Limitations, Subpart C: Existing Solid Fuel Combustion Emission Sources, Section 214.141 Sources Located in Metropolitan Areas, through paragraph (a) only, effective March 28, 1983; Subpart F: Alternative Standards for Sources Inside Metropolitan Areas, Section 214.201 Alternative Standards for Sources in Metropolitan Areas and Section 214.202 Dispersion Enhancement Techniques, effective March 28, 1983.

(86) On June 9, 1986, the State submitted revisions to its sulfur dioxide limitations in the form of a April 24, 1986, opinion and order of the Illinois Pollution Board in proceeding R84–28.

(i) Incorporation by reference. (A) Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Part 214 Sulfur Limitations, Subpart C: Existing Solid Fuel Combustion Emission Sources, §214.141 Sources Located in Metropolitan Areas, paragraphs b), c) and d), and Subpart X: Utilities, §214.560 Scope and §214.561 E.D. Edwards Electric Generating Station effective May 20, 1986.

(87) On March 17, 1989, and August 28, 1990, the State of Illinois submitted a
revision to the Illinois State Implementation Plan. The revision is contained in subpart J, §201.281 and subpart L, §§201.401-.408 of part 210 of title 35 of the Illinois Administrative Code. This revision provides a legally enforceable procedure for continuously monitoring and recording emissions to determine the status of compliance of certain stationary source categories and complies with 40 CFR 51.214 and part 51, appendix P. The rules were adopted by the Illinois Pollution Control Board on December 15, 1988, published (13 Ill. Reg. 2066) and became effective February 3, 1989. The rules were corrected for an omission, published on November 15, 1989, (13 Ill Reg. 19444), and became effective December 5, 1989. In a November 18, 1991, letter from Bharat Mathur, then Manager, Division of Air Pollution Control, Illinois Environmental Protection Agency (IEPA) to Stephen Rothblatt, Chief, Regulation Development Branch, Region 5, USEPA, Illinois committed to notify USEPA of any pending construction or operating permit application during the 30 day public comment period which is part of Illinois’ permit issuance process (Section 203.150). This commitment is part of the administrative record of USEPA’s approval of the Illinois’ operating permit program for the purpose of issuing federally enforceable operating permits at 40 CFR 52.720 (c) (84) and 52.737 on December 17, 1992 (57 FR 59928). USEPA may deem a permit not federally enforceable if monitoring provisions do not comply with the requirements of 40 CFR 51.214, part 51, appendix P or §51.165.

(i) Incorporation by reference. (A) Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter 1: Pollution Control Board; Subchapter a: Permits and General Provisions; Part 201: Permits and General Provisions, Subpart J: Monitoring and Testing, Section 201.261; and Subpart L: Continuous Monitoring, Sections 201.401 through 201.408, adopted at Ill. Reg. 2066, effective February 3, 1989.


(91) [Reserved]

(92) On June 4, 1992, the State submitted particulate matter regulations adopted as part of Pollution Control Board Proceeding R91–35. These regulations concern particulate matter ambient limits and episode regulations.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board.

(A) Part 212 Visible and Particulate Matter Emissions: Section 212.113 Incorporations by Reference; section 212.424 Fugitive Particulate Matter Control for the Portland Cement Manufacturing Plant and Associated Quarry Operations located in LaSalle County, South of the Illinois River; section 212.443 Coke Plants; section 212.445 Blast Furnace Cast Houses; adopted at 16 Illinois Register 8204, effective May 15, 1992.

(B) Part 243 Air Quality Standards: Section 243.108 Incorporations by Reference; section 243.120 PM 10; section 243.121 Repealed; adopted at 16 Illinois Register 8185, effective May 15, 1992.

(C) Part 244 Episodes: Section 244.101 Definitions; section 244.106 Monitoring; section 244.107 Determination of Areas Affected; section 244.121 Local Agency Responsibilities; section 244.161 Advisory Alert and Emergency Levels; section 244.162 Criteria for Declaring and Advisory; section 244.163 Criteria for
Declaring a Yellow Alert; section 244.166 Criteria for Terminating Advisory, Alert and Emergency; section 244.167 Episode Stage Notification; section 244.168 Contents of Episode Stage Notification; section 244.169 Actions During Episode Stages Adopted; section 244 appendix D; adopted at 16 Illinois Register 8191, effective May 15, 1992.

(93) On September 30, 1992, the State submitted rules regulating volatile organic compound emissions from gasoline dispensing facilities' motor vehicle fuel operations.


(B) [Reserved]

(ii) Additional materials. (A) Stage II Vapor Recovery SIP Program Description dated September 29, 1992.

(94) On July 30, 1986, the State submitted particulate boiler rules intended to replace rule 203(g)(1) which was vacated by the Courts. No action is taken on §212.209 because the variance which it authorized has expired. On July 22, 1988, the State submitted opacity rules intended to replace rule 202(b) which had been vacated by the Courts. Also on July 22, 1988, the State submitted Illinois Pollution Control Board procedural rules for considering Air Adjusted Standard Procedures.

(i) Incorporation by reference. (A) Title 35: Environmental Protection, Illinois Administrative Code, Subtitle B: Air Pollution; Chapter I: Pollution Control Board; part 212 Visible and Particulate Matter Emissions; subpart E: Particulate Matter Emission from Fuel Combustion Emission Sources; §§212.201, 212.202, 212.203 and 212.204. Amended or added at 10 Ill. Reg. 12637, effective July 9, 1986.

(95) On October 16, 1991, and November 13, 1991, the State submitted particulate matter regulations adopted as part of Pollution Control Board Proceeding R91–6. These regulations concern particulate matter controls for LaSalle County, Illinois.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board.


(B) Part 212 Visible and Particulate Matter Emissions: Section 212.110 Measurement Methods; the addition of an abbreviation for pounds per hour to Section 212.111 Abbreviations and Units; additions and deletions to Section 212.113 Incorporations by Reference including the addition and/or renumbering of paragraphs (a), (b), (c), (d), (e) and (f) and the deletion of paragraphs earlier numbered as (a) and (f); Section 212.423 Emission Limits for Portland Cement the Manufacturing Plant Located in LaSalle County, South of the Illinois River; adopted at 15 Illinois Register 15708, effective October 4, 1991.

(96) On November 12, 1992, the State of Illinois submitted a Small Business
Stationary Source Technical and Environmental Assistance Program for incorporation in the Illinois State Implementation Plan as required by section 307 of the Clean Air Act Amendments of 1990. Included in the State’s submittal were a program description, newly adopted enabling legislation including new subsection 20 of section 39.5 of the Environmental Protection Act, Public Act 87–1213, and new subsection 46.13(a) of the Civil Administrative Code, Public Act 87–1177, and a May 4, 1992, State of Illinois, Illinois Department of Commerce and Community Affairs (DCCA), Illinois Environmental Protection Agency (IEPA) Interagency Agreement defining the responsibilities of DCCA and IEPA in developing and implementing the Small Business Stationary Source Technical and Environmental Compliance Assistance Program (Program).

(i) Incorporation by reference. (A) Subsection 20 of section 39.5 of the Environmental Protection Act adopted as Public Act 87–1213 signed into law on September 26, 1992, and effective upon signature.

(B) Subsection 46.13(a) of the Civil Administrative Code adopted as Public Act 87–1177 signed into law on September 21, 1992, and effective upon signature.

(ii) Other material. (A) Program description.

(B) May 4, 1992, Interagency Agreement between DCCA and IEPA defining the responsibilities of DCCA and IEPA in developing and implementing the program.

(97) On October 12, 1992, and June 2, 1993, the State of Illinois submitted a requested revision to the Illinois State Implementation Plan (SIP) intended to satisfy the requirements of section 182(a)(3)(B) of the Clean Air Act as amended in 1990. Included were State rules establishing procedures for the annual reporting of emissions of volatile organic material (VOM) and oxides of nitrogen (NOX) as well as other regulated air pollutants by stationary sources in ozone nonattainment areas. Also included was a June 2, 1993, commitment letter from the Illinois Environmental Protection Agency (IEPA) to fulfill the reporting requirements of the United States Environmental Protection Agency by performing the following tasks:

(i) Update the AIRS Facility Subsystem using the annual emissions report data. The 1992 data will be updated by December 31, 1993, and subsequent updates will be made by July 1st of each year.

(ii) Retain annual emissions reports for at least three (3) years.

(iii) Develop and submit Emissions Statement Status Reports (ESSR) on a quarterly basis each year until all applicable sources have submitted the required annual emissions reports. The report will show the total number of facilities from which emission statement data was requested, the number of facilities that met the provisions, and the number of facilities that failed to meet the provisions. Sources that are delinquent in submitting their emissions statements will be individually listed if they emit 500 tons per year or more of VOM or 2500 tons per year or more of NOX. The report will also contain the emission data requested in Appendix F of the July 6, 1992, Draft Guidance on the Implementation of an Emission Statement Program.

(iv) All sources subject to the emission statement requirements must report, at a minimum, the information specified under subpart C of part 254 of chapter II of subtitle B of title 35 of the Illinois Administrative Code.


(B) Other material. June 2, 1993, commitment letter.

(98) On July 21, 1986, the State submitted revision to its particulate matter regulations to incorporate an emission limit for continuous automatic stoking animal pathological waste incinerators.

(i) Incorporation by reference. (A) Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Part 212 Visible and Particulate Matter Emissions, subpart D: Particulate Matter Emissions from
Incorporation by reference. (A) Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 214 Sulfur Limitations, Subpart A: General Provisions, section 214.102 Abbreviations and Units. Amended at 12 Ill. Reg. 20778, effective December 5, 1986.
These section were added at 17 Ill. Reg. 16504, effective September 27, 1993.


(3) Section 218.585 was repealed in 2013 and is removed without replacement; see paragraph (c)(201) of this section.


Environmental Protection Agency

§ 52.720


(2) Amended in R93–9 at 17 Ill. Reg. 16918, effective September 27, 1993:


Subpart C: 219.141, 219.143, 219.144;


Subpart V: 219.525;

Subpart W: 219.541;

Subpart X: 219.562;


Section 219: Appendix A, Appendix B, Appendix C, Appendix D.

(3) Section 219.585 was repealed in 2013 and is removed without replacement; see paragraph (c)(201) of this section.


(i) Incorporation by reference. (A) Illinois Administrative Code; Title 35 Environmental Protection; Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 218: Organic Material Emissions Standards and Limitations for the Chicago Area, Subpart PP: 218.927, 218.928; Subpart QQ: 218.947, 218.948; Subpart RR: 218.967, 218.968; Subpart TT: 218.987, 218.988; Subpart UU: 218.990. These sections were adopted on September 9, 1993, Amended at 17 Ill. Reg. 16636, effective September 27, 1993.


Subpart B: 218.121, 218.122, 218.123, 218.124;

Subpart C: 218.141, 218.143, 218.144;

Subpart E: 218.181, 218.182, 218.183, 218.184, 218.186;


Subpart G: 218.301, 218.302, 218.303, 218.304;

Subpart H: 218.401, 218.402, 218.403, 218.404, 218.405;


Subpart R: 218.441, 218.443, 218.444, 218.446, 218.447, 218.449, 218.450, 218.452;

Subpart S: 218.461, 218.462, 218.463, 218.464;


Subpart V: 218.525;

Subpart W: 218.541;

Subpart X: 218.562;

Subpart V: 218.561, 218.562, 218.582, 218.583, 218.584, 218.585, 218.586;


Subpart BR: 218.640, 218.642, 218.644;

Section 218: Appendix A, Appendix B, Appendix C, Appendix D.


(i) Incorporation by reference. (A) Illinois Administrative Code; Title 35 Environmental Protection; Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources; Part 216: Carbon Monoxide Emissions; Subpart O: Primary and Fabricated Metal Products; Section 216.382 Exception, General Motors Ferris Foundry in Vermilion County. Added at 16 Illinois Register 18075, effective November 13, 1992.

(104) [Reserved]

(105) On February 7, 1994, the State submitted revisions intended to create a permit program for small sources. The purpose of these revisions is to lessen the permitting burden on small sources and the permitting authority...
by reducing the frequency and/or the requirement of operating permit renewal for sources emitting a total of less than 25 tons per year of regulated air pollutants. A permit obtained through these procedures is intended to continue as a legally binding State document until the source modifies its operations, withdraws its permit or becomes subject to a new applicable requirement. At that time, the State will determine whether the small source procedures continue to be appropriate and issue a revised small source permit or direct the source in following the correct permit procedures. Since small source permits are not subject to a public comment period or review by USEPA, they are not federally enforceable and cannot be used to limit sources’ potential to emit and thereby exempt them from the requirements of the title V operating permit program.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board.


(1) Subpart D: Permit Applications and Review Process, Section 201.162 Duration and Section 201.163 Joint Construction and Operating Permits. Amended at 17 Ill. Reg., effective December 7, 1993.

(2) Subpart E: Special Provisions for Operating Permits for Certain Smaller Sources, Section 201.180 Applicability, Section 201.181 Expiration and Renewal and Section 201.187 Requirement for a Revised Permit Added at 17 Ill. Reg., effective December 7, 1993.


(106) On November 23, 1994, the State submitted amended marine vessel loading rules which consisted of revised definitions, and revisions to the Ozone Control Plan for the Chicago and Metro-East St. Louis areas.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter C: Emission Standards and Limitations for Stationary Sources.


(107) On October 25, 1994, Illinois submitted a regulation which requires gasoline dispensing operations in the Chicago and Metro-East St. Louis ozone non attainment areas that have storage tanks of at least 575 gallons to install
pressure/vacuum relief valves on storage tank vent pipes. Tanks installed before January 1, 1979, are exempt from the rule if they have a capacity of less than 2000 gallons, as are tanks that are equipped with floating roofs or equivalent control devices that have been approved by the State and USEPA.

(i) Incorporation by reference. Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.


(108) On January 25, 1994, the State submitted a revision to its ozone State Implementation Plan (SIP) for Quantum Chemical Corporation’s facility located in Morris, Aux Sable Township, Grundy County, Illinois. It grants an adjusted standard from Parts 35 Illinois Administrative Code (IAC) 218.966 and 218.986 as they apply to specific units or plants within this facility.

(i) Incorporation by reference. (A) Illinois Pollution Control Board Final Opinion and Order, AS 92-14, adopted on October 7, 1993, and effective on October 7, 1993.

(109) On October 25, 1994, Illinois submitted a regulation that reduces the maximum allowable volatility for gasoline sold in the Metro-East St. Louis ozone nonattainment area, which includes Madison, Monroe, and St. Clair Counties, to 7.2 pounds per square inch Reid Vapor Pressure (RVP) during the summer control period. On May 14, 1996, Illinois submitted an amendment to its RVP rule which changes the summer regulatory control period of the program. The summer control period for the Illinois RVP program is from June 1 to September 15.


(B) [Reserved]


(D) Section 219.585 was repealed in 2013 and is removed without replacement; see paragraph (c)(201) of this section.


(111) On July 29, 1994, Illinois submitted regulations which require adoption and implementation of particulate matter contingency measures for Illinois’ four moderate particulate matter nonattainment areas. Sources in the nonattainment areas which emit at least 15 tons of particulate matter must submit two levels of contingency measures, which will then become Federally enforceable. Sources will be required to implement the contingency measures if an exceedance of the National Ambient Air Quality Standard for Particulate Matter is measured, or if the United States Environmental Protection Agency finds that an area...
has failed to attain the National Ambient Air Quality Standards.

(i) Incorporation by reference. Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board;

(A) Part 106 Hearings Pursuant to Specific Rules, Section 106.930—Appli-
cability, Section 106.931—Petition for Review, Section 106.932—Response and

(B) Part 212 Visible and Particulate Matter Emissions, Section 212.700—Ap-
pliability, Section 212.701—Contingency Measure Plans, Submittal and Compliance Date, Section 212.702—De-
termination of Contributing Sources, Section 212.703—Contingency Measure Plan Elements, Section 212.704—Im-

(112) On March 28, 1995, the State of Illinois submitted a revision to its ozone State Implementation Plan for P & S, Incorporated's facility located in Wood Dale, Du Page County, Illinois. It grants a compliance date extension from Stage II vapor control require-
ments (35 Ill. Adm. Code 218.586) from November 1, 1994 until April 1, 1996, or 60 days after notification to P & S, Incorporated that the roadway construction complicating the installation of Stage II equipment will be abandoned for any reason, whichever is sooner.


(113) On April 27, 1995, the Illinois Environmental Protection Agency re-
quested a revision to the Illinois State Implementation Plan in the form of re-
visions to the State's New Source Review rules for sources in the Chicago and metropolitan East St. Louis ozone nonattainment areas and are intended to satisfy Federal requirements of the Clean Air Act as amended in 1990. The State's New Source Review provisions are codified at Title 35: Environmental Protection Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter a: Permits and General Provisions. Part 203 Major Stationary Sources Construction and Modification is amended as follows:

(ii) Incorporation by reference. (A) Title 35: Environmental Protection, Subpart A: General Provisions, Section 203.101 Definitions, Section 203.107 Allowable Emissions, Section 203.110 Available Growth Margin, Section 203.112 Building, Structure and Facility, Section 203.121 Emission Offset, Section 203.122 Emissions Unit, Section 203.123 federally Enforceable, Section 203.126 Lowest Achievable Emission Rate, Section 203.128 Potential to Emit, Section 203.145 Volatile Organic Material, Section 203.150 Public Participation. Effective April 30, 1993.

(114) On November 30, 1994, the State submitted an amended Synthetic Organic Chemical Manufacturing Industry Air Oxidation Process rule which consisted of extended applicability and tightened control measures to the Ozone Control Plan for the Chicago and Metro-East St. Louis areas.
(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.


(115) On May 5, 1995, and May 26, 1995, the State submitted an amended coating rule which consisted of a tightened applicability cut-off level for wood furniture coating operations to the Ozone Control Plan for the Chicago and Metro-East St. Louis areas.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.


(B) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart F: Coating Operations, Sections 218.204 Emission Limitations, Subsection (n) Plastic Parts Coating: Automotive/Transportation and (o) Plastic Parts Coating: Business Machine, 218.205 Daily-Weighted Average Limitations, Subsection (g), and 218.207 Alternative Emission Limitations, Subsection (i), amended at 19 Ill. 6848, effective May 9, 1995.


(117) On May 31, 1995, the State submitted amended lithographic printing
rules which consisted of revised definitions, and revisions to the Ozone Control Plan for the Chicago and Metro-East St. Louis areas.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.


(ii) On May 5, 1995, and May 26, 1995, the State submitted a revised rule tightening volatile organic compound emission limitations for certain surface coating operations in the Chicago and Metro-East St. Louis areas.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.


(120) On May 5, 1995, and May 31, 1995, the State of Illinois submitted a rule for motor vehicle refinishing operations, which consisted of new volatile organic material (VOM) emission limitations to the Ozone Control Plan for the Chicago and Metro East St. Louis areas. This State Implementation Plan revision contains rules which establish VOM content limits for certain coatings and surface preparation products used in automobile and mobile equipment refinishing operations in the Chicago and Metro East area, as well as requires these operations to meet certain equipment and work practice standards to further reduce VOM.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources.


(D) Sections 218.792 and 219.792 were repealed in 2013 and are removed without replacement; see paragraph (c)(201) of this section.


(i) Incorporation by reference. (A) Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 211: Definitions and General Provisions, Subpart B: Definitions, Sections 211.695, 211.696, 211.5245, 211.6025. These sections were adopted on May 4, 1995, Amended at 19 Ill. Reg. 7344, and effective May 22, 1995.


(C) Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 219: Organic Material Emission Standards and Limitations for the Metro East Area, Subpart V: 219.500, 219.501, 219.502,
§ 52.720  


(122) On June 26, 1995, the Illinois Environmental Protection Agency (IEPA) submitted a State Implementation Plan (SIP) revision containing the 1992 enhancements to the Illinois vehicle inspection and maintenance (I/M) program. Such enhancements were originally developed to meet the I/M performance standard as called for in the United States Environmental Protection Agency’s (USEPA’s) proposed “post-1987” I/M SIP policy and specified in the settlement agreement entered into by the parties in Wisconsin v. Reilly, Case No. 87–C–0395, E.D. Wis. The submittal includes authorizing legislation P.A. 86–1433, signed into law on September 12, 1990 and procedural rules published in the Illinois Register on June 26, 1992 at Volume 16, Issue #16.


(ii) Other material. (A) Public Act 86–1433 adopted by the Illinois General Assembly on June 29, 1990, signed into law by Governor Edgar on September 12, 1990 effective September 12, 1990 (Sections 2, 3, and 4) and January 1, 1991 (Section 1). (B) June 26, 1995 letter and attachments from the IEPA’s Bureau of Air Chief to the USEPA’s Regional Air and Radiation Division Director submitting Illinois’ revision to the ozone SIP.


(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources.


(124) The State of Illinois requested a revision to the Illinois State Implementation Plan (SIP). This revision is for the purpose of establishing and implementing a Clean-Fuel Fleet Program in the Chicago ozone nonattainment area, which includes Cook, DuPage, Grundy (Aux Sable and Goose Lake townships only), Kane, Kendall (Oswego township only), Lake, McHenry, and Will counties, to satisfy the federal requirements for a Clean Fuel Fleet Program to be part of the SIP for Illinois.


(ii) Other material. (A) September 29, 1995 letter and attachments from the Illinois Environmental Protection Agency’s Bureau of Air Chief to the USEPA’s Regional Air and Radiation Division Director submitting Illinois’ revision to the ozone SIP.
(125) On November 14, 1995 the State submitted requested revisions to the Illinois State Implementation Plan in the form of revisions to the definitions of Organic Material and Organic Materials, Organic Solvent, Petroleum Liquid and Volatile Organic Material (VOM) or Volatile Organic Compound (VOC) intended to exempt acetone from regulation as a VOC.


(126) On November 15, 1995 the State submitted a requested revision to the Illinois State Implementation Plan in the form of a revision to the definition Volatile Organic Material (VOM) or Volatile Organic Compound (VOC) intended to exempt parachlorobenzotrifluoride and cyclic, branched or linear completely methylated siloxanes from the definition of VOM or VOC and thereby, from regulation as a VOC.


126) On November 15, 1995 the State submitted a requested revision to the Illinois State Implementation Plan in the form of a revision to the definition Volatile Organic Material (VOM) or Volatile Organic Compound (VOC) intended to exempt parachlorobenzotrifluoride and cyclic, branched or linear completely methylated siloxanes from the definition of VOM or VOC and thereby, from regulation as a VOC.


(i) Incorporation by reference. (A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 211: Definitions and General Provisions, Subpart B: Definitions, Sections 211.2300, 211.3695. These sections were adopted on October 20, 1994, Amended at 18 Ill. Reg. 16929, and effective November 15, 1994.

(B) Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart B: 218.119, 218.120, 218.125, 218.127, 218.128, 218.129. These sections were adopted on October 20, 1994, Amended at 18 Ill. Reg. 16929, and effective November 15, 1994.

(120) [Reserved]

(129) On June 29, 1995, the State of Illinois submitted a revision to the State Implementation Plan (SIP) for the implementation of an enhanced motor vehicle inspection and maintenance (I/M) program in the Chicago and East St. Louis ozone nonattainment areas. This revision included the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B), P.A. 88–533, effective January 18, 1995; I/M regulations (R94–19 and R94–20) adopted on December 1, 1994, by the Illinois Pollution Control Board; February 29, 1996, Request-For-Proposals; April 22, 1996, letter of commitment; plus additional support documentation including modeling demonstration.


(B) April 22, 1996, letter of commitment and attachments from IEPA’s Bureau of Air Chief to the USEPA’s Regional Air and Radiation Division Director.

(130) On January 10, 1996, the State of Illinois submitted a site-specific State Implementation Plan (SIP) revision request for ozone, which extends the required deadline for the Rexam Medical Packaging Inc. facility in Mundelein, Lake County, Illinois (Rexam), to comply with 35 Illinois Administrative Code, part 218, subpart H, as it applies to its Inline Press Number No.105, Inline Press No. 111, Offline 32-inch Press, Offline 36-inch Press, and Offline 42-inch press. The compliance date is extended from March 15, 1995, until June 15, 1996, or upon submittal of the “certificate of compliance” required under section 218.404 of subpart H, whichever occurs first. The variance includes a compliance plan requiring the installation and use of a catalytic oxidizer to control emissions from Inline Press No. 105, Inline Press No. 111, Offline 32-inch Press, and Offline 42-inch Press. The Offline 36-inch Press is required to convert to water-based ink, or be controlled by the oxidizer if the press is not converted by March 1, 1996. The variance is contingent upon certain compliance milestone conditions.


(132) On January 8, 1996, Illinois submitted a site-specific revision to the State Implementation Plan establishing lubricant selection and temperature control requirements for the hot and cold aluminum operations at Reynolds Metals Company’s McCook Sheet and Plate Plant in McCook, Illinois (in Cook County), as part of the Ozone Control Plan for the Chicago area.


(133) On July 23, 1996, the Illinois Environmental Protection Agency submitted a site-specific State Implementation Plan revision request for the Chase Products Company’s Broadview facility located at 19th Street and Gardner Road, as part of the Ozone Control Plan for the Chicago area. The resulting revision revises the control requirements codified at 35 Illinois Administrative Code Part 218 Subpart DD Section 218.686 as they apply to the Chase Products Company’s Broadview facility.

(134) On May 5, 1995, and May 26, 1995, the State of Illinois submitted a State Implementation Plan revision request to the United States Environmental Protection Agency for reactor processes and distillation operation processes in the Synthetic Organic Chemical Manufacturing Industry as part of the State's control measures for Volatile Organic Material (VOM) emissions for the Chicago and Metro-East (East St. Louis) areas. VOM, as defined by the State of Illinois, is identical to “volatile organic compounds” (VOC), as defined by EPA. This plan was submitted to meet the Clean Air Act requirement for States to adopt Reasonably Available Control Technology rules for sources that are covered by Control Techniques Guideline documents. The EPA approves the State Implementation Plan revision request as it applies to Stepan Company’s Millsdale Facility.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 211: Definitions and General Provisions, Subpart B: Definitions, 211.980 Chemical Manufacturing Process Unit, 211.1780 Distillation Unit, 211.2365 Flexible Operation Unit, 211.5065 Primary Product.


(135) On January 23, 1996, Illinois submitted a site-specific revision to the State Implementation Plan which relaxes the volatile organic material (VOM) content limit for fabricated product adhesive operations at Solar Corporation’s Libertyville, Illinois facility from 3.5 pounds VOM per gallon to 5.75 pounds VOM per gallon.


(136) On January 9, 1997, Illinois submitted a site-specific revision to the State Implementation Plan which grants a temporary variance from certain automotive plastic parts coating volatile organic material requirements at Solar Corporation’s Libertyville, Illinois facility.


(137) Approval—On April 25, 1997, the Illinois Environmental Protection Agency submitted a revision to the State Implementation Plan for general conformity rules. The general conformity rules enable the State of Illinois to implement the 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.


(138) On May 5, 1995, and May 26, 1995, the State of Illinois submitted State Implementation Plan (SIP) revision requests for reactor processes and distillation operation processes in the Synthetic Organic Chemical Manufacturing Industry as part of the State’s control measures for Volatile Organic Material emissions for the Metro-East (East St. Louis) area. This State Implementation Plan revision request is approved as it applies to Monsanto Chemical Group’s Sauget Facility.
§ 52.720  

(1) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 211: Definitions and General Provisions, Subpart B: Definitions, 211.980 Chemical Manufacturing Process Unit, 211.1780 Distillation Unit, 211.2365 Flexible Operation Unit, 211.5065 Primary Product, amended at 19 Ill. Reg. 6823, effective May 9, 1995.


(130) On September 8, 1997, the State of Illinois submitted tightened volatile organic material rules for cold cleaning degreasing operations in the Chicago and Metro-East (East St. Louis) ozone nonattainment areas.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.


(140) On March 5, 1996, the State of Illinois submitted amended rules for the control of volatile organic material emissions from wood furniture coating operations in the Chicago and Metro-East (East St. Louis) ozone nonattainment areas, as a requested revision to the ozone State Implementation Plan. This plan was submitted to meet the Clean Air Act requirement for States to adopt Reasonably Available Control Technology rules for sources that are covered by Control Techniques Guide-line documents.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 211: Definitions and General Provisions, Subpart B: Definitions, 211.1467 Continuous Coater, 211.1520 Conventional Air Spray, 211.1530 Continuous Coater, 211.1535 Distillation Unit, 211.1536 Strippable Spray Booth Coating, 211.1540 Washoff Operations, amended at 21 Ill. Reg. 7695, effective June 9, 1997.


Lake Calumet (SE Chicago), McCook, and Granite City, Illinois, Particulate Matter (PM) nonattainment areas. The EPA is approving the portion of the SIP revision request that applies to the Granite City area. The SIP revision request corrects, for the Granite City PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal.

(i) Incorporation by reference. (A) Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources, Part 212: Visible and Particulate Matter Emissions, Subpart A: General, Sections 212.107, 212.108, 212.109, 212.110; Subpart L: Particulate Matter from Process Emission Sources, Section 212.324; Subpart N: Food Manufacturing, Section 212.362; Subpart Q: Stone, Clay, Glass and Concrete Manufacturing, Section 212.425; Subpart R: Primary and Fabricated Metal Products and Machinery Manufacturing, Sections 212.446, 212.458; Subpart S: Agriculture, Section 212.461. Adopted at 20 Illinois Register 7605, effective May 22, 1996.

(B) Joint Construction and Operating Permit: Application Number 95010005, Issued on October 21, 1997, to Granite City Division of National Steel Corporation.

(142) On May 5, 1995, and May 26, 1995, the State of Illinois submitted State Implementation Plan revision requests for reactor processes and distillation operations in the Synthetic Organic Chemical Manufacturing Industry as part of the State's control measures for Volatile Organic Material emissions for the Chicago and Metro-East (East St. Louis) areas. This plan was submitted to meet the Clean Air Act requirement for States to adopt Reasonably Available Control Technology (RACT) rules for sources that are covered by Control Techniques Guideline documents.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.
PCB 96–194 (Variance—Air) which was effective on March 20, 1997 and expires on March 30, 1999.

(ii) The variance is subject to the following conditions (the dates specified indicate the latest start dates of compliance periods terminating on March 30, 1999, when presses 3, 4, and 5 must be replaced by complying presses or must be brought into compliance with the rules from which DB Hess seeks the variance):

(A) On or before March 20, 1997, the combined actual volatile organic material (VOM) emissions from all of the presses in the Woodstock plant shall not exceed 18 tons per year or 1.5 tons per month.

(B) On or before March 20, 1997, DB Hess shall use only cleaning solutions with VOM concentrations less than or equal to 30 percent by weight.

(C) On or before March 20, 1997, DB Hess shall use cleaning solutions on presses 3, 4, and 5 that have a VOM composite partial vapor pressure of less than 10 millimeters (mm) of Mercury (Hg) at 20 degrees Celsius. These cleaning solutions must comply with the requirements of 35 IAC 218.407(a)(4).

(D) On or before March 20, 1997, DB Hess shall store and dispose of all cleaning towels in closed containers.

(E) On or before May 5, 1997, DB Hess shall monitor presses 3, 4, and 5 pursuant to 35 IAC 218.410 (b), (c), and (e).

(F) On or before May 5, 1997, DB Hess shall use fountain solutions on presses 3, 4, and 5 that are less than 5 percent VOM by volume, as applied, and which contain no alcohol.

(G) On or before May 5, 1997, DB Hess shall prepare and maintain records pursuant to 35 IAC 218.411 (b), (c), and (d) for presses 3, 4, and 5 and must show compliance with the requirements of 35 IAC 218.407(a)(1) (C), (D), and (E) and with the requirements of 35 IAC 218.411(b) (1), (2), and (3) for these presses.

(H) On or before May 5, 1997, DB Hess shall submit quarterly reports to the Illinois Environmental Protection Agency’s (IEPA’s) Compliance and Systems Management Section demonstrating compliance with the terms of the Illinois Pollution Control Board Order.


(J) On or before March 30, 1999, DB Hess shall either:

(1) Cease operation of presses 4 and 5, and notify the IEPA of such cessation; or

(2) Retrofit presses 4 and 5 or replace presses 4 and 5 in compliance with 35 IAC 218.407 (a)(1) (C), (D), and (E) and with 35 IAC 218.411(b) (1), (2), and (3). In this case:

(i) DB Hess must apply for and obtain necessary construction permits by March 30, 1998, or six months before retrofitting or replacing presses 4 and 5, whichever is earlier.

(ii) DB Hess must send monthly status reports, due the 15th day of each month, to the IEPA, covering the progress of the installation of the presses and control equipment and testing of the control equipment.

(K) On or before March 30, 1999, DB Hess shall cease operations at presses 3, 4, and 5 except for those presses for which it has obtained permits and installed controls, which have been tested and demonstrated to be in compliance with applicable rules.

(145) On September 16, 1998, the State of Illinois submitted amendments to Volatile Organic Material (VOM) rules affecting Illinois’ ozone attainment area (the area of the State not including the Chicago and Metro-East ozone nonattainment areas). The amendments contain various deletions of obsolete provisions, changes of some word usage to comport Part 215 with other Illinois VOM regulations, and the addition of certain exemptions from VOM coating requirements.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

Environmental Protection Agency § 52.720


(i) Incorporation by reference. (A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter k: Emission Standards and Limitations for Mobile sources, Part 240 Mobile Sources, Except for Section 240. Table C. Adopted at 22 Ill. Reg. 13723, effective July 13, 1998.


(i) Incorporation by reference. (A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter k: Emission Standards and Limitations for Mobile sources, Part 240 Mobile Sources, Except for Section 240. Table C. Adopted at 22 Ill. Reg. 13723, effective July 13, 1998.

(i) Incorporation by reference. (A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter k: Emission Standards and Limitations for Mobile sources, Part 240 Mobile Sources, Except for Section 240. Table C. Adopted at 22 Ill. Reg. 13723, effective July 13, 1998.

(i) Incorporation by reference. (A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter k: Emission Standards and Limitations for Mobile sources, Part 240 Mobile Sources, Except for Section 240. Table C. Adopted at 22 Ill. Reg. 13723, effective July 13, 1998.

(i) Incorporation by reference. (A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter k: Emission Standards and Limitations for Mobile sources, Part 240 Mobile Sources, Except for Section 240. Table C. Adopted at 22 Ill. Reg. 13723, effective July 13, 1998.

(i) Incorporation by reference. (A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter k: Emission Standards and Limitations for Mobile sources, Part 240 Mobile Sources, Except for Section 240. Table C. Adopted at 22 Ill. Reg. 13723, effective July 13, 1998.

(i) Incorporation by reference. (A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter k: Emission Standards and Limitations for Mobile sources, Part 240 Mobile Sources, Except for Section 240. Table C. Adopted at 22 Ill. Reg. 13723, effective July 13, 1998.
§ 52.720

40 CFR Ch. I (7–1–16 Edition)


(149) On September 17, 1998, the Illinois Environmental Protection Agency submitted a site specific State Implementation Plan revision request for W.R. Grace and Company’s facility, which manufactures container sealants, lubricant fluids, and concrete additives, and is located at 6050 West 51st Street in Chicago, Illinois (Cook County). This rule revision is contained in R98–16, the July 8, 1998, Opinion and Order of the Illinois Pollution Control Board, and consists of new Section 218.940(h), which exempts W.R. Grace’s facility from the control requirements in 35 Illinois Administrative Code Part 218 Subpart QQ.


(150) On November 14, 1995, May 9, 1996, June 14, 1996, February 1, 1999, and May 19, 1999, the State of Illinois submitted State Implementation Plan (SIP) revision requests to meet commitments related to the conditional approval of Illinois’ May 15, 1992, SIP submittal for the Lake Calumet (Southeast Chicago), McCook, and Granite City, Illinois, Particulate Matter (PM) nonattainment areas. The EPA is approving the SIP revision request as it applies to the Lake Calumet area. The SIP revision request corrects, for the Lake Calumet PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal.

(i) Incorporation by reference.

(A) Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 212: Visible and Particulate Matter Emissions, Subpart A: General, Section 212.113; Subpart E: Particulate Matter from Fuel Combustion Sources, Section 212.210; Subpart K: Fugitive Particulate Matter, Sections 212.302, 212.309, and 212.316. Adopted at 20 Illinois Register 7655, effective May 22, 1996.

(B) Federally Enforceable State Operating Permit—Special: Application Number 98130091, Issued on May 14, 1999, to LTV Steel Company, Inc.

(151) On July 23, 1998, the State of Illinois submitted a State Implementation Plan (SIP) revision that included certain “clean-up” amendments to the State’s permitting rules.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board.


(1) Subpart D: Permit Applications and Review Process, Section 201.152 Contents of Application for Construction Permit, 201.153 Incomplete Applications (Repealed), Section 201.154 Signatures (Repealed), Section 201.155 Standards for Issuance (Repealed), Section 201.157 Contents of Application for Operating Permit, Section 201.158 Incomplete Applications, Section 201.159 Signatures, 201.160 Standards for Issuance, Section 201.162 Duration, Section 201.163 Joint Construction and Operating Permits, and Section 201.164 Design Criteria. Amended at 22 Ill. Reg. 11451, effective June 23, 1998.

(2) Subpart E: Special Provisions for Operating Permits for Certain Smaller Sources, Section 201.180 Applicability (Repealed), Section 201.181 Application and Renewal (Repealed), Section 201.187 Requirement for a Revised Permit (Repealed), Repealed at 22 Ill. Reg. 11451, effective June 23, 1998.


(152) On February 5, 1998, the Illinois Environmental Protection Agency submitted a requested revision to the Illinois State Implementation Plan. This revision provided additional exemptions from State of Illinois permit requirements codified by the State at
Part 201 of Title 35 of the Illinois Administrative Code (35 IAC Part 201). The revision also added a definition of “Feed Mill” to Part 211 of 35 IAC (35 IAC Part 211).

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter C: Emission Standards and Limitations for Stationary Sources.

(A) Part 211 Definitions and General Provisions, Subpart B: Definitions, Section 211.2285 Feed Mill. Added at 21 Ill. Reg. 7856, effective June 17, 1997.

(B) Part 201 Permits and General Conditions, Subpart C: Prohibitions, Section 201.146 Exemptions from State Permit Requirements. Amended at 21 Ill. Reg. 7878, effective June 17, 1997.

(153) On July 9, 1999, the State of Illinois submitted a site-specific State Implementation Plan (SIP) revision affecting Volatile Organic Material control requirements at Sun Chemical Corporation (Sun) in Northlake, Illinois. The SIP revision changes requirements for 17 resin storage tanks operated by Sun. Specifically, the SIP revision exempts the 17 tanks from the bottom or submerged fill pipe requirements, provided that no odor nuisance exists at the Sun Northlake facility, and that the vapor pressures of materials stored in the tanks remain less than 0.5 pounds per square inch absolute at 70 degrees Fahrenheit.


(155) On May 21, 1999, the Illinois Environmental Protection Agency submitted a temporary, site-specific revision to the State Implementation Plan (SIP) for sulfur dioxide (SO2) for the Central Illinois Light Company’s E.D. Edwards Generating Station in Peoria County, Illinois (CILCO Edwards). The SIP revision took the form of an April 15, 1999, Opinion and Order of the Illinois Pollution Control Board (PCB 99–80, Variance-Air). In this Opinion and Order, the IPCB granted CILCO Edwards a variance from 35 Illinois Administrative Code 214.141, and provided for a relaxation in the fuel quality limit for one of the facility’s three boilers, but added an overall fuel quality limit and retained an overall SO2 emissions cap for the three CILCO Edwards boilers. The variance will expire on February 28, 2002, unless CILCO applies to Illinois for a permanent SIP revision.

(i) Incorporation by reference. An April 15, 1999, Opinion and Order of the Illinois Pollution Control Board in PCB 99–80 (Variance-Air), granting a variance from 35 IAC 214.141 for Boiler No. 2 at the Central Illinois Light Company’s E.D. Edwards Generating Station near Peoria, Illinois. The variance expires on February 28, 2002, unless CILCO applies to Illinois for a permanent SIP revision. If CILCO applies for a permanent SIP revision, and the IPCB allows CILCO Edwards’ variance to continue unamended through July 31, 2003, as stated in the Opinion and Order, then federal approval of the variance will continue until EPA approves alternate SO2 limits for CILCO Edwards, or until July 31, 2003, whichever is earlier.

(156) On May 8, 2001, the State submitted rules to control Oxides of Nitrogen emissions from electric generating units.

(i) Incorporation by reference. Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter C: Emission Standards and Limitations for Stationary Sources; Part 217 Nitrogen Oxides Emissions; Subpart V: Electric Power Generation. Adopted at 25 Ill. Reg. 5914, effective April 17, 2001.

This compliance date replaces the compliance date contained in Section 217.756(d)(3).


(158) On December 16, 1997, Bharat Mathur, Chief, Bureau of Air, Illinois Environmental Protection Agency, submitted rules for a cap and trade program regulating volatile organic compound emissions in the Chicago area. By letter dated August 23, 2001, the state requested that USEPA defer rulemaking on section 205.150(e), which exempts new and modified sources obtaining offsets under the trading program from the requirements for traditional, full year offsets.


(159) On April 9, 2001, David Kolaz, Chief, Bureau of Air, Illinois Environmental Protection Agency, submitted rules regulating NO\(x\) emissions from cement kilns. On May 1, 2001, Mr. Kolaz submitted rules regulating NO\(x\) emissions from industrial boilers and turbines and requesting two minor revisions to the Illinois NO\(x\) emissions budget. On June 18, 2001, Mr. Kolaz submitted a demonstration that Illinois’ regulations were sufficient to assure that NO\(x\) emissions in Illinois would be reduced to the level budgeted for the state by USEPA. On September 20, 2001, Mr. Kolaz sent a letter clarifying that Illinois’ rules for industrial boilers and turbines require compliance on a unit-by-unit basis.


Environmental Protection Agency § 52.720

for an Adjusted Standard from 35 ILL. ADM. CODE 218.401(a), (b) and (c): AS 00–13 (Adjusted Standard Air). This Opinion and Order grants Formel Industries, Incorporated an adjusted standard to the Flexographic Printing Rule. The adjusted standard requirements include participation in a market-based emissions trading system, maintaining daily records, conducting trials of compliant inks, and reviewing alternate control technologies.


(161) On March 28, 2001, Illinois submitted revisions to volatile organic compound rules for Bema Film Systems, Incorporated in DuPage County, Illinois. The revisions consist of AS 00–11, an adjusted standard to the Flexographic Printing Rule, 35 IAC 218.401 (a), (b), and (c). The adjusted standard requirements include reducing the allotment baseline for the Illinois market-based emissions trading system, maintaining daily records, conducting trials of compliant inks, and reviewing alternate control technologies.

(ii) Other material. (A) November 14, 2001, letter from Dennis A. Lawler, Manager, Division of Air Pollution Control, Illinois Environmental Protection Agency to Jay Bortzer, Chief, Regulation Development Section, Air and Radiation Division, USEPA, Region 5, indicating that the effective date of the adjusted standard for Bema Film Systems, Inc. AS 00–11, is January 18, 2001, the date that AS 00–11 was adopted by the Illinois Pollution Control Board.

(162) On March 28, 2001, Illinois submitted revisions to volatile organic compound rules for Vonco Products, Incorporated in Lake County, Illinois. The revisions consist of AS 00–12, an adjusted standard to the Flexographic Printing Rule, 35 IAC 218.401 (a), (b), and (c). The adjusted standard requirements include reducing the allotment baseline for the Illinois market-based emissions trading system, maintaining daily records, conducting trials of compliant inks, and reviewing alternate control technologies.

(i) Incorporation by reference. AS 00–12, an adjusted standard from the Volatile Organic Compound emission limits applicable to Vonco Products, Inc. contained in Illinois Administrative Code Title 35: Environmental Regulations for the State of Illinois, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 218.401 (a), (b), and (c). Effective on January 18, 2001.

(ii) Other material. (A) November 14, 2001, letter from Dennis A. Lawler, Manager, Division of Air Pollution Control, Illinois Environmental Protection Agency to Jay Bortzer, Chief, Regulation Development Section, Air and Radiation Division, USEPA, Region 5, indicating that the effective date of the adjusted standard for Vonco Products, Inc. AS 00–12, is January 18, 2001, the date that AS 00–12 was adopted by the Illinois Pollution Control Board.

(163) [Reserved]

(164) On October 9, 2001, the State of Illinois submitted new rules regarding emission tests.


(B) Revised section 283.120 of 35 Ill. Admin. Code, correcting two typographical errors, effective September 2001.

(165) On April 8, 1999, the Illinois Environmental Protection Agency submitted revisions to particulate matter control requirements for rural grain elevators in Illinois. The revised requirements exempt rural grain elevators from certain particulate matter control requirements.


(166) On November 6, 2001, the State of Illinois submitted revisions to its emission reporting rules, restructuring these rules and adding hazardous air pollutant emission reporting for sources in Illinois’ Emission Reduction Market System.


(167) On August 31, 1998, Illinois submitted revisions to its major stationary sources construction and modification rules (NSR Rules) as a State Implementation Plan revision request. These revisions apply only in areas in Illinois that have been designated as being in serious or severe nonattainment with the national ambient air quality standards for ozone.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter A: Permits and General Provisions, Part 203 Major Stationary Sources Construction and Modification, Subpart B: Major Stationary Sources in Nonattainment Areas, Section 203.206 Major Stationary Source and Section 203.207 Major Modification of a Source; and, Subpart C: Requirements for Major Stationary Sources in Nonattainment Areas, Section 203.301 Lowest Achievable Emissions Rate. Amended in R98–10 at 22 Ill. Reg. 5674, effective March 10, 1998.

(168) On October 31, 2003, the Illinois Environmental Protection Agency submitted revisions to the Illinois State Implementation Plan for ozone. The submittal revises the definition for volatile organic material (VOM) or volatile organic compound (VOC) contained in 35 Ill. Adm. Code 211.7150 to incorporate an exemption for perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); difluoromethane (HFC–32); ethylfluoride (HFC–161); 1,1,1,3,3,3-hexafluoropropane (HFC–296fa); 1,1,2,2,3-pentafluoropropane (HFC–245ca); 1,1,2,3,3-pentafluoropropane (HFC–245ea); 1,1,2,3,3-pentafluoropropane (HFC–245eb); 1,1,2,3,3,3-hexafluoropropane (HFC–245fa); 1,1,2,3,3,3,3-heptafluoropropane (HFC–245fb); 1,1,2,3,3,3,4,4,4-pentamethoxybutane (C\(_4\)F\(_9\)OCH\(_2\)C\(_2\)H\(_5\)).

(i) Incorporation by reference. (A) Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 211: Definitions and General Provisions, Subpart B: Definitions, Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC), amended at 22


On May 28, 2003, Illinois submitted an amendment to its leather coating rules for the Horween Leather Company's Chicago leather manufacturing facility. This adds a test method in Section 218.112(a)(26) and a new Section 35 Ill. Adm. Code 218.929. These amendments were incorporated in the Illinois Pollution Control Board's February 20, 2003, Final Order R02-20.


(B) Subpart PP: Miscellaneous Fabricated Product Manufacturing Processes, Section 218.929 Cementable and Dress or Performance Shoe Leather. Added at 27 Ill. Reg. 7283, effective April 8, 2003.


On September 19, 2003, Illinois submitted a site-specific revision to the State Implementation Plan which relaxes the volatile organic material (VOM) content limit for the coating operations at Louis Berkman Company, d/b/a/ the Swenson Spreader Company's Lindenwood, Ogle County, Illinois facility from 3.5 pounds VOM per gallon to a monthly average of 4.75 pounds VOM per gallon until May 7, 2008.


(172) On March 11, 2004, Illinois submitted an Adjusted Standard for Argonne National Laboratory's degreasing operations. Pursuant to this Adjusted Standard from 35 Ill. Adm. Code 218.182, the applicable vapor pressure and other associated requirements of 35 Ill. Code 218.182 do not apply to cold cleaning involving the preparation of sample materials and associated apparatus used for research and development testing and analysis at Argonne. These revised requirements were adopted in the Illinois Pollution Control Board's December 18, 2003, Adjusted Standard AS 03-4.
(174) [Reserved]
(175) On January 4, 2006, Illinois submitted a site-specific State Implementation Plan revision for the Ford Motor Company (Ford) Chicago Assembly Plant. The revision allows Ford to discontinue use of its Stage II vapor recovery system and requires instead that Ford comply with federal onboard refueling vapor recovery regulations and other conditions.

(i) Incorporation by reference.
(A) September 1, 2005, Opinion and Order of the Illinois Pollution Control Board, AS 05-5, effective September 1, 2005.


(177) On May 31, 2006, the Illinois Environmental Protection Agency submitted a requested revision to the Illinois State Implementation Plan. This revision provides additional exemptions from State of Illinois permit requirements codified by the State at Part 201 of Title 35 of the Illinois Administrative Code (35 IAC Part 201).

(i) Incorporation by reference.
Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter a: Permits and General Provisions, Part 201 Permits and General Provisions, Subpart C: Prohibitions, Section 201.146 Exemptions from State Permit Requirements paragraphs (hhh), (iii), (jjj), (kkk), and (lll). Amended at 30 Ill. Reg. 4901, effective March 3, 2006.

(178) On September 14, 2007, the Illinois Environmental Protection Agency submitted rules and related materials to address site-specific requirements for Cromwell-Phoenix, Incorporated located in Alsip, Illinois. These rules establish an adjusted standard for the corrosion inhibiting packaging production facility of Cromwell-Phoenix, Incorporated located at this source site. These rules provide a site-specific adjusted standard for this source facility for volume 35 of the Illinois Administrative Code subpart F section 218.204(c). The adjusted standard gives the corrosion inhibiting paper coating lines at the Alsip facility an adjusted volatile organic material (volatile organic compounds) content limit for paper coatings, and places an annual limit on the volatile organic material emissions from the Alsip facility as a whole. The adjusted standard also establishes source administration and reporting requirements for Cromwell-Phoenix, Incorporated Alsip facility.

EPA is approving this site-specific adjusted standard as a revision of the Illinois state implementation plan.
Environmental Protection Agency § 52.720

(i) Incorporation by reference.


(180) On January 10, 2007, Illinois submitted revisions to its rules for the Emission Reduction Market System. These revisions assure that sources in the Chicago area with potential emissions of VOC between 25 and 100 tons per year will remain subject to the program, irrespective of changes in the area’s ozone nonattainment classification or designation and any associated changes in whether such sources are defined to be major sources. EPA is again deferring action on section 205.150(e).

(i) Incorporation by reference.

(A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter b: Alternative Reduction Program, Part 205 Emissions Reduction Market System, Sections:

205.120 Abbreviations and Acronyms
205.130 Definitions
205.150 Emissions Management Periods (except for 205.150(e))
205.200 Participating Source
205.205 Exempt Source
205.210 New Participating Source
205.220 Insignificant Emission Units
205.300 Seasonal Emissions Component of the Annual Emissions Report
205.310 ERMS Applications
205.315 CAAPP Permits for ERMS Sources
205.316 Federally Enforceable State Operating Permits for ERMS Sources
205.318 Certification for Exempt CAAPP Sources
205.320 Baseline Emissions
205.330 Emissions Determination Methods
205.335 Sampling, Testing, Monitoring and Recordkeeping Practices
205.337 Changes in Emissions Determination Methods and Sampling, Testing, Monitoring and Recordkeeping Practices
205.400 Seasonal Emissions Abatement
205.405 Exclusions From Further Reductions
205.410 Participating Source Shutdowns
205.500 Emissions Reduction Generator
205.510 Inter-Sector Transaction
205.610 Application for Transaction Account
205.700 Compliance Accounting
205.730 Excursion Reporting
205.750 Emergency Conditions
205.760 Market System Review Procedures

(181) On August 17, 2005 and January 29, 2008, Illinois submitted revised regulations that are consistent with 40 CFR 51.100(s)(1), as amended by 69 FR 69298. The compounds 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C3F7OCH3), 3-ethoxy 1,1,1,2,3,4,5,5,5,6,6-dodecafluoro-2-(trifluoromethyl)hexane (HFE-7500), 1,1,1,2,3,3,3-heptafluoropropane (HFC-227ea), and methyl formate were added to the list of negligibly reactive compounds excluded from the definition of VOM in 35 IAC 211.7150(a). Tertiary-butyl acetate is also listed in 35 IAC 211.7150(a) with a notation that it must also meet the requirements of 35 IAC 211.7150(e), which state that tertiary-butyl acetate is considered a VOC for recordkeeping, emissions reporting, modeling, and inventory requirements, but is not considered a VOC for emission limits or content requirements.

(i) Incorporation by reference.

(A) Illinois Administrative Code Title 35: Environmental Protection, Part 211: Definitions and General Provisions, Subpart B: Definitions, Section 211.7150: Volatile Organic Matter (VOM) or Volatile Organic Compound (VOC), Subsections 211.7150(a) and 211.7150(e). Effective January 16, 2008.

(182) On January 29, 2008, Illinois submitted revised regulations that are consistent with 40 CFR 51.100(s)(1), as amended by 72 FR 2193. The compound 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE–7300) was added to the list of negligibly reactive compounds excluded from the definition of VOM in 35 IAC 211.7150(a).

(i) Incorporation by reference.


(183) On January 24, 2008, the Illinois Environmental Protection Agency submitted a revision to its state implementation plan for the packaging production facility of CP–D Acquisition Company, LLC. The revision changes the source name from Cromwell-Phoenix, Incorporated, to CP–D Acquisition Company, LLC.

(i) Incorporation by reference.

(184) On October 23, 2007, the Illinois Environmental Protection Agency submitted revisions to its State implementation plan for the Oxides of Nitrogen (NOX) SIP Call Phase II. The State has submitted revisions to 35 Illinois Administrative Code (Ill. Adm. Code) Parts 211 and 217. The rules pertain to definitions and general provisions, and control of Nitrogen Oxides (NOX), respectively. The rules satisfy the requirements of EPA’s NOX SIP Call Phase II Rule (the Phase II Rule).


(185) On December 7, 2009, Illinois submitted a rule for the sunset of the provisions of 35 IAC 217 Subpart W, regulating electric generating unit participation in the NOX Budget Trading Program, since these provisions have been superseded by provisions established pursuant to the Clean Air Interstate Rule.


(186) On July 17, 2009, Illinois submitted amendments to its pharmaceutical manufacturing rules for approval into its state implementation plan. These amendments consist of a site-specific rulemaking for certain of Abbott Laboratories’ (Abbott) tunnel dryers and fluid bed dryers.


(ii) Additional material. (A) Letter from Laurel L. Kroack, Illinois Environmental Protection Agency, to Cheryl Newton, EPA, dated May 12, 2010, with attachments, that establishes how compliance with Abbott’s 20.6 tons VOC per year limit is determined as well as Abbott’s recordkeeping requirements.

(187) On October 25, 2010, Illinois submitted revised regulations that are consistent with 40 CFR 51.100(s)(1), as amended by 74 FR 3437. The compounds propylene carbonate and dimethyl were added to the list of negligibly reactive compounds excluded from the definition of VOC in 35 IAC 211.7150(a).

Environmental Protection Agency § 52.720

(VOC), Subsection 211.7150(a). Effective January 11, 2010.

(188) On November 8, 2010, the Illinois Environmental Protection Agency submitted a revision to its state implementation plan. The revision to the SIP allows an adjusted standard to the general rule, Use of Organic Material Rule, known as the eight pound per hour (8 lb/hr) rule, for volatile organic matter, for Royal Fiberglass Pools, Inc. manufacturing facility located in Dix, Illinois. The adjusted standard is that 35 Ill. Adm. Code 217.301 does not apply to VOM emissions from Royal’s Dix, Illinois facility. The facility is subject to emission limit requirements set forth in the MACT under 40 CFR subpart WWW, finalized in 68 FR 19402, April 21, 2003.


(189) On July 29, 2010, September 16, 2011 and September 29, 2011 Illinois submitted VOM RACT rules for the Chicago and Metro-East St. Louis 8-hour ozone nonattainment areas. These rules are consistent with the Control Technique Guideline documents issued by EPA in 2006, 2007 and 2008 and satisfy the RACT requirements of the Act. On February 28, 2011, Illinois EPA submitted a confirmation that the sewage treatment plant exemption in Subpart TT of Parts 218 and 219 does not apply to industrial wastewater. This clarification clearly establishes that VOM emissions from major non-CTG industrial wastewater operations are regulated by Subpart TT.

(i) Incorporation by reference. The following sections of Illinois Administrative Code, Title 35: Environmental Protection, Chapter 1: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, are incorporated by reference:

(A) Part 211: Definitions and General Provisions, Sections 211.100, 211.1745, 211.1878, 211.1885, 211.2359, 211.2368, 211.2615, 211.2830, 211.2840, 211.2965, 211.3215, 211.3305, 211.3555, 211.3705, 211.3707, 211.4065, 211.5335, 211.5335, 211.5305, 211.5860, 211.5875, 211.5885, 211.6405, 211.6425, 211.6535, 211.7290; effective June 25, 2010.

(B) Part 211: Definitions and General Provisions, Sections 211.101, 211.102, 211.200, 211.233, 211.235, 211.260, 211.481, 211.492, 211.540, 211.715, 211.735, 211.820, 211.825, 211.880, 211.954, 211.965, 211.1128, 211.1455, 211.1560, 211.1565, 211.1655, 211.1700, 211.1872, 211.1876, 211.1877, 211.1880, 211.1882, 211.1883, 211.2040, 211.2055, 211.2210, 211.2310, 211.2320, 211.2360, 211.2369, 211.2415, 211.2525, 211.2622, 211.2825, 211.2855, 211.2856, 211.2858, 211.2960, 211.3095, 211.3120, 211.3240, 211.3305, 211.3555, 211.3705, 211.3707, 211.4065, 211.4080, 211.4220, 211.4285, 211.4455, 211.4540, 211.4735, 211.4760, 211.4765, 211.4768, 211.4769, 211.4885, 211.4900, 211.5012, 211.5015, 211.5061, 211.5062, 211.5075, 211.5090, 211.5400, 211.5401, 211.5402, 211.5403, 211.5410, 211.5420, 211.5430, 211.5440, 211.5450, 211.5460, 211.5470, 211.5480, 211.5490, 211.5491, 211.5492, 211.5493, 211.5494, 211.5495, 211.5520, 211.5550, 211.5555, 211.5560, 211.5570, 211.5580, 211.5585, 211.5590, 211.5595, 211.5600, 211.5605, 211.5610, 211.5615, 211.5620, 211.5625, 211.6012, 211.6015, 211.6017, 211.6020, 211.6063, 211.6065, 211.6140, 211.6247, 211.6400, 211.6585, 211.6600, 211.6640, 211.6650, 211.6670, 211.6680, 211.6690, 211.6720, 211.6740, 211.6780, 211.6825, 211.6865, 211.7225, 211.7250, 211.7240; effective September 14, 2010.

(C) Part 211: Definitions and General Provisions, Sections 211.493, 211.2200, 211.2358, 211.2360, 211.3965, 211.4460, 211.5140, 211.6535, effective July 27, 2011.


(G) Part 218: Organic Material Emission Standards and Limitations for the


(ii) Additional material. On February 28, 2011, Illinois EPA submitted an email confirmation that the sewage treatment plant exemption in Subpart PP of Parts 218 and 219 does not apply to industrial wastewater.

(190) On June 10, 2011, the Illinois Environmental Protection Agency submitted a revision to its state implementation plan. The revision to the SIP allows an adjusted standard to the general rule, Use of Organic Material Rule, known as the eight pound per hour (8 lb/hr) rule, for volatile organic matter, for Leisure Properties LLC/D/B/A Crownline Boats manufacturing facility located in West Frankfort, Illinois. The adjusted standard is that the facility takes an alternative standard of the emission limit requirements set forth in the MACT under 40 CFR part 63 subpart VVVV as published in 40 CFR Part 63 (§63.1200 to end) revised as of July 1, 2002.

(i) Incorporation by reference.

(ii) Additional material.
(A) Letter from Laurel L. Kroack, Illinois Environmental Protection Agency, to Cheryl Newton, EPA, dated September 2, 2011, identifying that due to an ownership change to Crownline Boats, the Board transferred the adjusted standard to Leisure Properties LLC D/B/A Crownline Boats, which is the successor to Crownline Boats, by Board order AS04-l, effective October 7, 2010.

(191) On September 14, 2012, Illinois submitted an amendment to its State Implementation Plan at 35 Illinois Administrative Code Part 223, which adds new consumer product categories and VOC limits for these products in Subpart B, and amends Subpart C to clarify applicability. 35 IAC Part 223 limits the amount of volatile organic compounds from consumer products and architectural and industrial maintenance coatings.

(i) Incorporation by reference.
(A) Illinois Administrative Code; Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter c: Emission Standards and Limitation for Stationary Sources; Part 223: Standards and Limitations for Organic Material Emissions for Area Sources, effective May 4, 2012.
(B) Reserved.
Environmental Protection Agency § 52.720

(192) On June 24, 2011, Laurel Kroack, Illinois Environmental Protection Agency, submitted Illinois’ regional haze plan to Cheryl Newton, Region 5, EPA. This plan includes a long-term strategy with emission limits for mandating emission reductions equivalent to the reductions from implementing best available retrofit technology and with emission reductions to provide Illinois’ contribution toward achievement of reasonable progress goals at Class I areas affected by Illinois. The plan specifically includes regulations establishing Multi-Pollutant Standards and Combined Pollutant Standards, along with letters from the affected electric utilities establishing the applicability and enforceability of the option that includes sulfur dioxide and nitrogen oxide emission limits. The plan also includes permits establishing sulfur dioxide and nitrogen oxide emission limits for three additional electric generating plants and two consent decrees establishing sulfur dioxide and nitrogen oxide emission limits for two refineries.

(i) Incorporation by reference.

(A) The following sections of Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 225, Control of Emissions from Large Combustion Sources, published at 33 IL Reg 10427, effective June 26, 2009, are incorporated by reference:

(1) Subpart B: Control Of Mercury Emissions From Coal-Fired Electric Generating Units, Section 225.233 Multi-Pollutant Standards (MPS), only subsections (a), (b), (e), and (g), Section 225.291 Combined Pollutant Standard: Purpose, Section 225.292 Applicability of the Combined Pollutant Standard, Section 225.293 Combined Pollutant Standard: Notice of Intent, Section 225.295 Combined Pollutant Standard: Emissions standards for NOX and SO2, and Section 225.296 Combined Pollutant Standard: Control Technology Requirements for NOX, SO2, and PM Emissions, except for 225.296(d).

(2) Section 225.Appendix A Specified EGUs for Purposes of the CPS (Midwest Generation’s Coal-Fired Boilers as of July 1, 2006).

(B) Joint Construction and Operating Permit: Application Number 09090046, Issued on June 23, 2011, to City Water, Light & Power, City of Springfield.

(C) Joint Construction and Operating Permit: Application Number 09050022, Issued on June 24, 2011, to Kincaid Generation, LLC.

(ii) Additional material.

(A) Letter from Guy Gorney, Midwest Generation to Dave Bloomberg, Illinois EPA, dated December 27, 2007, choosing to be subject to provisions of the Multi-Pollutant Standards that include emission limits for sulfur dioxide and nitrogen oxides.

(B) Letter from R. Alan Kelley, Ameren, to Jim Ross, Illinois EPA, dated December 27, 2007, choosing to be subject to provisions of the Combined Pollutant Standards that include emission limits for sulfur dioxide and nitrogen oxides.

(C) Letter from Keith A. McFarland, Dynegy, to Raymond Pilapil, Illinois EPA, dated November 26, 2007, choosing to be subject to provisions of the Combined Pollutant Standards that include emission limits for sulfur dioxide and nitrogen oxides.

(193) On June 20, 2012, Illinois submitted an Adjusted Standard for the Greif Packaging, LLC facility located at 5 S 220 Frontenac Road in Naperville, DuPage County. This adjustment to the Standard at 35 Ill. Adm. Code 218.986(a) for Greif’s fiber drum manufacturing facility replaces the VOM capture and control requirements in 35 Ill. Adm. Code 218.986(a) with the control requirements in the Illinois Pollution Control Board’s April 5, 2012 Order.

(i) Incorporation by reference.

(A) April 5, 2012 Opinion and Order of the Illinois Pollution Control Board (AS 2011–01), effective April 5, 2012.

(B) Letter from G. R. Sturani, Illinois EP, to Raymond Pilapil, Illinois EPA, dated December 27, 2007, choosing to be subject to provisions of the Multi-Pollutant Standards that include emission limits for sulfur dioxide and nitrogen oxides.

(C) Joint Construction and Operating Permit: Application Number 09090046, Issued on June 23, 2011, to City Water, Light & Power, City of Springfield.

(194) On November 14, 2011, the Illinois Environmental Protection Agency (Illinois EPA) submitted amendments to 35 Illinois Administrative Code 218.208 and 219.208. These sections add a “small container exemption” for pleasure craft surface coating operations in the Chicago and Metro-East St. Louis 8-hour ozone nonattainment areas. These exemptions are consistent with EPA volatile organic compound (VOC)
reasonably available control technology (RACT) policy.

(i) Incorporation by reference. The following sections of Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, are incorporated by reference.


(i) Incorporation by reference. Illinois Administrative Code; Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter l: Air Quality Standards And Episodes; Part 243: Air Quality Standards; Sections 243.101 Definitions, 243.104 Nondegradation, 243.107 Reference Conditions, 243.108 Incorporations by Reference, 243.120 PM_{10} and PM_{2.5}, 243.122 Sulfur Oxides (Sulfur Dioxide), 243.125 8-Hour Ozone, and 243.126 Lead; effective October 25, 2011.


(197) On July 3, 2013, Illinois submitted revised regulations that are consistent with 40 CFR 51.100(s)(1). The compound trans-1,3,3,3-tetrafluoropropene (HFO-1234ze) was added to the list of negligibly reactive compounds excluded from the definition of “Volatile Organic Material (VOM)” or “Volatile Organic Compound (VOC)” at 35 IAC 211.7150(a).

(i) Incorporation by reference. Illinois Administrative Code Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter C: Emission Standards and Limitations for Stationary Sources; Part 211: Definitions and General Provisions, Section 211.7150: Volatile Organic Matter (VOM) or Volatile Organic Compound (VOC), Subsection 211.7150(a). Effective February 4, 2013.

(198) On January 9, 2014, Illinois submitted modifications to its Federally Enforceable State Operating Permits rules as a revision to the state implementation plan. The revision extends the maximum permit term of Federally Enforceable State Operating Permits from five years to ten years.

(i) Incorporation by reference. Illinois Administrative Code Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter a: Permits and General Provisions; Part 201: Permits and General Provisions; Subpart D: Permit Applications and Review Process; Section 201.162: Duration; Subsection 201.162(a). Effective December 1, 2010.

(199) On January 8, 2014, the Illinois Environmental Protection Agency submitted a revision to its state implementation plan. The revision to the SIP substitutes Latham Pool Products, d/b/a Viking Pools, for Royal Fiberglass Pools, Inc. as the holder of the adjusted standard to the general rule, Use of Organic Material Rule, known as the eight pound per hour (8 lb/hr) rule, for volatile organic matter that was granted to Royal Fiberglass Pools, Inc. manufacturing facility located in Dix, Illinois on February 18, 2010 by the Illinois Pollution Control Board. The adjusted standard affected by the name change provides that 35 Ill. Adm. Code 215.301 does not apply to VOM emissions from Viking Pools fiberglass pool manufacturing facility in Dix, Illinois.

(i) Incorporation by reference.
(A) Supplemental Opinion and Order of the Illinois Pollution Control Board, AS 09–4, effective September 5, 2013.

(200) On November 29, 2012, the Illinois Environmental Protection Agency submitted a request to revise Illinois’ vehicle inspection and maintenance (I/M) program to reflect changes that have been made to the program since EPA fully approved the I/M program on February 22, 1999.

(i) Incorporation by reference.
(A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter k: Emission Standards and Limitations for Mobile Sources, Part 240 Mobile Sources. Effective February 1, 2012.

(B) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 211, Definitions and General Provisions, Sections 211.101 Incorporations by Reference, 211.2870 Heavy Liquid, and 211.5510 Reid Vapor Pressure. Effective January 28, 2013.

(ii) Other materials.


(C) Listing of Chicago and Metro-East St. Louis NAA Facility Closures (July 2012).


(i) Incorporation by reference.
(A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 211, Definitions and General Provisions, Sections 211.101 Incorporations by Reference, 211.2870 Heavy Liquid, and 211.5510 Reid Vapor Pressure. Effective January 28, 2013.


(202) On June 10, 2014, Illinois submitted revised regulations that are consistent with 40 CFR 51.100(s)(1). The compounds (difluoromethoxy) (difluoromethoxy) (CHF₂OCHF₂ or HFE–134a), (difluoromethoxy) (difluoromethoxy) (CHF₂OCHF₂ or HFE–236ca12), 1,1,2,2-tetrafluoroethane (CHF₂OCF₂CF₂OCHF₂ or HFE–43–10pcc), 1,2-bis(difluoromethoxy)-
1,1,2,2-tetrafluoroethane (CHF\textsubscript{2}OCF\textsubscript{2}CF\textsubscript{2}OCHF\textsubscript{2} or HFE–338pcc)\textsuperscript{13}, and \textit{trans} 1-chloro-3,3,3-trifluoroprop-1-ene (CF\textsubscript{3}CHCHCl) were added to the list of negligibly reactive compounds excluded from the definition of “Volatile Organic Material (VOM)” or “Volatile Organic Compound (VOC)” at 35 IAC 211.7150(a).

(i) Incorporation by reference. Illinois Administrative Code Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter c: Emission Standards and Limitations for Stationary Sources; Part 211: Definitions and General Provisions; Subpart B: Definitions; Section 211.7150: Volatile Organic Material (VOM) or Volatile Organic Compound (VOC), effective November 27, 2013.


(i) Incorporation by reference. Illinois Administrative Code Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter a: Permits and General Provisions, Part 201, Permits and General Provisions, Subpart C: Prohibitions, Section 201.146, Exemptions from State Permit Requirements, and Subpart K: Records and Reports, Section 201.302, Reports, effective December 23, 2013.


(204) On December 2, 2013, Illinois submitted an amendment to its State Implementation Plan at 35 Illinois Administrative Code part 243, which updates Illinois air quality standards to reflect National Ambient Air Quality Standards for sulfur dioxide, ozone, nitrogen dioxide, lead, fine particulate matter, particulate matter, and carbon monoxide and incorporates Federal test procedures for these pollutants.

(i) Incorporation by reference. Illinois Administrative Code Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter l: Air Quality Standards And Episodes; Part 243: Air Quality Standards; Sections 243.101 Definitions, 243.102 Scope, 243.103 Applicability, 243.105 Air Quality Monitoring Data Influenced by Exceptional Events, 243.107 Reference Conditions, 243.108 Incorporations by Reference, 243.120 PM\textsubscript{10} and PM\textsubscript{2.5}, 243.122 Sulfur Oxides (Sulfur Dioxide), 243.123 Carbon Monoxide, 243.124 Nitrogen Oxides (Nitrogen Dioxide as Indicator), 243.125 Ozone, 243.126 Lead, and 243.128 Sulfur Dioxide, effective July 29, 2013.

(205) On May 16, 2013, and August 18, 2014, Illinois submitted variances to its regional haze state implementation plan affecting the following Midwest Generation, LLC facilities: Crawford Generating Station (Cook County), Joliet Generating Station (Will County), Powerton Generating Station (Tazewell County), Waukegan Generating Station (Lake County), and Will County Generating Station (Will County).

(i) Incorporation by Reference. (A) Illinois Pollution Control Board Order
§ 52.721 Classification of regions.

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


(B) Illinois Pollution Control Board Order PCB 13–24, adopted on April 4, 2013; Certificate of Acceptance, dated May 16, 2013, filed with the Illinois Pollution Control Board Clerk’s Office May 17, 2013.

(206) On December 18, 2014, the state submitted a proposed revision to the Illinois SIP updating the definition of Volatile Organic Material (VOM) or Volatile Organic Compound (VOC) to exclude the chemical compound 2,3,3,3-tetrafluoropropene (HFO–1234yf), along with minor administrative revisions.


(207) On September 3, 2014, Illinois submitted a variance to its regional haze state implementation plan affecting the electrical generating units (EGUs) included in the Ameren Multi-Pollutant Standard Group (Ameren MPS Group). The Ameren MPS Group consists of five facilities owned by Illinois Power Holdings, LLC (IPH) and two facilities owned by AmerenEnergy Medina Valley Cogen, LLC (Medina Valley). The IPH facilities included in the Ameren MPS Group and subject to the variance are the Meredith Energy Center (Morgan County) and the Hutsonville Energy Center (Crawford County).

(i) Incorporation by reference. Illinois Administrative Code Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter I: Air Quality Standards And Episodes; Part 243: Air Quality Standards; Section 243.108 Incorporation by Reference, effective June 9, 2014.
§ 52.722 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approved Illinois’ 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 requirements of part D, title I 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 July 1, 1980, 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) The Administrator finds that the transportation control plans for the East St. Louis and Chicago areas submitted on December 3, 1982, satisfy the related requirements of part D, title I of the Clean Air Act, as amended in 1977.

(c) The Administrator finds that the carbon monoxide control strategy submitted on May 4, 1983, satisfies all requirements of part D, title I of the Clean Air Act, as amended in 1977, except for section 172(b)(6).

§ 52.723 [Reserved]

§ 52.724 Control strategy: Sulfur dioxide.

(a) Part D—Conditional Approval—
The Illinois plan is approved provided that the following condition is satisfied:

(1) The plan includes a reanalysis of the Pekin, Illinois area, a submittal of the analysis results to USEPA, the proposal of any additional regulations to the Illinois Pollution Control Board necessary to insure attainment and maintenance of the sulfur dioxide standard, and the promulgation of any necessary regulations. The State must complete the reanalysis, submit the results to USEPA and submit any necessary, additional regulations to the Illinois Pollution Control Board by September 30, 1980. Any necessary regulation must be finally promulgated by the State and submitted to USEPA by September 30, 1981.

(b) Extension of Condition—USEPA approves the date of July 1, 1984 for submitting the draft sulfur dioxide rule revisions and supporting documentation as required in (a)(1) for Peoria, Hollis and Groveland Townships in Illinois. The State must complete final rule adoption as expeditiously as possible but no later than December 31, 1983.

(b) Part D—Disapproval—USEPA disapproves Rules 204(c)(1)(B), Rule 204(c)(1)(C), Rule 204(e)(1) and Rule 204(e)(2) for those sources for which these rules represent a relaxation of the federally enforceable State Implementation Plan. Rule 204(c)(1)(B), Rule


[55 FR 40661, Oct. 4, 1990]
Environmental Protection Agency

§ 52.724

204(c)(1)(C), Rule 204(e)(1) and Rule 204(e)(2) are approved as not representing relaxations of the State Implementation Plan for the following sources:

SOURCES OF 10 MILLION BTU PER HOUR OR MORE NOT INCREASING ALLOWABLE SULFUR DIOXIDE EMISSIONS AS A RESULT OF RECORD RULES 204(c) AND 204(e) BECAUSE NEW ALLOWABLE EMISSIONS RATE IS SAME AS OR LESS THAN OLD ALLOWABLE RATE POUNDS PER HOUR (POUNDS PER MILLION BTU)

<table>
<thead>
<tr>
<th>County</th>
<th>Name</th>
<th>Emissions formerly allowable</th>
<th>Emissions now allowable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boone</td>
<td>Chrysler</td>
<td>1,760 (4.4)</td>
<td>1,760 (4.4)</td>
</tr>
<tr>
<td>Champaign</td>
<td>Charcoal Air Base</td>
<td>1,317 (3.9)</td>
<td>1,317 (3.9)</td>
</tr>
<tr>
<td>Crawford</td>
<td>USI Chemicals</td>
<td>8,022 (5.3)</td>
<td>8,022 (5.3)</td>
</tr>
<tr>
<td>Douglas</td>
<td>Freeport Coal</td>
<td>22.2 (1.2)</td>
<td>22.2 (1.2)</td>
</tr>
<tr>
<td>Fulton</td>
<td>Del Monte</td>
<td>296 (3.9)</td>
<td>296 (3.9)</td>
</tr>
<tr>
<td>La Salle</td>
<td>EEI Joppa</td>
<td>36,865 (3.6)</td>
<td>36,865 (3.6)</td>
</tr>
<tr>
<td>Massac</td>
<td>CIPS</td>
<td>55,555 (5.8)</td>
<td>55,555 (5.8)</td>
</tr>
<tr>
<td>Montgomery</td>
<td>Morgan</td>
<td>24,000 (6.0)</td>
<td>20,800 (5.2)</td>
</tr>
<tr>
<td>Morgan</td>
<td>Illinois Power</td>
<td>17,051 (5.8)</td>
<td>17,051 (5.8)</td>
</tr>
<tr>
<td>Putnam</td>
<td>do</td>
<td>81,339 (4.6)</td>
<td>81,339 (4.6)</td>
</tr>
<tr>
<td>Randolph</td>
<td>do</td>
<td>1,317 (3.0)</td>
<td>1,317 (3.0)</td>
</tr>
<tr>
<td>Rock Island</td>
<td>International Harvester</td>
<td>1,643 (4.35)</td>
<td>1,643 (4.35)</td>
</tr>
<tr>
<td>Williamson</td>
<td>Marion Correctional</td>
<td>396 (5.7)</td>
<td>396 (5.7)</td>
</tr>
</tbody>
</table>

1 Maximum allowable emissions for existing coal fired capacity according to revised rules 204(c) and 204(e) consolidated, usually equally equalling total emissions as given by 204(e)(2) less actual oil fired NSPS emissions. (In the one case wherein the new allowable limit is less than that given by 204(e)(2) the allowable emissions were determined by 204(e)(1) with which the source is required to comply.)

2 Source is in compliance per 204(e)(3). CEPS = Central Illinois Public Service.

This disapproval does not in and of itself result in the growth restrictions of section 110(a)(2)(I).

(c) Disapproval—USEPA disapproves rule 204(e)(4) as not being adequate to protect the NAAQS. This disapproval does not in and of itself result in the growth restrictions of section 110(a)(2)(I).

(d) Disapproval—USEPA disapproves Rule 204(f)(1)(D) as completely deregulating SO2 emissions from existing processes without providing an assessment of the ambient air quality impact or a showing that increasing the allowable emissions from these sources will not cause or contribute to violations of the NAAQS or PSD increments. This disapproval does not in and of itself result in the growth restrictions of section 110(a)(2)(I).

(e) Disapproval—USEPA disapproves Rule 204(h) for those sources for which USEPA has disapproved rules 204(c) and 204(e). This disapproval does not in and of itself result in the growth restrictions of section 110(a)(2)(I).

(f) Approval—USEPA approves rule 204(e)(3) for those sources able to show that the proposed emission rate will not cause or contribute to a violation of the NAAQS. The State must submit these emission limitations, along with the technical support to USEPA for approval.

(g) Part D—Approval—The State plan for Alton Township, Madison County, which consists of a federally Enforceable State Operating Permit controlling sulfur dioxide emissions from the boilers and reheat furnaces at Laclede Steel, which was submitted on November 18, 1993, is approved.

(h) Approval—On November 10, 1994, the Illinois Environmental Protection Agency submitted a sulfur dioxide redesignation request and maintenance plan for Peoria and Hollis Townships in Peoria County and Groveland Township in Tazewell County to redesignate the townships to attainment for sulfur dioxide. The redesignation request and maintenance plan meet the redesignation requirements in section
§ 52.725  Control strategy: Particulates.

(a) [Reserved]

(b) Part D—Disapproval. (1) U.S. EPA disapproves the provisions of Rule 203(f) which allow the use of an equivalent method without review and approval of that method. Any source subject to Rule 203(f) which chooses to use an equivalent method must have that equivalent method submitted to U.S. EPA and approved as a SIP revision.

(2) U.S. EPA disapproves the following portions of Rule 203(d)(5) which regulate the control of particulate matter from specific sources within the iron and steel industry: Rule 205(d)(5)(B)(ii), Rule 205(d)(5)(B)(iii), Rule 205(d)(5)(D), and Rule 205(d)(5)(K).

(c) Approval—On September 28, 1988, the State of Illinois submitted a committal SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers (PM$_{10}$) for the Illinois Group II areas of concern in DuPage, Will, Rock Island, Macon, Randolph, and St. Clair Counties. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM$_{10}$ at 52 FR 24681.

(d) Approval—On June 2, 1995, and January 9, 1996, the State of Illinois submitted a maintenance plan for the particulate matter nonattainment portion of LaSalle County, and requested that it be redesignated to attainment of the National Ambient Air Quality Standard for particulate matter. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(e) Approval—On March 19, 1996, and October 15, 1996, Illinois submitted requests to redesignate the Granite City Particulate Matter (PM) nonattainment area to attainment status for the PM National Ambient Air Quality Standards (NAAQS), as well as a maintenance plan for the Granite City area to ensure continued attainment of the NAAQS. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(f) On November 14, 1995, May 9, 1996, and June 14, 1996, the State of Illinois submitted State Implementation Plan (SIP) revision requests to meet commitments related to the conditional approval of Illinois’ May 15, 1992, SIP submittal for the Lake Calumet (SE Chicago), McCook, and Granite City, Illinois, Particulate Matter (PM) nonattainment areas. The EPA is approving the SIP revision request as it applies to the McCook PM nonattainment area. For the McCook PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal have been corrected.


(h) Approval—On August 2, 2005, the State of Illinois submitted a request to redesignate the Lyons Township (McCook), Cook County particulate matter nonattainment area to attainment of the NAAQS for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). In its submittal, the State also requested that EPA approve the maintenance plan for the area into the Illinois PM SIP. The redesignation request and maintenance
Environmental Protection Agency § 52.726

plan meet the redesignation requirements of the Clean Air Act.

(i) Approval—On August 2, 2005, and as supplemented on September 8, 2005, the State of Illinois submitted a request to redesignate the Lake Calumet (Southeast Chicago), Cook County particulate matter nonattainment area to attainment of the NAAQS for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). In its submittal, the State also requested that EPA approve the maintenance plan for the area into the Illinois PM SIP. The redesignation request and maintenance plan meet the redesignation requirements of the Clean Air Act.

(j) Determination of Attainment. EPA has determined, as of November 27, 2009, that the Chicago-Gary-Lake County, IL-IN PM\textsubscript{2.5} nonattainment area has attained the 1997 PM\textsubscript{2.5} NAAQS. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standard for as long as the area continues to meet the 1997 PM\textsubscript{2.5} NAAQS.

(k) Determination of attainment. EPA has determined, as of May 23, 2011, that the St. Louis (MO-IL) metropolitan 1997 PM\textsubscript{2.5} nonattainment area has attained the 1997 PM\textsubscript{2.5} NAAQS. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standards for as long as the area continues to meet the 1997 PM\textsubscript{2.5} NAAQS. In addition, based upon review of the air quality data for the 3-year period 2007 to 2009, EPA has determined that the St. Louis (MO-IL) PM\textsubscript{2.5} nonattainment area has attained the 1997 PM\textsubscript{2.5} NAAQS by the applicable attainment date of April 5, 2010.

(l) Approval—The 1997 annual PM\textsubscript{2.5} maintenance plan for the Illinois portion of the Chicago-Gary-Lake County, IL-IN nonattainment area (including Cook, DuPage, Kane, Lake, McHenry and Will Counties, Aux Sable and Goose Lake Townships in Grundy County, and Oswego Township in Kendall County) has been approved as submitted on October 15, 2010, and supplemented on September 16, 2011, and May 6, 2013. The maintenance plan establishes 2008 and 2025 motor vehicle emissions budgets for this area of 127,951 tons per year for NO\textsubscript{X} and 5,100 tons per year for primary PM\textsubscript{2.5} in 2008 and 44,224 tons per year for NO\textsubscript{X} and 2,377 tons per year for primary PM\textsubscript{2.5} in 2025.

(m) Illinois’ 2002 NO\textsubscript{X}, primary PM\textsubscript{2.5}, SO\textsubscript{2}, ammonia, and VOC emission inventories, as submitted on October 15, 2010, and supplemented on May 6, 2013, satisfy the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Chicago area.


§ 52.726 Control strategy: Ozone.

(a) Part D—Conditional Approval—The Illinois plan is approved provided that the following conditions are satisfied:

(1) [Reserved]

(2) The State conducts a study to demonstrate that the 75 percent overall control efficiency requirement in Rule 205(n) represents RACT, submits the results of the study to USEPA, and submits any necessary regulations representing RACT to the Illinois Pollution Control Board. The State must comply with these conditions by February 28, 1981. Any necessary regulations must be finally promulgated by the State and submitted to USEPA by February 28, 1982.

(3) Extension of Condition—USEPA approves the date of July 31, 1984 for the State of Illinois to satisfy the condition of approval to the ozone State Implementation Plan listed in paragraph (a)(2) of this section.

(b) Disapproval—USEPA disapproves the compliance schedule in Rule 205(j) as it applies to loading rack controls for all emission sources subject to Rule...
§ 52.726

205(b)(1), as approved by USEPA on May 31, 1972 which were required to be in compliance by December 31, 1973. This disapproval does not in and of itself result in the growth restrictions of section 110(a)(2)(I).

(c) Negative Declarations—Stationary Source Categories. The State of Illinois has certified to the satisfaction of USEPA that no sources are located in the nonattainment areas of the State which are covered by the following Control Technique Guidelines:

(1) High density polyethylene and polypropylene manufacturers.

(2) Vegetable oil processing sources with volatile organic compound emissions equal to or greater than 100 tons per year.

(d) Part D Disapproval—The Administrator finds that Illinois' ozone plan for Cook, Lake, DuPage and Kane Counties, which was required to be submitted by July 1, 1982, does not satisfy all the requirements of Part D, Title I of the Clean Air Act and, thus, is disapproved. No major new stationary source, major modification of a stationary source, or volatile organic compounds may be constructed in Cook, Lake, DuPage or Kane Counties, unless the construction permit application is complete on or before November 16, 1988. This disapproval does not affect USEPA's approval (or conditional approval) of individual parts of Illinois' ozone plan, and they remain approved.

(e) Disapproval—The Administrator finds that the following State rules have not been demonstrated to be consistent with the reasonably available control technology requirements of section 172 of the Clean Air Act, as amended in 1977, and thus, are disapproved: subpart F, section 215.204(c); subpart F, section 215.206(b); subpart I; subpart AA; subpart PP; subpart QQ; subpart RR; subpart A, section 215.102; subpart T; subpart H, section 215.245; subpart F, section 215.207; and subpart A, section 215.107, all of title 35 Environmental Protection; subtitle B: Air Pollution; Chapter 1: Pollution Control Board of the Illinois Administrative Code (June 1989).

(f) On September 30, 1992, the State submitted rules regulating volatile organic compound emissions from gasoline dispensing facilities' motor vehicle fuel operations (Stage II vapor recovery rules) in the Chicago ozone nonattainment area. The Illinois Environmental Protection Agency Bureau of Air must as part of the program conduct inspections of facilities subject to this rule to ensure compliance with the applicable rules. These inspections will be conducted on an annual basis or an alternative schedule as approved in the USEPA Fiscal Year Inspection Program Plan.

(g) Approval—The Administrator approves the incorporation of the photochemical assessment ambient monitoring system submitted by Illinois on November 4, 1993, into the Illinois State Implementation Plan. This submission satisfies 40 CFR 58.20(c) which requires the State to provide for the establishment and maintenance of photochemical assessment monitoring stations (PAMS) by November 12, 1993.

(h) Approval—On November 12, 1993, the Illinois Environmental Protection Agency submitted an ozone redesignation request and maintenance plan for Jersey County ozone nonattainment area and requested that Jersey County be redesignated to attainment for ozone. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(d) of the Act. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Illinois ozone State Implementation Plan for Jersey County.

(i) The base year (1990) ozone emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the following Illinois ozone nonattainment areas: the Chicago nonattainment area—Cook, DuPage, Kane, Lake, Will and McHenry Counties, Aux Sable and Gooselake Townships in Grundy County, and Oswego Township in Kendall County; the Metro-East St. Louis nonattainment area—Madison, Monroe, and St. Clair Counties; and Jersey County.

(j) Approval—On July 14, 1994, Illinois submitted two of three elements required by section 182(d)(1)(A) of the Clean Air Amendments of 1990 to be incorporated as part of the vehicle miles
traveled (VMT) State Implementation Plan intended to offset any growth in emissions from a growth in vehicle miles traveled. These elements are the offsetting of growth in emissions attributable to growth in VMT which was due November 15, 1992, and, transportation control measures (TCMs) required as part of Illinois’ 15 percent reasonable further progress (RFP) plan which was due November 15, 1993. Illinois satisfied the first requirement by projecting emissions from mobile sources and demonstrating that no increase in emissions would take place. Illinois satisfied the second requirement by submitting the TCMs listed in Table 1 which are now approved into the Illinois SIP.

### Table 1

<table>
<thead>
<tr>
<th>Project type</th>
<th>Location description</th>
<th>Completion status</th>
<th>SIP credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS/SIG MOD</td>
<td>Madison Street (Western Ave. to Halsted Street)</td>
<td>Done</td>
<td>0.015400</td>
</tr>
<tr>
<td>SIG COORD</td>
<td>Willow Road (LaGrange Road to Sherman)</td>
<td>Awarded</td>
<td>0.052000</td>
</tr>
<tr>
<td>SIG COORD</td>
<td>Rand Road (Baldwin Road to Kenilworth)</td>
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### Table 1

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(k) Approval—EPA is approving the section 182(f) oxides of nitrogen (NOx) reasonably available control technology (RACT), new source review (NSR), vehicle inspection/maintenance (I/M), and general conformity exemptions for the Illinois portion of the Chicago-Gary-Lake County severe ozone nonattainment area as requested by the States of Illinois, Indiana, Michigan, and Wisconsin in a July 13, 1994 submittal. This approval does not cover the exemption of NOx transportation conformity requirements of section 176(c) for this area. Approval of these exemptions is contingent on the results of the final ozone attainment demonstration expected to be submitted in mid-1997. The approval will be modified if the final attainment demonstration demonstrates that NOx emission controls are needed in the nonattainment area to attain the ozone standard in the Lake Michigan Ozone Study modeling domain.

(i) Approval—The United States Environmental Protection Agency is approving under section 182(b)(1) of the Clean Air Act the exemption of the Chicago severe, ozone nonattainment area from the build/no-build and less-than-1990 interim transportation conformity oxides of nitrogen requirements as requested by the State of Illinois in a June 20, 1995 submittal. In light of the modeling completed thus far and considering the importance of the OTAG process and attainment plan modeling efforts, USEPA grants this NOx waiver on a contingent basis. As the OTAG modeling results and control recommendations are completed in 1996, this information will be incorporated into attainment plans being developed by the LADCO States. When these attainment plans are submitted to USEPA in mid-1997, these new modeling analyses will be reviewed to determine if the NOx waiver should be continued, altered, or removed. USEPA’s rulemaking action to reconsider the initial NOx waiver may occur simultaneously with rulemaking action on the attainment plans. The USEPA also reserves the right to require NOx emission controls for transportation sources under section 110(a)(2)(D) of the Act if future ozone modeling demonstrates that such controls are needed to achieve the ozone standard in downwind areas. The Chicago severe ozone nonattainment area includes the Counties of Cook, DuPage, Grundy (Aux Sable and Goose Lake Townships), Kane, Kendall (Oswego Township), Lake, McHenry, and Will.

(m) [Reserved]

(n) Negative declaration—Shipbuilding and ship repair industry. On October 11, 1996, the State of Illinois certified to the satisfaction of the United States Environmental Protection Agency that no major sources categorized as part of the shipbuilding and ship repair industry are located in the Chicago, Illinois ozone nonattainment area which is comprised of Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County or the Metro-East, Illinois ozone nonattainment area which is comprised of Madison, Monroe, and St. Clair Counties.

(o) Negative declaration—Aerospace manufacturing and rework industry. On October 11, 1996, the State of Illinois certified to the satisfaction of the United States Environmental Protection Agency that no major sources categorized as part of the Aerospace Manufacturing and Rework Industry are located in the Chicago, Illinois ozone nonattainment area which is comprised of Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County or the Metro-East, Illinois ozone nonattainment area which is comprised of Madison, Monroe, and St. Clair Counties.
(o) Approval—On November 15, 1993, Illinois submitted 15 percent rate-of-progress and 3 percent contingency plans for the Chicago ozone nonattainment area as a requested revision to the Illinois State Implementation Plan. These plans satisfy sections 182(b)(1), 172(c)(9), and 182(c)(9) of the Clean Air Act, as amended in 1990.

(q) Approval—On November 15, 1993, Illinois submitted 15 percent rate-of-progress and 3 percent contingency plans for the Metro-East St. Louis ozone nonattainment area as a requested revision to the Illinois State Implementation Plan. These plans satisfy sections 182(b)(1) and 172(c)(9) of the Clean Air Act, as amended in 1990.

(r) Approval—On November 15, 1993, Illinois submitted the following transportation control measures as part of the 15 percent rate-of-progress and 3 percent contingency plans for the Metro-East St. Louis ozone nonattainment area: Work trip reductions; transit improvements; and traffic flow improvements.

(s) On October 10, 1997, Illinois submitted a site-specific revision to the State Implementation Plan, in the form of a letter from Bharat Mathur, Chief, Bureau of Air, Illinois Environmental Protection Agency. This October 10, 1997, letter requests a change in regulatory status for Riverside Laboratories, Inc.’s Kane County facility, to reflect that the Federal site-specific rule for Riverside (40 CFR 52.741(e)(10)) has been superseded by the State of Illinois regulations, including the emission limits in 35 Illinois Administrative Code 218.204(c) and the associated control requirements, test methods and recordkeeping requirements in Part 218 and the associated definitions in part 211. These State regulations shall become the federally approved regulations applicable to Riverside on August 31, 1998. The site-specific rule, applicable to Riverside, promulgated by the Environmental Protection Agency on August 21, 1995 (40 CFR 52.741(e)(10)), remains in effect and is enforceable after August 31, 1998 for the period before August 31, 1998.

(t) The Illinois volatile organic compound (VOC) rules that apply to the Stepan Company Millsdale Plant for volatile organic liquid storage (35 Ill. Admin. Code Part 218, Subpart B), batch processing (35 Ill. Admin. Code Parts 218 and 219, Subpart V) and continuous reactor and distillation processes (35 Ill. Admin. Code Part 218, Subpart Q) were approved by the United States Environmental Protection Agency (USEPA) on August 8, 1996, April 2, 1996, and June 17, 1997, respectively. Because these rules have been approved into the State Implementation Plan and represent reasonably available control technology for VOC, USEPA revokes the June 29, 1990 Federal Implementation Plan as it applies to Stepan and replaces it with Illinois’ volatile organic liquid storage, batch process, and continuous reactor and distillation process rules.

(u) Negative declaration—Industrial wastewater category. On October 2, 1998, the State of Illinois certified to the satisfaction of the United States Environmental Protection Agency that no major sources categorized as part of the Industrial wastewater category are located in the Metro-East ozone nonattainment area (Metro-East). The Metro-East area is comprised of Madison, Monroe and St. Clair Counties which are located in southwest Illinois, adjacent to St. Louis, Missouri.

(v) Negative declaration—Industrial cleaning solvents category. On October 2, 1998, the State of Illinois certified to the satisfaction of the United States Environmental Protection Agency that no major sources categorized as part of the Industrial cleaning solvents category are located in the Metro-East ozone nonattainment area (Metro-East). The Metro-East area is comprised of Madison, Monroe and St. Clair Counties which are located in southwest Illinois, adjacent to St. Louis, Missouri.

of 279.3 tons/day of volatile organic compounds for transportation conformity purposes.

(x) Approval—On December 18, 1997, Illinois submitted a contingency measure plan as part of the Chicago Area post-1996 Rate of Progress Plan. This plan reduces volatile organic compound emissions in the Chicago ozone nonattainment area by 3 percent from 1990 baseline emissions by November 15, 1999.


(z) Negative declaration—Industrial cleaning solvents category. On December 23, 1999, the State of Illinois certified to the satisfaction of the United States Environmental Protection Agency that no major sources categorized as part of the industrial cleaning solvents category are located in the Chicago ozone nonattainment area. The Chicago ozone nonattainment area includes Cook County, DuPage County, Aux Sable and Goose Lake Townships in Grundy County, Kane County, Oswego Township in Kendall County, Lake County, McHenry County and Will County.

(aa) Negative declaration—Industrial wastewater category. On December 23, 1999, the State of Illinois certified to the satisfaction of the United States Environmental Protection Agency that no major sources categorized as part of the Industrial Wastewater Category are located in the Chicago ozone nonattainment area. The Chicago ozone nonattainment area includes Cook County, DuPage County, Aux Sable and Goose Lake Townships in Grundy County, Kane County, Oswego Township in Kendall County, Lake County, McHenry County and Will County.

(bb) Approval—Revisions to the SIP submitted by Illinois on November 15, 1999; February 10, 2000; April 15, 2001; and April 30, 2001. The revisions are for the purpose of satisfying the attainment demonstration requirements of section 182(c)(2)(A) of the Act for the Metro-East St. Louis area. The revision establishes an attainment date of November 15, 2004, for the St. Louis moderate ozone nonattainment area. This revision establishes MVEBs for 2004 of 26.62 TPD of VOC and 35.52 TPD of NO\(_x\) to be used in transportation conformity in the Metro-East St. Louis area until revised budgets pursuant to MOBILE6 are submitted and found adequate. In the revision, Illinois commits to revise its VOC and NO\(_x\) transportation conformity budgets within two years of the release of MOBILE6. No conformity determinations will be made during the second year following the release of MOBILE6 unless and until the MVEBs have been recalculated using MOBILE6 and found adequate by EPA. EPA is granting a waiver for the Metro East St. Louis area to the state of Illinois from the NO\(_x\) RACT requirements of the Act and disapproving the request for a waiver from the NO\(_x\) NSR and NO\(_x\) general conformity requirements. EPA is finding that the Contingency Measures identified by Illinois are adequate to meet the requirements of the Act. EPA finds that the Illinois SIP meets the requirements pertaining to RACM under the Act for the Metro-East St. Louis area.

(cc) Approval—Illinois has adopted and USEPA has approved sufficient NO\(_x\) emission regulations to assure that it will achieve the level of NO\(_x\) emissions budgeted for the State by USEPA. USEPA has made two minor budget revisions requested by Illinois, adding a boiler owned by LTV Steel and deleting a boiler owned by the University of Illinois from the inventory of large NO\(_x\) sources.

(dd) Chicago Ozone Attainment Demonstration Approval—On December 26, 2000, Illinois submitted a one-hour ozone attainment demonstration plan
as a requested revision to the Illinois State Implementation Plan. This plan includes: A modeled demonstration of attainment and associated attainment year conformity emission budgets; a plan to reduce ozone precursor emissions by 3 percent per year from 2000 to 2007 (a post-1999 rate-of-progress plan), and associated conformity emission budgets; a contingency measures plan for both the ozone attainment demonstration and the post-1999 rate-of-progress plan; a commitment to conduct a Mid-Course Review of the ozone attainment demonstration by the end of 2004; a demonstration that Illinois has implemented all reasonably available control measures; and a commitment to revise motor vehicle emission budgets within two years after the U.S. Environmental Protection Agency officially releases the MOBILE6 emission factor model.

(ii) Approval. EPA is approving a July 29, 2010, request from the State of Illinois for a waiver from the Clean Air Act requirement for Oxides of Nitrogen (NOx) Reasonably Available Control Technology (RACT) in the Illinois portions of the Chicago-Gary-Lake County, Illinois-Indiana (Cook, DuPage, Kane, Lake, McHenry, and Will Counties, and portions of Grundy (Aux Sable and Goose Lake Townships) and Kendall (Oswego Township) Counties in Illinois) and St. Louis, Missouri-Illinois (Jersey, Madison, Monroe, and St. Clair Counties in Illinois) 1997 8-hour ozone nonattainment areas.

(jj) Determination of attainment. On June 5, 2009, the state of Indiana requested that EPA find that the Indiana portion of the Chicago-Gary-Lake County, Illinois-Indiana (IL-IN) ozone nonattainment area has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). After review of Indiana’s submission and 2006–2008 ozone air quality data for this ozone nonattainment area, EPA finds that the entire Chicago-Gary-Lake County, IL-IN area has attained the 1997 8-hour ozone NAAQS. Therefore, EPA has determined, as of March 12, 2010, that Cook, DuPage, Kane, Lake, McHenry, and Will Counties, and portions of Grundy County (Aux Sable and Goose Lake Townships) and Kendall County (Oswego Township) in Illinois have attained the 1997 8-hour ozone standard.

(kk) Determination of attainment. EPA has determined, as of June 9, 2011, that the St. Louis (MO-IL) metropolitan 1997 8-hour ozone nonattainment area has attained the 1997 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standards for as long as the area continues to meet the 1997 Ozone NAAQS. In addition, based upon EPA’s review of the air quality data for the 3-year period 2007 to 2009, the St. Louis (MO-
IL) ozone nonattainment area has attained the 1997 8-hour ozone NAAQS by the applicable attainment date of June 15, 2010.

(ii) Approval—On May 26, 2010, and September 16, 2011, Illinois submitted a request to redesignate the Illinois portion of the St. Louis, MO–IL area to attainment of the 1997 8-hour ozone standard. The St. Louis area includes Jersey, Madison, Monroe, and St. Clair Counties in Illinois and St. Louis City and Franklin, Jefferson, St. Charles and St. Louis Counties in Missouri. As part of the redesignation request, the State submitted a plan for maintaining the 1997 8-hour ozone standard through 2025 in the area as required by section 175A of the Clean Air Act. Part of the section 175A maintenance plan includes a contingency plan. The ozone maintenance plan establishes 2008 motor vehicle emissions budgets for the Illinois portion of the Chicago-Gary-Lake County, Illinois-Indiana area of 177.23 tons per day (tpd) for volatile organic compounds (VOC) and 373.52 tpd for nitrogen oxides (NOx). In addition, the maintenance plan establishes 2025 motor vehicle emissions budgets for the Illinois portion of the Chicago-Gary-Lake County, Illinois-Indiana area of 48.13 tpd for VOC and 125.27 tpd for NOx.

(mm) Emissions inventories for the 1997 8-hour ozone standard—

(1) Approval—Illinois’ 2002 emissions inventory satisfies the emissions inventory requirements of section 182(a)(1) of the Clean Air Act for the Illinois portion of the St. Louis, MO–IL area under the 1997 8-hour ozone standard.

(2) Approval—Illinois’ 2002 volatile organic compounds and nitrogen oxides emission inventories satisfy the emissions inventory requirements of section 182(a)(1) of the Clean Air Act for the Illinois portion of the Chicago-Gary-Lake County, Illinois-Indiana area under the 1997 8-hour ozone standard.

(nn) Approval—On July 23, 2009, and September 16, 2011, Illinois submitted a request to redesignate the Illinois portion of the Chicago-Gary-Lake County, Illinois-Indiana area to attainment of the 1997 8-hour ozone standard. The Illinois portion of the Chicago-Gary-Lake County, Illinois-Indiana area includes Cook, DuPage, Kane, Lake, McHenry, and Will Counties and portions of Grundy (Aux Sable and Goose Lake Townships) and Kendall (Oswego Township) Counties. As part of the redesignation request, the State submitted a plan for maintaining the 1997 8-hour ozone standard through 2025 in the area as required by section 175A of the Clean Air Act. Part of the section 175A maintenance plan includes a contingency plan. The ozone maintenance plan establishes 2008 motor vehicle emissions budgets for the Illinois portion of the Chicago-Gary-Lake County, Illinois-Indiana area of 117.23 tons per day (tpd) for volatile organic compounds (VOC) and 373.52 tpd for nitrogen oxides (NOx). In addition, the maintenance plan establishes 2025 motor vehicle emissions budgets for the Illinois portion of the Chicago-Gary-Lake County, Illinois-Indiana area of 48.13 tpd for VOC and 125.27 tpd for NOx.


[45 FR 55197, Aug. 19, 1980]

EDITORIAL NOTE: For Federal Register citations affecting §52.726, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.
§ 52.726 Control strategy: Ozone.

* * * * *

(qq) Determination of attainment. As required by section 181(b)(2)(A) of the Clean Air Act, EPA has determined that the St. Louis, MO-IL marginal 2008 ozone nonattainment area has attained the NAAQS by the applicable attainment date of July 20, 2016.

§ 52.727 [Reserved]

§ 52.728 Control strategy: Nitrogen dioxide. [Reserved]

§ 52.729 Control strategy: Carbon monoxide.

The following source specific emission controls are approved:

(a) Approval—On August 15, 1996, the Illinois Environmental Protection Agency requested that the Marathon Oil Company in Robinson, Illinois be granted a carbon monoxide (CO) state implementation plan (SIP) revision with specified conditions. This SIP revision limits the Marathon Oil Company’s CO emissions from its fluid bed catalytic cracking unit CO boiler to be no more than 300 parts per million of CO corrected for 50 percent excess air beginning January 19, 1996, and ending August 4, 1997. The variance became effective January 19, 1996. The SIP revision request satisfies all applicable requirements of the Clean Air Act.

(b) [Reserved]

[62 FR 16705, Apr. 8, 1997]

§ 52.730 Compliance schedules.

(a) The requirements of §51.262(a) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(b) Federal compliance schedules. (1) Except as provided in paragraph (b)(3) of this section, the owner or operator of any stationary source subject to the following emission limiting regulations in the Illinois implementation plan shall comply with the applicable compliance schedule in paragraph (b)(2) of this section: Illinois Air Pollution Control Regulations Rule 203(d)(4), 203(d)(6)(B)(ii)(bb), 203(g)(1)(B), 203(g)(2), 203(g)(3), 203(g)(4), 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(2) Compliance schedules. (i) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulation Rule 203(d)(4) shall take the following actions with respect to the source no later than the date specified.

(a) September 30, 1973—Advertise for bids for purchase and construction or installation of equipment, or for materials requisite for process modification sufficient to control particulate emissions from the source.

(b) November 15, 1973—Award contracts for emission control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(c) May 31, 1974—Initiate onsite construction or installation of emission control system or process modification.

(d) March 31, 1975—Complete onsite construction or installation of emission system or process modification.

(e) May 31, 1975—Complete shake-down operation and performance test on source, submit performance test results to the Administrator; achieve full compliance with State agency regulation.

(ii) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulation Rule 203(d)(6)(B)(ii)(bb) shall take the following actions with respect to the source no later than the date specified.

(a) September 30, 1973—Advertise for bids for purchase and construction or for modification of equipment sufficient to control particulate emissions from the source.

(b) November 15, 1973—Award contracts for emissions control systems or process modification, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(c) March 31, 1974—Initiate onsite construction or installation of emission control system.

(d) October 31, 1974—Complete onsite construction or installation of emission control system.
Environmental Protection Agency § 52.730


(iii) (a) The owner or operator of any boiler or furnace of more than 250 million BTU per hour heat input subject to Illinois Air Pollution Control Regulation Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e) shall notify the Administrator, no later than October 1, 1973, of his intention to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(b) Any owner or operator of a stationary source subject to paragraph (b)(2)(iii)(a) of this section who elects to utilize low sulfur fuel shall take the following actions with respect to the source no later than the date specified.

(1) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Illinois Air Pollution Control Regulations Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e) on May 31, 1975, and for at least one year thereafter.

(2) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(3) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(4) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(5) June 15, 1974—Initiate onsite modifications, if applicable.

(6) March 31, 1975—Complete onsite modifications, if applicable.

(7) May 31, 1975—Final compliance with the emission limitation of Rules 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(c) Any owner or operator of a fuel combustion source subject to paragraph (b)(2)(iii)(a) of this section who elects to utilize stack gas desulfurization shall take the following actions with respect to the source no later than the date specified.

(1) November 1, 1973—Let necessary contracts for construction.

(2) March 31, 1974—Initiate onsite construction.

(3) March 31, 1975—Complete onsite construction.

(4) May 31, 1975—Complete shake-down operations and performance test on source, submit performance test results to the Administrator; achieve full compliance with Rule 204(c)(1)(A), 204(c)(2), 204(d), and 204(e).

(iv) (a) The owner or operator of any stationary source subject to Illinois Air Pollution Control Regulations Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4) shall notify the Administrator, no later than October 1, 1973, of his intention to utilize either low ash fuel or a stack gas cleaning system to meet the requirements of said regulation.

(b) Any owner or operator of a stationary source subject to paragraph (b)(2)(iv)(a) of this section who elects to utilize low ash fuel shall take the following actions with respect to the source no later than the date specified.

(1) November 1, 1973—Let necessary contracts for construction.

(2) March 31, 1974—Initiate onsite construction.

(3) March 31, 1975—Complete onsite construction.

(4) May 31, 1975—Complete shake-down operations and performance test on source, submit performance test results to the Administrator; achieve full compliance with Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).
§ 52.730

(1) January 15, 1974—Let necessary contracts for construction.

(2) April 1, 1974—Initiate onsite construction.

(3) April 1, 1975—Complete onsite construction.

(4) May 31, 1975—Complete shake-down operations and performance tests on source, submit performance test results to the Administrator; achieve full compliance with Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(v) Ten days prior to the conduct of any performance test required by this paragraph, the owner or operator of the affected source shall give notice of such test to the Administrator to afford him the opportunity to have an observer present.

(vi) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(3)(i) None of the above paragraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in paragraph (b)(2) of this section fail to satisfy the requirements of §§51.261 and 51.262(a) of this chapter.

(c) [Reserved]

(d) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date schedule adopted</th>
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<tbody>
<tr>
<td>CHRISTIAN COUNTY</td>
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</tr>
<tr>
<td>Allied Mills, Inc</td>
<td>Taylorville</td>
<td>204(c)</td>
<td>Feb. 28, 1973</td>
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<tr>
<td>COOK COUNTY</td>
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<tr>
<td>Harco Aluminum Inc</td>
<td>Chicago</td>
<td>204(c)</td>
<td>Dec. 9, 1973</td>
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<tr>
<td>J. L. Clark Manufacturing Co</td>
<td>Owners Grove</td>
<td>205(f)</td>
<td>May 4, 1973</td>
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<td>Johnson &amp; Johnson</td>
<td>Bedford Park</td>
<td>205(f)</td>
<td>Jun. 20, 1973</td>
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<td>Lloyd J. Harris Pie, Inc</td>
<td>Chicago</td>
<td>204(c)</td>
<td>Feb. 27, 1973</td>
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<tr>
<td>Union Oil Co. of California</td>
<td>do</td>
<td>204(c)</td>
<td>Dec. 13, 1973</td>
</tr>
<tr>
<td>(a) No. 10 boiler</td>
<td></td>
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<tr>
<td>(b) 11BIA crude heater.</td>
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<td>W. H. Hutchingson &amp; Son, Inc</td>
<td>do</td>
<td>205(f)</td>
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<td>Western Rust Proof Co</td>
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<td>204(c)</td>
<td>Oct. 10, 1973</td>
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<td>Wheeler Uniform Service Inc</td>
<td>do</td>
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<td>May 22, 1973</td>
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<td>Wm. Yueger Manufacturing Co</td>
<td>do</td>
<td>204(c)</td>
<td>Aug. 16, 1973</td>
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<td>World’s Finest Chocolate Inc</td>
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<td>JACKSON COUNTY</td>
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<td>Tuck Industries, Inc</td>
<td>Carbondale</td>
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<td>KANE COUNTY</td>
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<tr>
<td>All Steel Equipment Corp</td>
<td>Montgomery</td>
<td>204(f)</td>
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<td>Consolidated Food Inc</td>
<td>Aurora</td>
<td>205(f)</td>
<td>May 9, 1973</td>
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## § 52.731 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 Illinois and for which requirements are set forth under the TR NOx 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 Illinois’ 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 Illinois’ SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NOx 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 NOx Annual allowances to units in the State for 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 Illinois and for which requirements are set forth under the TR NOx Ozone Season Trading Program in subpart 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

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<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
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<tr>
<td>Allied Mills Inc</td>
<td>Mendota</td>
<td>204(c)</td>
<td>May 28, 1973.</td>
</tr>
<tr>
<td>(a) Coke oven pushing operations</td>
<td></td>
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<td>as amended.</td>
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<td>(b) Charging operations</td>
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<td>May 21, 1973.</td>
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<td>Shell Oil Co. (Cat. Cracker Units Nos. 1, 2)</td>
<td>Roxana</td>
<td>203(b)</td>
<td>Nov. 27, 1972.</td>
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<td>Chester Dairy Co</td>
<td>Chester</td>
<td>204(c)</td>
<td>Aug. 6, 1973.</td>
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<tr>
<td>Quaker Oats Co</td>
<td>Pekin</td>
<td>204(c)</td>
<td>May 24, 1973.</td>
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</table>

§ 52.732 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 Illinois and for which requirements are set forth under the TR SO2 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 Illinois’ 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.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Illinois’ SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR NOX 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 NOX 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 48364, Aug. 8, 2011. Redesignated at 77 FR 10334, Feb. 21, 2012]

§§ 52.733–52.735 [Reserved]

§ 52.736 Review of new sources and modifications.

(a) [Reserved]

(b) The rules submitted by the State on March 24, 1988, to satisfy the requirements of the Clean Air Act are approved. These rules are part 203: Major Stationary Sources Construction and Modification as effective March 22, 1991. The moratorium on construction and modification of new sources in nonattainment areas as provided in section 110(a)(2)(I) of the Clean Air Act is revoked.

[57 FR 59935, Dec. 17, 1992]

§ 52.737 Operating permits.

Emission limitation and other provisions contained in operating permits issued by the State in accordance with the provisions of the federally approved permit program shall be the applicable requirements of the federally approved Illinois SIP for the purpose of section 113 of the Clean Air Act and shall be enforceable by USEPA and by any person in the same manner as other requirements of the SIP. USEPA reserves the right to deem an operating permit not federally enforceable. Such a determination will be made according to appropriate procedures, and 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.

[57 FR 59936, Dec. 17, 1992]

§ 52.738 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 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Illinois.

(c) All applications and other information required pursuant to §52.21 from sources located in the State of Illinois shall be submitted to the state agency, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, Springfield, Illinois 62794.

§ 52.739 Permit fees.

(a) The requirements of section 110(a)(2)(K) of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, provisions for a permit fee system.

§ 52.740 Interstate pollution.

(a) The requirements of section 126(a)(2) of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the procedures on which the state is relying to notify nearby states of any proposed major stationary source which may significantly contribute to levels of air pollution in excess of the National Ambient Air Quality Standards in that state.

§ 52.741 Control strategy: Ozone control measures for Cook, DuPage, Kane, Lake, McHenry and Will Counties.

(a) General Provisions—(1) Abbreviations and conversion factors. (i) The following abbreviations are used in §52.741:

- ASTM American Society for Testing and Materials
- bbl barrels (42 gallons)
- °C degrees Celsius or centigrade
- cm centimeters
- cu in. cubic inches
- °F degrees Fahrenheit
- FIP Federal implementation plan
- ft feet
- ft² square feet
- g grams
- gpm gallons per minute
- g/mole grams per mole
- gal gallons
- hr hours
- in inches
- K degrees Kelvin
- kcal kilocalories
- kg kilograms
- kg/hr kilograms per hour
- kPa kilopascals; one thousand newtons per square meter
- l liters
- l/sec liters per second
- lbs pounds
- lbs/hr pounds per hour
- lbs/gal pounds per gallon
- LEL lower explosive limit
- m meters
- m² square meters
- m³ cubic meters
- mg milligrams
- g/mole grams per mole
- gal gallons
- hr hours
- in inches
- K degrees Kelvin
- kcal kilocalories
- kg kilograms
- kg/hr kilograms per hour
- kPa kilopascals; one thousand newtons per square meter
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- kPa kilopascals; one thousand newtons per square meter
- liters
- liters per second
- pounds
- pounds per hour
- pounds per gallon
- LEL lower explosive limit

(ii) The following conversion factors are used in §52.741.

<table>
<thead>
<tr>
<th>English</th>
<th>Metric</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 gal</td>
<td>3.785 l.</td>
</tr>
<tr>
<td>1,000 gal</td>
<td>3.785 l or 3.785 m³.</td>
</tr>
<tr>
<td>1 psia</td>
<td>6.897 kPa (51.71 mm Hg).</td>
</tr>
<tr>
<td>2.205 lbs</td>
<td>1 kg.</td>
</tr>
<tr>
<td>1 bbl</td>
<td>159.0 l.</td>
</tr>
<tr>
<td>1 cu in</td>
<td>16.39 ml.</td>
</tr>
<tr>
<td>1 lb/gal</td>
<td>453.600 mg/l.</td>
</tr>
<tr>
<td>1 ton</td>
<td>907.185 Kg.</td>
</tr>
</tbody>
</table>

(2) Applicability. (i) Any source that received a stay, as indicated in §218.103(a)(2), remains subject to the
stay if still in effect, or (if the stay is no longer in effect) the federally-promulgated or federally-approved rule applicable to such source.

(ii)(A) Effective November 20, 1996 Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources, Part 211: Definitions and General Provisions, and Part 218: Organic Material Emission Standards and Limitations for the Chicago Area replace the requirements of 40 CFR 52.741 Control strategy: Ozone control measures for Cook, DuPage, Kane, Lake, McHenry and Will County as the federally enforceable control measures in these counties for the major non-Control Technique Guideline (CTG) sources in the Chicago area, previously subject to paragraph u, v, w, or x because of the applicability criteria in these paragraphs.

(B) In accordance with §218.101(b), the requirements of §52.741 shall remain in effect and are enforceable after October 11, 1994, for the period from July 30, 1990, to October 11, 1994.

(3) Definitions. The following terms are defined for the purpose of §52.741.

Accelacota means a pharmaceutical coating operation which consists of a horizontally rotating perforated drum in which tablets are placed, a coating is applied by spraying, and the coating is dried by the flow of air across the drum through the perforations.

Accumulator means the reservoir of a condensing unit receiving the condensate from a surface condenser.

Actual emissions means the actual quantity of VOM emissions from an emission source during a particular time period.

Adhesive means any substance or mixture of substances intended to serve as a joining compound.

Administrator means the Administrator of the USEPA or that person's designee.

Afterburner means a control device in which materials in gaseous effluent are combusted.

Air contaminant means any solid, liquid, or gaseous matter, any odor, or any form of energy, that is capable of being released into the atmosphere from an emission source.

Air dried coatings means any coatings that dry by use of air or forced air at temperatures up to 363.15 K (194 °F).

Air pollution means the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

Air pollution control equipment means any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere.

Air suspension coater/dryer means a pharmaceutical coating operation
Environmental Protection Agency § 52.741

which consists of vertical chambers in which tablets or particles are placed, and a coating is applied and then dried while the tablets or particles are kept in a fluidized state by the passage of air upward through the chambers.

Air-assisted airless spray means a spray coating method which combines compressed air with hydraulic pressure to atomize the coating material into finer droplets than is achieved with pure airless spray. Lower hydraulic pressure is used than with airless spray.

Airless spray means a spray coating method in which the coating is atomized by forcing it through a small opening at high pressure. The coating liquid is not mixed with air before exiting from the nozzle.

Allowable emissions means the quantity of VOM emissions during a particular time period from a stationary source calculated using the maximum rated capacity of the source (unless restricted by federally enforceable limitations on operating rate, hours of operation, or both) and the most stringent of:

(A) The applicable standards in 40 CFR parts 60 and 61;
(B) The applicable implementation plan; or
(C) A federally enforceable permit.

Ambient air quality standards means those standards designed to protect the public health and welfare codified in 40 CFR part 50 and promulgated from time to time by the USEPA pursuant to authority contained in Section 108 of the Clean Air Act, 42 U.S.C. 7401 et seq., as amended from time to time.

Applicator means a device used in a coating line to apply coating.

As applied means the exact formulation of a coating during application or impregnation into a substrate.

Asphalt means the dark-brown to black cementitious material (solid, semisolid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

Automobile means a motor vehicle capable of carrying no more than 12 passengers.

Automobile or light-duty truck assembly plant means a facility where parts are assembled or finished for eventual inclusion into a finished automobile or light-duty truck ready for sale to vehicle dealers, but not including customizers, body shops, and other repainters.

Automobile or light-duty truck refinishing means the repainting of used automobiles and light-duty trucks.

Baked coatings means any coating which is cured or dried in an oven where the oven air temperature exceeds 90 °C (194 °F).

Binders means organic materials and resins which do not contain VOM’s.

Bituminous coatings means black or brownish coating materials which are soluble in carbon disulfide, which consist mainly of hydrocarbons, and which are obtained from natural deposits or as residues from the distillation of crude oils or of low grades of coal.

Brush or wipe coating means a manual method of applying a coating using a brush, cloth, or similar object.

Bulk gasoline plant means a gasoline storage and distribution facility with an average throughput of 76,000 l (20,000 gal) or less on a 30-day rolling average that distributes gasoline to gasoline dispensing facilities.

Can means any metal container, with or without a top, cover, spout or handles, into which solid or liquid materials are packaged.

Can coating means any coating applied on a single walled container that is manufactured from metal sheets thinner than 29 gauge (0.0141 in.).

Can coating facility means a facility that includes one or more can coating line(s).

Can coating line means a coating line in which any protective, decorative, or functional coating is applied onto the surface of cans or can components.

Capture means the containment or recovery of emissions from a process for direction into a duct which may be exhausted through a stack or sent to a control device. The overall abatement of emissions from a process with an add-on control device is a function both of the capture efficiency and of the control device.

Capture device means a hood, enclosed room floor sweep or other means of collecting solvent or other pollutants into a duct. The pollutant can then be directed to a pollution control device.
such as an afterburner or carbon adsorber. Sometimes the term is used loosely to include the control device.

Capture efficiency means the fraction of all VOM generated by a process that are directed to an abatement or recovery device.

Capture system means all equipment (including, but not limited to, hoods, ducts, fans, ovens, dryers, etc.) used to contain, collect and transport an air pollutant to a control device.

Clean Air Act means the Clean Air Act of 1963, as amended, including the Clean Air Act Amendments of 1977, (42 U.S.C. 7401 et seq.).

Clear coating means coatings that lack color and opacity or are transparent using the undercoat as a reflectant base or undertone color.

Clear topcoat means the final coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film.

Closed vent system means a system that is not open to the atmosphere and is composed of piping, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission source to a control device.

Coating means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, adhesives, thinners, diluents, and inks.

Coating applicator means equipment used to apply a coating.

Coating line means an operation consisting of a series of one or more coating applicators and any associated flash-off areas, drying areas, and ovens wherein a surface coating is applied, dried, or cured. (It is not necessary for an operation to have an oven, or flash-off area, or drying area to be included in this definition.)

Coating plant means any plant that contains one or more coating line(s).

Coil means any flat metal sheet or strip that is rolled or wound in concentric rings.

Coil coating means any coating applied on any flat metal sheet or strip that comes in rolls or coils.

Coil coating facility means a facility that includes one or more coil coating line(s).

Coil coating line means a coating line in which any protective, decorative or functional coating is applied onto the surface of flat metal sheets, strips, rolls, or coils for industrial or commercial use.

Cold cleaning means the process of cleaning and removing soils from surfaces by spraying, brushing, flushing, or immersion while maintaining the organic solvent below its boiling point. Wipe cleaning is not included in this definition.

Component means, with respect to synthetic organic chemical and polymer manufacturing equipment, and petroleum refining and related industries, any piece of equipment which has the potential to leak VOM including, but not limited to, pump seals, compressor seals, seal oil degassing vents, pipeline valves, pressure relief devices, process drains, and open ended pipes. This definition excludes valves which are not externally regulated, flanges, and equipment in heavy liquid service. For purposes of paragraph (i) of this section, this definition also excludes bleed ports of gear pumps in polymer service.

Concrete curing compounds means any coating applied to freshly poured concrete to retard the evaporation of water.

Condensate means volatile organic liquid separated from its associated gases, which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.

Continuous process means, with respect to polystyrene resin, a method of manufacture in which the styrene raw material is delivered on a continuous basis to the reactor in which the styrene is polymerized to polystyrene.

Control device means equipment (such as an afterburner or adsorber) used to remove or prevent the emission of air pollutants from a contaminated exhaust stream.

Control device efficiency means the ratio of pollution prevented by a control device and the pollution introduced to the control device, expressed as a percentage.
Conveyorized degreasing means the continuous process of cleaning and removing soils from surfaces utilizing either cold or vaporized solvents.

Crude oil means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen, or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.

Crude oil gathering means the transportation of crude oil or condensate after custody transfer between a production facility and a reception point.

Custody transfer means the transfer of produced petroleum and/or condensate after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

Daily-weighted average VOM content means the average VOM content of two or more coatings as applied on a coating line during any day, taking into account the fraction of total coating volume that each coating represents, as calculated with the following equation:

\[
VOM_w = \frac{\sum_{i=1}^{n} C_i V_i}{V_T}
\]

Where:
- \( VOM_w \) = The average VOM content of two or more coatings as applied each day on a coating line in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM),
- \( n \) = The number of different coatings as applied each day on a coating line,
- \( V_i \) = The volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on a coating line in units of l (gal),
- \( C_i \) = The VOM content of each coating as applied each day on a coating line in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM), and
- \( V_T \) = The total volume of all coatings (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on a coating line in units of l (gal).

Day means the consecutive 24 hours beginning at 12 a.m. (midnight) local time.

Degreasing means any equipment or system used in solvent cleaning.

Delivery vessel means any tank truck or trailer equipped with a storage tank that is used for the transport of gasoline to a stationary storage tank at a gasoline dispensing facility, bulk gasoline plant, or bulk gasoline terminal.

Dip coating means a method of applying coatings in which the part is submerged in a tank filled with the coating.

Drum means any cylindrical metal shipping container of 15- to 110-gallon capacity.

Electrostatic bell or disc spray means an electrostatic spray coating method in which a rapidly-spinning bell- or disc-shaped applicator is used to create a fine mist and apply the coating with high transfer efficiency.

Electrostatic spray means a spray coating method in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the object due to the electrostatic potential between them.

Emission source and source mean any facility from which VOM is emitted or capable of being emitted into the atmosphere.

Enamel means a coating that cures by chemical cross-linking of its base resin. Enamels can be distinguished from lacquers because enamels are not readily resoluble in their original solvent.

Enclose means to cover any VOL surface that is exposed to the atmosphere.

End sealing compound coat means a compound applied to can ends which functions as a gasket when the end is assembled onto the can.

Excessive release means a discharge of more than 295 g (0.65 lbs) of mercaptans and/or hydrogen sulfide into the atmosphere in any 5-minute period.

Exterior base coat means a coating applied to the exterior of a can body, or flat sheet to provide protection to the metal or to provide background for any lithographic or printing operation.

Exterior end coat means a coating applied to the exterior end of a can to provide protection to the metal.
§ 52.741 40 CFR Ch. I (7–1–16 Edition)

External-floating roof means a cover over an open top storage tank consisting of a double deck or pontoon single deck which rests upon and is supported by the volatile organic liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

Extreme environmental conditions means exposure to any or all of the following: ambient weather conditions; temperatures consistently above 95 °C (203 °F); detergents; abrasive and scouring agents; solvents; or corrosive atmospheres.

Extreme performance coating means any coating which during intended use is exposed to extreme environmental conditions.

Fabric coating means any coating applied on textile fabric. Fabric coating includes the application of coatings by impregnation.

Fabric coating facility means a facility that includes one or more fabric coating lines.

Fabric coating line means a coating line in which any protective, decorative, or functional coating or reinforcing material is applied on or impregnated into a textile fabric.

Federal enforcementable means all limitations and conditions which are enforceable by the Administrator including those requirements developed pursuant to 40 CFR parts 60 and 61; requirements within any applicable implementation plan; and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR part 51 subpart I and 40 CFR 51.166.

Final repair coat means the repainting of any topcoat which is damaged during vehicle assembly.

Firebox means the chamber or compartment of a boiler or furnace in which materials are burned, but not the combustion chamber or afterburner of an incinerator.

Fixed-roof tank means a cylindrical shell with a permanently affixed roof.

Flexographic printing means the application of words, designs, and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of elastomeric materials.

Floating roof means a roof on a stationary tank, reservoir, or other container which moves vertically upon change in volume of the stored material.

Fountain solution means the solution which is applied to the image plate to maintain hydrophilic properties of the non-image areas.

Fuel combustion emission source means any furnace, boiler, or similar equipment used for the primary purpose of producing heat or power by indirect heat transfer.

Fuel gas system means a system for collection of refinery fuel gas including, but not limited to, piping for collecting tail gas from various process units, mixing drums and controls, and distribution piping.

Gas/gas method means either of two methods for determining capture which rely only on gas phase measurements. The first method requires construction of a temporary total enclosure (TTE) to ensure that all would-be fugitive emissions are measured. The second method uses the building or room which houses the facility as an enclosure. The second method requires that all other VOM sources within the room be shut down while the test is performed, but all fans and blowers within the room must be operated according to normal procedures.

Gas service means that the component contains process fluid that is in the gaseous state at operating conditions.

Gasoline means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kPa or greater which is used as a fuel for internal combustion engines.

Gasoline dispensing facility means any site where gasoline is transferred from a stationary storage tank to a motor vehicle gasoline tank used to provide fuel to the engine of that motor vehicle.

Gross vehicle weight means the manufacturer’s gross weight rating for the individual vehicle.
Environmental Protection Agency

§ 52.741

Gross vehicle weight rating means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

Heated airless spray means an airless spray coating method in which the coating is heated just prior to application.

Heatset means a class of web-offset lithography which requires a heated dryer to solidify the printing inks.

Heatset-web-offset lithographic printing line means a lithographic printing line in which a blanket cylinder is used to transfer ink from a plate cylinder to a substrate continuously fed from a roll or an extension process and an oven is used to solidify the printing inks.

Heavy liquid means liquid with a true vapor pressure of less than 0.3 kPa (0.04 psi) at 294.3 K (70 °F) established in a standard reference text or as determined by ASTM method D2879–86 (incorporated by reference as specified in 40 CFR 52.742); or which has 0.1 Reid Vapor Pressure as determined by ASTM method D323–82 (incorporated by reference as specified in 40 CFR 52.742); or which when distilled requires a temperature of 421.95 K (300 °F) or greater to recover 10 percent of the liquid as determined by ASTM method D86–82 (incorporated by reference as specified in 40 CFR 52.742).

Heavy off-highway vehicle products means, for the purpose of paragraph (e) of this section, heavy construction, mining, farming, or material handling equipment; heavy industrial engines; diesel-electric locomotives and associated power generation equipment; and the components of such equipment or engines.

Heavy off-highway vehicle products coating facility means a facility that includes one or more heavy off-highway vehicle products coating line(s).

Heavy off-highway vehicle products coating line means a coating line in which any protective, decorative, or functional coating is applied onto the surface of heavy off-highway vehicle products.

High temperature aluminum coating means a coating that is certified to withstand a temperature of 537.8 °C (1000 °F) for 24 hours.

Hood means a partial enclosure or canopy for capturing and exhausting, by means of a draft, the organic vapors or other fumes rising from a coating process or other source.

Hood capture efficiency means the emissions from a process which are captured by the hood and directed into a control device, expressed as a percentage of all emissions.

Hot well means the reservoir of a condensing unit receiving the condensate from a barometric condenser.

Hour means a block period of 60 minutes (e.g., 1 a.m. to 2 a.m.).

In vacuum service means, for the purpose of paragraph (i) of this section, equipment which is operating at an internal pressure that is at least 5 kPa (0.73 psia) below ambient pressure.

In-process tank means a container used for mixing, blending, heating, reacting, holding, crystallizing, evaporating or cleaning operations in the manufacture of pharmaceuticals.

Incinerator means a combustion apparatus in which refuse is burned.

Indirect heat transfer means transfer of heat in such a way that the source of heat does not come into direct contact with process materials.

Ink means a coating used in printing, impressing, or transferring an image onto a substrate.

Interior body spray coat means a coating applied by spray to the interior of a can body.

Internal-floating roof means a cover or roof in a fixed-roof tank which rests upon and is supported by the volatile organic liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

Lacquers means any clear wood finishes formulated with nitrocellulose or synthetic resins to dry by evaporation without chemical reaction, including clear lacquer sanding sealers.

Large appliance means any residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other similar products.

Large appliance coating means any coating applied to the component metal parts (including, but not limited to, doors, cases, lids, panels, and interior support parts) of residential and...
commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dish washers, trash compactors, air conditioners, and other similar products.

**Large appliance coating facility** means a facility that includes one or more large appliance coating line(s).

**Large appliance coating line** means a coating line in which any protective, decorative, or functional coating is applied onto the surface of large appliances.

**Light liquid** means VOM in the liquid state which is not defined as heavy liquid.

**Light-duty truck** means any motor vehicle rated at 3,850 kg gross vehicle weight or less, designed mainly to transport property.

**Liquid/gas method** means either of two methods for determining capture which require both gas phase and liquid phase measurements and analysis. The first method requires construction of a TTE. The second method uses the building or room which houses the facility as an enclosure. The second method requires that all other VOM sources within the room be shut down while the test is performed, but all fans and blowers within the room must be operated according to normal procedures.

**Liquid service** means that the equipment or component contains process fluid that is in a liquid state at operating conditions.

**Lithographic printing line** means a printing line, except that the substrate is not necessarily fed from an unwinding roll, in which each roll printer uses a roll where both the image and non-image areas are essentially in the same plane (planographic).

**Magnet wire** means aluminum or copper wire formed into an electromagnetic coil.

**Magnet wire coating** means any coating or electrically insulating varnish or enamel applied to magnet wire.

**Magnet wire coating facility** means a facility that includes one or more magnet wire coating line(s).

**Magnet wire coating line** means a coating line in which any protective, decorative, or functional coating is applied onto the surface of a magnet wire.

**Malfunction** means any sudden and unavoidable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

**Manufacturing process** means a method whereby a process emission source or series of process emission sources is used to convert raw materials, feed stocks, subassemblies, or other components into a product, either for sale or for use as a component in a subsequent manufacturing process.

**Maximum theoretical emissions** means the quantity of volatile organic material emissions that theoretically could be emitted by a stationary source before add-on controls based on the design capacity or maximum production capacity of the source and 8760 hours per year. The design capacity or maximum production capacity includes use of coating(s) or ink(s) with the highest volatile organic material content actually used in practice by the source.

**Metal furniture** means a furniture piece including, but not limited to, tables, chairs, waste baskets, beds, desks, lockers, benches, shelving, file cabinets, lamps, and room dividers.

**Metal furniture coating** means any non-adhesive coating applied to any furniture piece made of metal or any metal part which is or will be assembled with other metal, wood, fabric, plastic or glass parts to form a furniture piece including, but not limited to, tables, chairs, waste baskets, beds, desks, lockers, benches, shelving, file cabinets, lamps, and room dividers. This definition shall not apply to any coating line coating miscellaneous metal parts or products.

**Metal furniture coating facility** means a facility that includes one or more metal furniture coating line(s).

**Metal furniture coating line** means a coating line in which any protective, decorative, or functional coating is applied onto the surface of metal furniture.

**Metallic shoe-type seal** means a primary or secondary seal constructed of metal sheets (shoes) which are joined together to form a ring, spring, or lever which attach the shoes to the
Environmental Protection Agency § 52.741

floating roof and hold the shoes against the tank wall, and a coated fabric which is suspended from the shoes to the floating roof.

Miscellaneous fabricated product manufacturing process means:

(A) A manufacturing process involving one or more of the following applications, including any drying and curing of formulations, and capable of emitting VOM:

(1) Adhesives to fabricate or assemble components or products.
(2) Asphalt solutions to paper or fiberboard.
(3) Asphalt to paper or felt.
(4) Coatings or dye to leather.
(5) Coatings to plastic.
(6) Coatings to rubber or glass.
(7) Disinfectant material to manufactured items.
(8) Plastic foam scrap or “fluff” from the manufacture of foam containers and packaging material to form resin pallets.
(9) Resin solutions to fiber substances.
(10) Viscose solutions to food casings.

(B) The storage and handling of formulations associated with the process described above, and the use and handling of organic liquids and other substances for clean-up operations associated with the process described in this definition.

Miscellaneous formulation manufacturing process means:

(A) A manufacturing process which compounds one or more of the following and is capable of emitting VOM:

(1) Adhesives.
(2) Asphalt solutions.
(3) Caulks, sealants, or waterproofing agents.
(4) Coatings, other than paint and ink.
(5) Concrete curing compounds.
(6) Dyes.
(7) Friction materials and compounds.
(8) Resin solutions.
(9) Rubber solutions.
(10) Viscose solutions.

(B) The storage and handling of formulations associated with the process described above, and the use and handling of organic liquids and other substances for clean-up operations associated with the process described in this definition.

Miscellaneous metal parts or products means any metal part or metal product, even if attached to or combined with a nonmetal part or product, except cans, coils, metal furniture, large appliances, magnet wire, automobiles, ships, and airplane bodies.

Miscellaneous metal parts and products coating means any coating applied to any metal part or metal product, even if attached to or combined with a nonmetal part or product, except cans, coils, metal furniture, large appliances, and magnet wire. Prime coat, prime surfacer coat, topcoat, and final repair coat for automobiles and light-duty trucks are not miscellaneous metal parts and products coatings. However, underbody anti-chip (e.g., underbody plastisol) automobile, and light-duty truck coatings are miscellaneous metal parts and products coatings. Also, automobile or light-duty truck refinishing coatings, coatings applied to the exterior of marine vessels, coatings applied to the exterior of airplanes, and the customized topcoating of automobiles and trucks if production is less than 35 vehicles per day are not miscellaneous metal parts and products coatings.

Miscellaneous metal parts or products coating facility means a facility that includes one or more miscellaneous metal parts or products coating lines.

Miscellaneous metal parts or products coating line means a coating line in which any protective, decorative, or functional coating is applied onto the surface of miscellaneous metal parts or products.

Miscellaneous organic chemical manufacturing process means:

(A) A manufacturing process which produces by chemical reaction, one or more of the following organic compounds or mixtures of organic compounds and which is capable of emitting VOM:

(1) Chemicals listed in appendix A of this section.
(2) Chlorinated and sulfonated compounds.
(3) Cosmetic, detergent, soap, or surfactant intermediaries or specialties and products.
(4) Disinfectants.
§ 52.741 40 CFR Ch. I (7–1–16 Edition)

(5) Food additives.
(6) Oil and petroleum product additives.
(7) Plasticizers.
(8) Resins or polymers.
(9) Rubber additives.
(10) Sweeteners.
(11) Varnishes.

(B) The storage and handling of formulations associated with the process described above and the use and handling of organic liquids and other substances for clean-up operations associated with the process described in this definition.

Monitor means to measure and record.

Multiple package coating means a coating made from more than one different ingredient which must be mixed prior to using and has a limited pot life due to the chemical reaction which occurs upon mixing.

Offset means, with respect to printing and publishing operations, use of a blanket cylinder to transfer ink from the plate cylinder to the surface to be printed.

Opaque stains means all stains that are not semi-transparent stains.

Open top vapor depressing means the batch process of cleaning and removing soils from surfaces by condensing hot solvent vapor on the colder metal parts.

Open-ended valve means any valve, except pressure relief devices, having one side of the valve in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

Organic compound means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

Organic material means any chemical compound of carbon including diluents and thinners which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents, but excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates, and ammonium carbonate.

Organic vapor means the gaseous phase of an organic material or a mixture of organic materials present in the atmosphere.

Oven means a chamber within which heat is used for one or more of the following purposes: Dry, bake, cure, or polymerize a coating or ink.

Overall control means the product of the capture efficiency and the control device efficiency.

Overvarnish means a transparent coating applied directly over ink or coating.

Owner or operator means any person who owns, operates, leases, controls, or supervises an emission source or air pollution control equipment.

Packaging rotogravure printing means rotogravure printing upon paper, paperboard, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products or labels for articles to be sold.

Packaging rotogravure printing line means a rotogravure printing line in which surface coatings are applied to paper, paperboard, foil, film, or other substrates which are to be used to produce containers, packaging products, or labels for articles.

Pail means any cylindrical metal shipping container of 1- to 12-gallon capacity and constructed of 29-gauge and heavier metal.

Paint manufacturing plant means a plant that mixes, blends, or compounds enamels, lacquers, sealers, shellacs, stains, varnishes, or pigmented surface coatings.

Paper coating means any coating applied on paper, plastic film, or metallic foil to make certain products, including (but not limited to) adhesive tapes and labels, book covers, post cards, office copier paper, drafting paper, or pressure sensitive tapes. Paper coating includes the application of coatings by impregnation and/or saturation.

Paper coating facility means a facility that includes one or more paper coating lines.

Paper coating line means a coating line in which any protective, decorative, or functional coating is applied on, saturated into, or impregnated into paper, plastic film, or metallic foil to make certain products, including (but not limited to) adhesive tapes and labels, book covers, post cards, office
Environmental Protection Agency

§ 52.741

copier paper, drafting paper, and pressure sensitive tapes.

Parts per million (volume) means a volume/volume ratio which expresses the volumetric concentration of gaseous air contaminant in a million unit volume of gas.

Person means any individual, corporation, partnership, association, State, municipality, political subdivision of a State; any agency, department, or instrumentality of the United States; and any officer, agent, or employee thereof.

Petroleum means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

Petroleum refinery means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum, or through redistillation, cracking, or reforming of unfinished petroleum derivatives.

Pharmaceutical means any compound or mixture, other than food, used in the prevention, diagnosis, alleviation, treatment, or cure of disease in man and animal.

Pharmaceutical coating operation means a device in which a coating is applied to a pharmaceutical, including air drying or curing of the coating.

Pigmented coatings means opaque coatings containing binders and colored pigments which are formulated to conceal the wood surface either as an undercoat or topcoat.

Plant means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), except the activities of any marine vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same “Major Group” (i.e., which have the same two-digit code) as described in the “Standard Industrial Classification Manual, 1987” (incorporated by reference as specified in 40 CFR 52.742). Primers means any coatings formulated and applied to substrates to provide a firm bond between the substrate and subsequent coats.

Printing means the application of words, designs, and pictures to a substrate using ink.

Printing line means an operation consisting of a series of one or more roll printers and any associated roll coaters, drying areas, and ovens wherein one or more coatings are applied, dried, and/or cured.

Process means any stationary emission source other than a fuel combustion emission source or an incinerator.

Production equipment exhaust system means a system for collecting and directing into the atmosphere emissions of volatile organic material from reactors, centrifuges, and other process emission sources.

Publication rotogravure printing line means a rotogravure printing line in which coatings are applied to paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, or other types of printed material.

Reactor means a vat, vessel, or other device in which chemical reactions take place.

Refiner means any person who owns, leases operates, controls, or supervises a refinery.

Refinery unit, process unit or unit means a set of components which are a part of a basic process operation such as distillation, hydrotreating, cracking, or reforming of hydrocarbons.

Refrigerated condenser means a surface condenser in which the coolant supplied to the condenser has been cooled by a mechanical device, other
than by a cooling tower or evaporative spray cooling, such as refrigeration unit or steam chiller unit.

Repair coatings means coatings used to correct imperfections or damage to furniture surface.

Repaired means, for the purpose of paragraph (i) of this section, that equipment component has been adjusted, or otherwise altered, to eliminate a leak.

Roll coater means an apparatus in which a uniform layer of coating is applied by means of one or more rolls across the entire width of a moving substrate.

Roll printer means an apparatus used in the application of words, designs, or pictures to a substrate, usually by means of one or more rolls each with only partial coverage.

Roll printing means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or metal rolls each with only partial coverage.

Roller coating means a method of applying a coating to a sheet or strip in which the coating is transferred by a roller or series of rollers.

Rotogravure printing means the application of words, designs, and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is recessed relative to the non-image area.

Rotogravure printing line means a printing line in which each roll printer uses a roll with recessed areas for applying an image to a substrate.

Safety relief valve means a valve which is normally closed and which is designed to open in order to relieve excessive pressures within a vessel or pipe.

Sanding sealers means any coatings formulated for and applied to bare wood for sanding and to seal the wood for subsequent application of varnish. To be considered a sanding sealer a coating must be clearly labelled as such.

Sealer means a coating containing binders which seals wood prior to the application of the subsequent coatings.

Semi-transparent stains means stains containing dyes or semi-transparent pigments which are formulated to enhance wood grain and change the color of the surface but not to conceal the surface, including, but not limited to, sap stain, toner, non-grain raising stains, pad stain, or spatter stain.

Set of safety relief valves means one or more safety relief valves designed to open in order to relieve excessive pressures in the same vessel or pipe.

Sheet basecoat means a coating applied to metal when the metal is in sheet form to serve as either the exterior or interior of a can for either two-piece or three-piece cans.

Side-seam spray coat means a coating applied to the seam of a three-piece can.

Single coat means one coating application applied to a metal surface.

Solvent means a liquid substance that is used to dissolve or dilute another substance.

Solvent cleaning means the process of cleaning soils from surfaces by cold cleaning, open top vapor degreasing, or conveyorized degreasing.

Specified air contaminant means any air contaminant as to which this Section contains emission standards or other specific limitations.

Splash loading means a method of loading a tank, railroad tank car, tank truck, or trailer by use of other than a submerged loading pipe.

Standard conditions means a temperature of 70 °F and a pressure of 14.7 psia.

Standard cubic foot (scf) means the volume of one cubic foot of gas at standard conditions.


Start-up means the setting in operation of an emission source for any purpose.

Stationary emission source and Stationary source mean an emission source which is not self-propelled.

Storage tank or storage vessel means any stationary tank, reservoir or container used for the storage of VOL’s.

Submerged loading pipe means any discharge pipe or nozzle which meets either of the following conditions:

(A) Where the tank is filled from the top, the end of the discharge pipe or
nozzle must be totally submerged when the liquid level is 15 cm (6 in.) above the bottom of the tank.

(B) Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is 46 cm (18 in.) above the bottom of the tank.

Substrate means the surface onto which a coating is applied or into which a coating is impregnated.

Surface condenser means a device which removes a substance from a gas stream by reducing the temperature of the stream, without direct contact between the coolant and the stream.

Tablet coating operation means a pharmaceutical coating operation in which tablets are coated.

Three-day rolling average means any value arithmetically averaged over any consecutive thirty-days.

Three-piece can means a can which is made from a rectangular sheet and two circular ends.

Topcoat means a coating applied in a multiple coat operation other than prime coat, final repair coat, or prime surfacer coat.

Topcoat operation means all topcoat spray booths, flash-off areas, and bake ovens at a facility which are used to apply, dry, or cure the final coatings (except final off-line repair) on components of automobile or light-duty truck bodies.

Transfer efficiency means the ratio of the amount of coating solids deposited onto a part or product to the total amount of coating solids used.


Two-piece can means a can which is drawn from a shallow cup and requires only one end to be attached.

Undercoaters means any coatings formulated for and applied to substrates to provide a smooth surface for subsequent coats.

Unregulated safety relief valve means a safety relief valve which cannot be actuated by a means other than high pressure in the pipe or vessel which it protects.

Vacuum producing system means any reciprocating, rotary, or centrifugal blower or compressor or any jet ejector or device that creates suction from a pressure below atmospheric and discharges against a greater pressure.

Valves not externally regulated means valves that have no external controls, such as in-line check valves.

Vapor balance system means any combination of pipes or hoses which creates a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

Vapor collection system means all piping, seals, hoses, connections, pressure-vacuum vents, and other possible sources between the gasoline delivery vessel and the vapor processing unit and/or the storage tanks and vapor holder.

Vapor control system means any system that limits or prevents release to the atmosphere of organic material in the vapors displaced from a tank during the transfer of gasoline.

Vapor recovery system means a vapor gathering system capable of collecting all VOM vapors and gases discharged from the storage tank and a vapor disposal system capable of processing such VOM vapors and gases so as to prevent their emission to the atmosphere.

Vehicle means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

Vinyl coating means any topcoat or printing ink applied to vinyl coated fabric or vinyl sheets. Vinyl coating does not include plastisols.

Vinyl coating facility means a facility that includes one or more vinyl coating line(s).

Vinyl coating line means a coating line in which any protective, decorative or functional coating is applied onto vinyl coated fabric or vinyl sheets.
§ 52.741  

Volatile organic liquid means any substance which is liquid at storage conditions and which contains volatile organic compounds.

Volatile organic material (VOM) or volatile organic compounds (VOC) is as defined in §51.100(s) of this chapter.

Wash coat means a coating containing binders which seals wood surfaces, prevents undesired staining, and controls penetration.

Web means a substrate which is printed in continuous roll-fed presses.

Wood furniture means room furnishings including cabinets (kitchen, bath, and vanity), tables, chairs, beds, sofas, shutters, art objects, wood paneling, wood flooring, and any other coated furnishings made of wood, wood composition, or fabricated wood materials.

Wood furniture coating facility means a facility that includes one or more wood furniture coating line(s).

Wood furniture coating line means a coating line in which any protective, decorative, or functional coating is applied onto wood furniture.

Woodworking means the shaping, sawing, grinding, smoothing, polishing, and making into products of any form or shape of wood.

(4) Testing methods and procedures—(i) Coatings, inks and fountain solutions. The following test methods and procedures shall be used to determine compliance of as applied coatings, inks, or fountain solutions with the limitations set forth in §52.741.

(A) Sampling. Samples collected for analyses shall be one-liter taken into a one-liter container at a location and time such that the sample will be representative of the coating as applied (i.e., the sample shall include any dilution solvent or other VOM added during the manufacturing process). The container must be tightly sealed immediately after the sample is taken. Any solvent or other VOM added after the sample is taken must be measured and accounted for in the calculations in paragraph (a)(4)(i)(C) of this section. For multiple package coatings, separate samples of each component shall be obtained. A mixed sample shall not be obtained as it will cure in the container. Sampling procedures shall follow the guidelines presented in:


(2) ASTM E300–86 Standard Practice for Sampling Industrial Chemicals. This practice is incorporated by reference as specified in 40 CFR 52.742.

(B) Analyses. The applicable analytical methods specified below shall be used to determine the composition of coatings, inks, or fountain solutions as applied.

(1) Method 24 of 40 CFR part 60, appendix A, shall be used to determine the VOM content and density of coatings. If it is demonstrated to the satisfaction of the Administrator that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility’s formulation data, the Method 24 test will govern.

(2) Method 24A of 40 CFR part 60, appendix A, shall be used to determine the VOM content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the Administrator that the plant coating formulation data are equivalent to Method 24A results, formulation data may be used. In the event of any inconsistency between a Method 24A test and a facility’s formulation data, the Method 24A test will govern.

(3) The following ASTM methods are the analytical procedures for determining VOM:


(iii) ASTM D3792–86: Standard Test Method for Water Content of Water-reducible Paints by Direct Injection into a Gas Chromatograph. This test method is incorporated by reference as specified in 40 CFR 52.742.

Environmental Protection Agency

§ 52.741

Paints and Paint Materials by the Karl Fischer Method. This test method is incorporated by reference as specified in 40 CFR 52.742.

(v) ASTM D4457–85: Standard Test Method for Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph. (The procedure delineated above can be used to develop protocols for any compounds specifically exempted from the definition of VOM.) This test method is incorporated by reference as specified in 40 CFR 52.742.


(ix) ASTM D2372–85: Standard Method of Separation of Vehicle from Solvent-reducible Paints. This method is incorporated by reference as specified in 40 CFR 52.742.

(4) Use of an adaptation to any of the analytical methods specified in paragraphs (a)(4)(i)(B)(1), (2) and (3) may be approved by the Administrator on a case-by-case basis. An owner or operator must submit sufficient documentation for the Administrator to find that the analytical methods specified in paragraphs (a)(4)(i)(B)(1), (2) and (3) will yield accurate results and that the proposed adaptation is appropriate.

(C) Calculations. Calculations for determining the VOM content, water content and the content of any compounds which are specifically exempted from the definition of VOM of coatings, inks and fountain solutions as applied shall follow the guidance provided in the following documents.

(1) "A Guide for Surface Coating Calculations" EPA–340/1–86–016 (which is available from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161)

(2) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coatings" (revised June 1986) EPA–450/3–84–019 (which is available from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161)

(3) "A Guide for Graphic Arts Calculations" August 1988 EPA–340/1–88–003 (which is available from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161)

(ii) Automobile or light-duty truck test protocol. The protocol for testing, including determining the transfer efficiency, of coating applicators at topcoat coating operations at an automobile assembly facility shall follow the procedure in: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" December 1988 EPA–450/3–88–018 (which is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161)

(iii) Capture system efficiency test protocols—(A) Applicability. The requirements of paragraphs (a)(4)(iii)(B) of this section shall apply to all VOM emitting processes employing capture equipment (e.g., hoods, ducts), except those cases noted below.

(1) If a source installs a permanent total enclosure (PTE) that meets USEPA specifications, and which directs all VOM to a control device, then the source is exempted from the requirements described in paragraph (B). The USEPA specifications to determine whether a structure is considered a PTE are given in Procedure T of appendix B of this section. In this instance, the capture efficiency is assumed to be 100 percent and the source is still required to measure control efficiency using appropriate test methods as specified in (a)(4)(iv) of this section.

(2) If a source uses a control device designed to collect and recover VOM (e.g., carbon adsorber), an explicit measurement of capture efficiency is
not necessary provided that the conditions given below are met. The overall control of the system can be determined by directly comparing the input liquid VOM to the recovered liquid VOM. The general procedure for use in this situation is given in 40 CFR 60.433, with the following additional restrictions:

(i) The source must be able to equate solvent usage with solvent recovery on a 24-hour (daily) basis, rather than a 30-day weighted average, within 72 hours following the 24-hour period. In addition, one of the following two criteria must be met:

(ii) The solvent recovery system (i.e., capture and control system) must be dedicated to a single process line (e.g., one process line venting to a carbon adsorber system), or

(iii) If the solvent recovery system controls multiple process lines, then the source must be able to demonstrate that the overall control (i.e., the total recovered solvent VOM divided by the sum of liquid VOM input to all process lines venting to the control system) meets or exceeds the most stringent standard applicable for any process line venting to the control system.

(B) Specific requirements. The capture efficiency of a process line shall be measured using one of the four protocols given below. Any error margin associated with a test protocol may not be incorporated into the results of a capture efficiency test. If these techniques are not suitable for a particular process, then the source must present an alternative capture efficiency protocol and obtain approval for it by the Administrator as a SIP or FIP revisions.

(1) Gas/gas method using temporary total enclosure (TTE). The USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Procedure T of appendix B of this section. The capture efficiency equation to be used for this protocol is:

\[
CE = \frac{Gw}{GW + Fw}
\]

Where:

- \(CE\) = capture efficiency, decimal fraction.
- \(Gw\) = mass of VOM captured and delivered to control device using a TTE.
- \(Fw\) = mass of fugitive VOM that escapes from a TTE.

Procedure G.2 contained in appendix B of this section is used to obtain \(Gw\).

Procedure F.1 in appendix B of this section is used to obtain \(Fw\).

(2) Liquid/gas method using TTE. The USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Procedure T of appendix B of this section. The capture efficiency equation to be used for this protocol is:

\[
CE = \frac{(L - F)}{L}
\]

Where:

- \(CE\) = capture efficiency, decimal fraction.
- \(L\) = mass of liquid VOM input to process.
- \(F\) = mass of fugitive VOM that escapes from a TTE.

Procedure L contained in appendix B of this section is used to obtain \(L\). Procedure F.1 in appendix B of this section is used to obtain \(F\).

(3) Gas/gas method using the building or room (building or room enclosure) in which the affected source is located as the enclosure and in which "\(F\)" and "\(G\)" are measured while operating only the affected facility. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

\[
CE = \frac{G}{G + F_B}
\]

Where:

- \(CE\) = capture efficiency, decimal fraction.
- \(G\) = mass of VOM captured and delivered to control device.
- \(F_B\) = mass of fugitive VOM that escapes from building enclosure.

Procedure G.2 contained in appendix B of this section is used to obtain \(G\). Procedure F.2 in appendix B of this section is used to obtain \(F_B\).

(4) Liquid/gas method using the building or room (building or room enclosure) in which the affected source is located as the enclosure and in which "\(F\)" and "\(L\)" are measured while operating only the affected facility. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

\[
CE = \frac{(L - F_B)}{L}
\]

Where:

- \(CE\) = capture efficiency, decimal fraction.
L = mass of liquid VOM input to process.
F_a = mass of fugitive VOM that escapes from building enclosure.

Procedure L contained in appendix B of this section is used to obtain L. Procedure F.2 in appendix B of this section is used to obtain F_a.

(C) Recordkeeping and reporting. (1) All affected facilities must maintain a copy of the capture efficiency protocol submitted to USEPA on file. All results of the appropriate test methods and capture efficiency protocols must be reported to USEPA within sixty (60) days of the test date. A copy of the results must be kept on file with the source for a period of three (3) years.

(2) If any changes are made to capture or control equipment, then the source is required to notify USEPA of these changes and a new test may be required by USEPA.

(3) The source must notify the Administrator 30 days prior to performing any capture efficiency or control test. At that time, the source must notify the Administrator which capture efficiency protocol and control device test methods will be used.

(4) Sources utilizing a PTE must demonstrate that this enclosure meets the requirement given in Procedure T (in appendix B of this section) for a PTE during any testing of their control device.

(5) Sources utilizing a TTE must demonstrate that their TTE meets the requirements given in Procedure T (in appendix B of this section) for a TTE during testing of their control device. The source must also provide documentation that the quality assurance criteria for a TTE have been achieved.

(iv) Control device efficiency testing and monitoring. (A) The control device efficiency shall be determined by simultaneously measuring the inlet and outlet gas phase VOM concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in paragraph (a)(4)(vi) of this section.

(B) Any owner or operator that uses an afterburner or carbon adsorber to comply with any paragraph of §52.741 shall use USEPA approved continuous monitoring equipment which is installed, calibrated, maintained, and operated according to vendor specifications at all times the afterburner or carbon adsorber is in use. The continuous monitoring equipment must monitor the following parameters:

(1) Combustion chamber temperature of each afterburner.

(2) Temperature rise across each catalytic afterburner bed or VOM concentration of exhaust.

(3) The VOM concentration of each carbon adsorption bed exhaust.

(v) Overall efficiency. (A) The overall efficiency of the emission control system shall be determined as the product of the capture system efficiency and the control device efficiency or by the liquid/liquid test protocol as specified in 40 CFR 60.433 (and revised by paragraph (a)(4)(iii)(a)(2) of this section) for each solvent recovery system. In those cases in which the overall efficiency is being determined for an entire line, the capture efficiency used to calculate the product of the capture and control efficiency is the total capture efficiency over the entire line.

(B) For coating lines which are both chosen by the owner or operator to comply with paragraphs (e)(2)(i), (e)(2)(ii), (e)(2)(iii), (e)(2)(iv), (e)(2)(v), or (e)(2)(vi) of this section by the alternative in paragraph (e)(2)(i)(B) of this section and meet the criteria allowing them to comply with paragraph (e)(2) of this section instead of paragraph (e)(1) of this section, the overall efficiency of the capture system and control device, as determined by the test methods and procedures specified in paragraphs (a)(4)(iii), (iv) and (v)(A) of this section, shall be no less than the equivalent overall efficiency which shall be calculated by the following equation:

\[ E = \left( \frac{[VOM_a - VOM_1]}{VOM_{al}} \right) \times 100 \]

Where:

- \( E \) = Equivalent overall efficiency of the capture system and control device as a percentage.
- \( VOM_a \) = Actual VOM content of a coating, or the daily-weighted average VOM content of two or more coatings (if more than one coating is used), as applied to the subject coating line as determined by the applicable test methods and procedures specified in paragraph (a)(4)(i) of this section in units of kg VOM/l (lb VOM/gal) of coating solids as applied.
- \( VOM_{al} \) = The VOM emission limit specified in paragraph (e)(2) (i) or (ii) of this section.
(vi) Volatile organic material gas phase source test methods. The methods in 40 CFR part 60, appendix A, delineated below shall be used to determine control device efficiencies.

(A) 40 CFR part 60, appendix A, Method 18, 25 or 25A, as appropriate to the conditions at the site, shall be used to determine VOM concentration. Method selection shall be based on consideration of the diversity of organic species present and their total concentration and on consideration of the potential presence of interfering gases. Except as indicated in paragraphs (a)(4)(vi)(A)(1) and (2) of this section, the test shall consist of three separate runs, each lasting a minimum of 60 min, unless the Administrator determines that process variables dictate shorter sampling times.

(1) When the method is to be used to determine the efficiency of a carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three separate runs, each coinciding with one or more complete sequences through the adsorption cycles of all the individual adsorber vessels.

(2) When the method is to be used to determine the efficiency of a carbon adsorption system with individual exhaust stacks for each adsorber vessel, each adsorber vessel shall be tested individually. The test for each adsorber vessel shall consist of three separate runs. Each run shall coincide with one or more complete adsorption cycles.

(B) 40 CFR part 60, appendix A, Method 1 or 1A shall be used for sample and velocity traverses.

(C) 40 CFR part 60, appendix A, Method 2, 2A, 2C or 2D shall be used for velocity and volumetric flow rates.

(D) 40 CFR part 60, appendix A, Method 3 shall be used for gas analysis.

(E) 40 CFR part 60, appendix A, Method 4 shall be used for stack gas moisture.

(F) 40 CFR part 60, appendix A, Methods 2, 2A, 2C, 2D, 3 and 4 shall be performed, as applicable, at least twice during each test run.

(G) Use of an adaptation to any of the test methods specified in paragraphs (a)(4)(vi) (A), (B), (C), (D), (E), (F) of this section may be approved by the Administrator on a case-by-case basis. An owner or operator must submit sufficient documentation for the Administrator to find that the test methods specified in paragraphs (a)(4)(vi) (A), (B), (C), (D), (E), and (F) of this section will yield inaccurate results and that the proposed adaptation is appropriate.

(vii) Leak detection methods for volatile organic material. Owners or operators required by the various subparts of this regulation to carry out a leak detection monitoring program shall comply with the following requirements:

(A) Leak detection monitoring. (1) Monitoring shall comply with 40 CFR part 60, appendix A. Method 21.

(2) The detection instrument shall meet the performance criteria of Method 21.

(3) The instrument shall be calibrated before use on each day of its use by the methods specified in Method 21.

(4) Calibration gases shall be:
   (i) Zero air (less than 10 ppm of hydrocarbon in air); and
   (ii) A mixture of methane or n-hexane and air at a concentration of approximately, but no less than, 10,000 ppm methane or n-hexane.

(5) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21.

(B) When equipment is tested for compliance with no detectable emissions as required, the test shall comply with the following requirements:

(1) The requirements of paragraphs (a)(4)(vi)(A)(1) through (vi)(A)(5) of this section shall apply.

(2) The background level shall be determined as set forth in Method 21.

(C) Leak detection tests shall be performed consistent with:

(1) “APTI Course SI 417 controlling Volatile Organic Compound Emissions from Leaking Process Equipment” EPA-450/2–82–015 (which is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161)

(2) “Portable Instrument User’s Manual for Monitoring VOC Sources” EPA-
Environmental Protection Agency § 52.741

3401/8-86-015 (which is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161)

(3) “Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP” EPA–450/3–88–010 (which is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161)

(4) “Petroleum Refinery Enforcement Manual” EPA–340/1–80–008 (which is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161)

(viii) Bulk gasoline delivery system test protocol. (A) The method for determining the emissions of gasoline from a vapor recovery system are delineated in 40 CFR part 60, subpart XX, § 60.503.

(B) Other tests shall be performed consistent with:

(1) “Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D” EPA–340/1–80–012 (which is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161)

(2) “Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A” EPA–450/2–77–026 (which is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161)

(5) Compliance dates. Compliance with the requirements of all rules is required by July 1, 1991, unless otherwise indicated by compliance dates contained in specific rules. This paragraph shall not operate to provide additional time for compliance under section 113(d) of the Act, 42 U.S.C. 7413(d), for sources subject to compliance upon promulgation.

(6) Afterburners. The operation of any natural gas fired afterburner and capture system used to comply with §52.741 is not required during the period of November 1 of any year to April 1 of the following year provided that the operation of such devices is not required for purposes of occupational safety or health, or for the control of toxic substances, odor nuisances, or other regulated pollutants.

(7) Exemptions, variances, and alternative means of control or compliance determinations. Notwithstanding the provisions of any other paragraphs of this section, any exemptions, variances or alternatives to the control requirements, emission limitations, or test methods in the Illinois SIP or FIP can only be allowed if approved by the Administrator as a SIP or FIP revision.

(8) Vapor pressure of volatile organic liquids. (i) If the VOL consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879–86 (incorporated by reference as specified in 40 CFR 52.742) or the vapor pressure may be obtained from a published source such as: Boublik, T., V. Fried and E. Hala, “The Vapor Pressure of Pure Substances,” Elsevier Scientific Publishing Co., New York (1973); Perry’s Chemical Engineer’s Handbook, McGraw-Hill Book Company (1984); CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986–87); and Lange’s Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).

(ii) If the VOL is a mixture, the vapor pressure shall be determined by ASTM Method D2879–86 (incorporated by reference as specified in 40 CFR 52.742) or by the following equation:

\[
P_{\text{vol}} = \sum_{i=1}^{n} x_i P_i
\]

Where:

\(P_{\text{vol}}\) = Total vapor pressure of the mixture,

\(n\) = Number of components in the mixture,

\(i\) = Subscript denoting an individual component,

\(P_i\) = Vapor pressure of a component determined in accordance with paragraph (a) of this section

\(x_i\) = Mole fraction of the component in the total mixture.

(9) Vapor pressure of organic material or solvent. (i) If the organic material or solvent consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879–86 (incorporated by reference as specified in 40 CFR 52.742) or the vapor pressure may be obtained from a published source such as: Boublik, T., V. Fried and E. Hala, “The Vapor Pressure of Pure Substances,” Elsevier Scientific...
§ 52.741  

40 CFR Ch. I (7–1–16 Edition)  


(ii) If the organic material or solvent is in a mixture made up of both organic material compounds and compounds which are not organic material, the vapor pressure shall be determined by the following equation:

\[
P_{\text{om}} = \frac{\sum_{i=1}^{n} P_i X_i}{\sum_{i=1}^{n} X_i}
\]

Where:

- \( P_{\text{om}} \) = Total vapor pressure of the portion of the mixture which is composed of organic material,
- \( n \) = Number of organic material components in the mixture,
- \( i \) = Subscript denoting an individual component,
- \( P_i \) = Vapor pressure of an organic material component determined in accordance with paragraph (a) of this section,
- \( X_i \) = Mole fraction of the organic material component of the total mixture.

(iii) If the organic material or solvent is in a mixture made up of only organic material compounds, the vapor pressure shall be determined by ASTM Method D2879–86 (incorporated by reference as specified in 40 CFR 52.742) or by the above equation.

(10) Vapor pressure of volatile organic material. (i) If the VOM consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879–86 (incorporated by reference as specified in 40 CFR 52.742) or the vapor pressure may be obtained from a published source such as: Boublik, T., V. Fried and E. Hala, “The Vapor Pressure of Pure Substances,” Elsevier Scientific Publishing Co., New York (1973); Perry’s Chemical Engineer’s Handbook, McGraw-Hill Book Company (1984); CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986–87); and Lange’s Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).

(ii) If the VOM is in a mixture made up of both VOM compounds and compounds which are not VOM, the vapor pressure shall be determined by the following equation:

\[
P_{\text{vom}} = \frac{\sum_{i=1}^{n} P_i X_i}{\sum_{j=1}^{n} X_j}
\]

Where:

- \( P_{\text{vom}} \) = Total vapor pressure of the portion of the mixture which is composed of VOM,
- \( n \) = Number of VOM components in the mixture,
- \( i \) = Subscript denoting an individual component,
- \( P_i \) = Vapor pressure of a VOM component determined in accordance with paragraph (a) of this section,
- \( X_i \) = Mole fraction of the VOM component of the total mixture.

(iii) If the VOM is in a mixture made up of only VOM compounds, the vapor pressure shall be determined by ASTM Method D2879–86 (incorporated by reference as specified in 40 CFR 52.742) or by the above equation.

(b)–(c) [Reserved]


(2) Compliance schedule. Every owner or operator of an emission source which was previously exempt from the requirements of subpart E (sections 215.182–215.184) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742) because it satisfied the criteria in either (d)(a)(i) or (d)(2)(ii) of this section, shall comply with the requirements of subpart E (sections 215.182–215.184) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742) or and after July 1, 1991. A source which did not satisfy the criteria in either (d)(a)(i) or (d)(2)(ii) of this section, shall comply
Environmental Protection Agency

§ 52.741


(i) If emissions of VOM exceed neither 6.8 kg (15 lbs) in any one day, nor 1.4 kg (3 lbs) in any one hour, or
(ii) If the source is used exclusively for chemical or physical analysis or for determination of product quality and commercial acceptance, provided that the operation of the source is not an integral part of the production process, the emissions of VOM from the source do not exceed 363 kg (800 lbs) in any calendar month, and the exemption had been approved in writing by the Illinois Environmental Protection Agency.

(3) Test methods. The following test methods shall be used to demonstrate compliance with subpart E (sections 215.182–215.184) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742):

(i) Vapor pressures shall be determined by using the procedure specified in paragraph (a)(9) of this section.

(ii) Exhaust ventilation rates shall be determined by using the procedures specified in paragraph (a)(4)(vi)(C) of this section.

(iii) The performance of control devices shall be determined by using the procedures specified in paragraph (a)(4)(vi) of this section.

(e) Coating operations—(1) Emission limitations for manufacturing plants. (i) Except as provided in paragraph (e)(3) of this section, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. The following emission limitations are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator, except where noted. Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the "less water" part of the coating composition.

Compliance with this paragraph must be demonstrated through the applicable coating analysis test methods and procedures specified in paragraph (a)(4)(i) of this section and the record-keeping and reporting requirements specified in paragraph (e)(6)(ii) of this section. As an alternative to compliance with this paragraph, the owner or operator of a coating line may meet the requirements of paragraph (e)(1)(ii) or paragraph (e)(2) of this section. The equation presented in paragraph (e)(3)(iii) of this section shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emissions trades and cross-line averaging.

<table>
<thead>
<tr>
<th>(A) Automobile or Light-Duty Truck Coating</th>
<th>(B) Can Coating</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Prime coat _____________________________</td>
<td>0.14 (1.2)</td>
</tr>
<tr>
<td>(2) Prime surfacon coat _____________________</td>
<td>0.34 (2.8)</td>
</tr>
</tbody>
</table>

NOTE: The prime surfacon coat limitation is based upon a transfer efficiency of 30 percent. Transfer efficiency credits may only be allowed if approved by the Administrator as a SIP or FIP revision.

(3) Topcoat __________________________________________________________ 1.81 (15.1)

NOTE: The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average VOM content from the entire topcoat operation (all topcoat spray booths, flash-off areas and bake ovens). Compliance shall be demonstrated in accordance with the topcoat protocol for automobiles and light-duty trucks referenced in paragraph (a)(4)(ii) of this section. Paragraph (e)(1)(ii) of this section does not apply to the topcoat limitation. At least 180 days prior to the initial compliance date, the owner or operator of a coating line subject to the topcoat limitation shall submit to the Administrator a detailed proposal specifying the method of demonstrating compliance with the protocol. The proposal shall include, at a minimum, a comprehensive plan (including a rationale) for determining the transfer efficiency at each booth through the use of in-plant, or pilot testing; the selection of coatings to be tested (for the purpose of determining transfer efficiency) including the rationale for coating groupings; and the method for determining the analytic VOM content of as applied coatings and the formulation solvent content of as applied coatings. Upon approval of the protocol by the Administrator, the source may proceed with the compliance demonstration.

(4) Final repair coat _________________________________________________ 0.58 (4.8)

(1) Sheet basecoat and overvarnish ________________________________ 0.34 (2.8)
(2) Exterior basecoat and overvarnish _______________________________ 0.34 (2.8)
(3) Interior body spray coat _________________________________________ 0.51 (4.2)
§ 52.741

40 CFR Ch. I (7–1–16 Edition)

(k) Heavy Off-Highway Vehicle Products Coating

<table>
<thead>
<tr>
<th>Description</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear coating</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td>Air-dried coating</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td>Extreme performance coating</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td>Steel-pail and drum-coating</td>
<td>0.52</td>
<td>(4.3)</td>
</tr>
<tr>
<td>All other coatings</td>
<td>0.36</td>
<td>(3.0)</td>
</tr>
</tbody>
</table>

NOTE: All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in paragraph (e)(1)(ii) of this section.

(l) Wood Furniture Coating

<table>
<thead>
<tr>
<th>Description</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear topcoat</td>
<td>0.67</td>
<td>(5.6)</td>
</tr>
<tr>
<td>Opaque stain</td>
<td>0.56</td>
<td>(4.7)</td>
</tr>
<tr>
<td>Pigmented coat</td>
<td>0.60</td>
<td>(5.0)</td>
</tr>
<tr>
<td>Repair coat</td>
<td>0.67</td>
<td>(5.6)</td>
</tr>
<tr>
<td>Sealer</td>
<td>0.67</td>
<td>(5.6)</td>
</tr>
<tr>
<td>Semi-transparent stain</td>
<td>0.79</td>
<td>(6.6)</td>
</tr>
<tr>
<td>Wash coat</td>
<td>0.73</td>
<td>(6.1)</td>
</tr>
</tbody>
</table>

NOTE: An owner or operator of a wood furniture coating operation subject to this paragraph shall apply all coatings, with the exception of no more than 37.8 l (10 gal) of coating per day used for touch-up and repair operations, using one or more of the following application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic bell or disc spray application system, heated airless spray application system, roller coating, brush or wipe coating application system, or dip coating application system.

(M) Existing Diesel-Electric Locomotive Coating Lines in Cook County

<table>
<thead>
<tr>
<th>Description</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extreme performance prime coat</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td>Extreme performance top-coat (air dried)</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td>High-temperature aluminum coating</td>
<td>0.72</td>
<td>(6.0)</td>
</tr>
<tr>
<td>All other coatings</td>
<td>0.36</td>
<td>(3.0)</td>
</tr>
</tbody>
</table>

(ii) Daily-weighted average limitations.

No owner or operator of a coating line subject to the limitations of paragraph (e)(1)(i) of this section and complying by means of paragraph (e)(1)(ii) of this section shall operate the subject coating line, unless the owner or operator has demonstrated compliance with paragraph (e)(1)(ii)(A), (ii)(B), (ii)(C), (ii)(D), (ii)(E), or (ii)(F) of this section (depending upon the source category) through the applicable coating analysis test methods and procedures specified in paragraph (a)(4)(i) of this section and the recordkeeping and reporting requirements specified in paragraph (e)(6)(iii) of this section.

(A) No owner or operator of a coating line subject to only one of the limitations from among paragraphs (e)(1)(i)(A), (i)(B), (i)(C), (i)(D), (i)(E), (i)(F), (i)(G), (i)(H), or (i)(I) of this section shall apply coating on any such coating line, during any day, whose daily-weighted average VOM
content exceeds the emission limitation to which the coatings are subject.

(B) No owner or operator of a miscellaneous metal parts and products coating line subject to the limitations of paragraph (e)(1)(i)(J) of this section shall apply coatings to miscellaneous metal parts or products on the subject coating line unless the requirements in paragraph (e)(1)(ii)(B) (1) or (2) of this section are met.

(1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within paragraph (e)(1)(i)(J) of this section, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l [3.5 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

(2) For each coating line which applies coatings from more than one of the four coating categories in paragraph (e)(1)(i)(J) of this section, during the same day, the owner or operator shall submit to and receive approval from the Administrator for a site-specific FIP revision. To receive approval, the requirements of USEPA’s Emissions Trading Policy Statement (and related policy) must be satisfied.

(C) No owner or operator of a can coating facility subject to the limitations of paragraph (e)(1)(i)(B) of this section shall operate the subject coating facility using a coating with a VOM content in excess of the limitations specified in paragraph (e)(1)(i)(B) of this section unless all of the following requirements are met:

(I) An alternative daily emission limitation shall be determined according to paragraph (e)(1)(ii)(C)(2) of this section. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation.

\[ E_d = \sum_{i=1}^{n} V_i C_i \]

Where:

- \( E_d \) = Actual VOM emissions for the day in units of kg/day (lbs/day),
- \( i \) = Subscript denoting a specific coating applied,
- \( n \) = Total number of coatings applied in the can coating operation,
- \( V_i \) = Volume of each coating applied for the day in units of l/day (gal/day) of coating (minus water and any compounds which are specifically exempted from the definition of VOM),
- \( C_i \) = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) VOM,
- \( L_i \) = The VOM emission limitation for each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

(2) The alternative daily emission limitation \( A_d \) shall be determined on a daily basis as follows:

\[ A_d = \sum_{i=1}^{n} V_i L_i (D_i - C_i) \]

Where:

- \( A_d \) = The VOM emissions allowed for the day in units of kg/day (lbs/day),
- \( i \) = Subscript denoting a specific coating applied,
- \( n \) = Total number of surface coatings applied in the can coating operation,
- \( C_i \) = The VOM content of each surface coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM),
- \( D_i \) = The density of VOM in each coating applied, for the purposes of calculating \( A_d \), the density is 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM),
- \( V_i \) = Volume of each surface coating applied for the day in units of l (gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM),
- \( L_i \) = The VOM emission limitation for each surface coating applied as specified in paragraph (e)(1)(i)(C)(2) of this section in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

(D) No owner or operator of a heavy off-highway vehicle products coating line subject to the limitations of paragraph (e)(1)(i)(K) of this section shall apply coatings to heavy off-highway vehicle products on the subject coating line unless the requirements of paragraph (e)(1)(ii)(D) (I) or (2) of this section are met.

(I) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within paragraph (e)(1)(i)(K) of this section, during the same day (e.g., all coatings used on the
line are subject to 0.42 kg/l [3.5 lbs/gal], the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

(2) For each coating line which applies coatings subject to more than one numerical emission limitation in paragraph (e)(1)(i)(K) of this section, during the same day, the owner or operator shall submit to and receive approval from the Administrator for a site-specific FIP revision. To receive approval, the requirements of USEPA’s Emissions Trading Policy Statement (and related policy) must be satisfied.

(E) No owner or operator of a wood furniture coating line subject to the limitations of paragraph (e)(1)(i)(L) of this section shall apply coatings to wood furniture on the subject coating line unless the requirements of paragraph (e)(1)(i)(E) (1) or (2) of this section, in addition to the requirements specified in the note to paragraph (e)(1)(i)(L) of this section, are met.

(1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within paragraph (e)(1)(i)(L) of this section, during the same day (e.g., all coatings used on the line are subject to 0.67 kg/l [5.6 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

(2) For each coating line which applies coatings subject to more than one numerical emission limitation in paragraph (e)(1)(i)(L) of this section, during the same day, the owner or operator shall submit to and receive approval from the Administrator for a site-specific FIP revision. To receive approval, the requirements of USEPA’s Emissions Trading Policy Statement (and related policy) must be satisfied.

(iii) Limitations in terms of kg (lbs) of VOM emissions per l (gal) of solids as applied at each coating applicator shall be determined by the following equation:

\[ S = \frac{C}{1 - \left(\frac{C}{D}\right)} \]

Where:

S = The limitation on VOM emissions in terms of kg VOM/l (lbs VOM/gal) of solids,

C = The limitation on VOM emissions in terms of kg/l (lbs/gal) of coating (minus water and any compounds which are specifically excluded from the definition of VOM) specified in paragraph (e)(1)(i) of this section,

D = The density of VOM in the coating. For the purposes of calculating S, the density is 0.882 kg VOM/1 VOM (7.36 lbs VOM/gal VOM).

(2) Alternative emission limitations. Any owner or operator of a coating line subject to paragraph (e)(1) of this section may comply with this paragraph, rather than with paragraph (e)(1) of this section, if a capture system and control device are operated at all times and the owner or operator demonstrates compliance with paragraphs (e)(2) (ii), (iii), (iv), (v), (vi) or (vii) of this section (depending upon the source category) through the applicable coating analysis and capture system and control device efficiency test methods and procedures specified in paragraph
(a)(4) of this section and the recordkeeping and reporting requirements specified in paragraph (e)(6)(iv) of this section; and the control device is equipped with the applicable monitoring equipment specified in paragraph (a)(4)(iv) of this section and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use. The use of a capture system and control device, which does not demonstrate compliance with paragraph (e)(2)(ii), (iii), (iv), (v), (vi), or (vii), may only be used as an alternative to compliance with paragraph (e)(1) of this section if approved as a FIP revision.

(i) Alternative add-on control methodologies. (A) The coating line is equipped with a capture system and control device that provides 81 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency, or

(B) The system used to control VOM from the coating line is demonstrated to have an overall efficiency sufficient to limit VOM emissions to no more than what is allowed under paragraph (e)(1) of this section. Use of any control system other than an afterburner, carbon absorption, condensation, or absorption scrubber system can only be allowed if approved by the Administrator as a SIP or FIP revision. Transfer efficiency credits can only be allowed if approved by the Administrator as a SIP or FIP revision. Baseline transfer efficiencies and transfer efficiency test methods must be approved by the Administrator.

Such overall efficiency is to be determined as follows:

(1) Obtain the emission limitation from the appropriate paragraph in (e)(1) of this section,

(2) Calculate "S" according to the equation in paragraph (e)(1)(ii)(i) of this section,

(3) Calculate the overall efficiency required according to paragraph (a)(4)(v) of this section. For the purposes of calculating this value, according to the equation in (a)(4)(v)(B) of this section VOM is equal to the value of "S" as determined above in (i)(B)(2).

(ii) No owner or operator of a coating line subject to only one of the emission limitations from among paragraph (e)(1)(i)(A)(I), (e)(1)(i)(A)(II), (e)(1)(i)(A)(III), (e)(1)(i)(C), (e)(1)(i)(D), (e)(1)(i)(E), (e)(1)(i)(F), (e)(1)(i)(G), (e)(1)(i)(H), or (e)(1)(i)(I) of this section and control device shall operate the subject coating line unless the requirements in paragraph (e)(2)(i) (A) or (B) of this section are met. No owner or operator of a coating line subject to paragraph (e)(1)(i)(A)(J) of this section and equipped with a capture system and control device shall operate the coating line unless the owner or operator demonstrates compliance with the topcoat limitation in accordance with the topcoat protocol for automobile or light-duty trucks referenced in paragraph (a)(4)(ii) of this section.

(iii) No owner or operator of a miscellaneous metal parts and products coating line which applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within paragraph (e)(1)(i)(J) of this section (e.g., all coatings used on the line are subject to 0.42 kg/l [3.5 lbs/gal]), and which is equipped with a capture system and control device shall operate the subject coating line unless the requirements in paragraph (e)(2)(i) (A) or (B) of this section are met.

(iv) No owner or operator of a heavy off-highway vehicle products coating line which applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within paragraph (e)(1)(i)(K) of this section (e.g., all coatings used on the line are subject to 0.42 kg/l [3.5 lbs/gal]), and which is equipped with a capture system and control device shall operate the subject coating line unless the requirements in paragraph (e)(2)(i) (A) or (B) of this section are met.

(v) No owner or operator of an existing diesel-electric locomotive coating line in Cook County which applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within paragraph (e)(1)(i)(M) of this section (e.g., all coatings used on the line are subject to 0.42 kg/l [3.5 lbs/gal]), and
which is equipped with a capture system and control device shall operate the subject coating line unless the requirements in paragraph (e)(2)(i) (A) or (B) of this section are met.

(vi) No owner or operator of a wood furniture coating line which applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within paragraph (e)(1)(i)(L) (e.g., all coatings used on the line are subject to 0.67 kg/l [5.6 lbs/gal]), and which is equipped with a capture system and control device shall operate the subject coating line unless the requirements in paragraph (e)(2)(i)(B) of this section, then the provisions in the note to paragraph (e)(1)(i)(L) of this section must also be met.

(vii) No owner or operator of a can coating facility and equipped with a capture system and control device shall operate the subject coating facility unless the requirements in paragraph (e)(2)(vii) (A) or (B) of this section are met.

(A) An alternative daily emission limitation shall be determined according to paragraph (e)(1)(i)(C)(2) of this section. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation:

\[ E_d = \sum_{i=1}^{n} V_i C_i (1 - F_i) \]

Where:
- \( E_d \) = Actual VOM emissions for the day in units of kg/day (lbs/day),
- \( i \) = Subscript denoting the specific coating applied,
- \( n \) = Total number of surface coatings as applied in the can coating operation,
- \( V_i \) = Volume of each coating as applied for the day in units of 1/day (gal/day) of coating (minus water and any compounds which are specifically exempted from the definition of VOM),
- \( C_i \) = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM), and
- \( F_i \) = Fraction, by weight, of VOM emissions from the surface coating, reduced or prevented from being emitted to the ambient air. This is the overall efficiency of the capture system and control device.

(B) The coating line is equipped with a capture system and control device that provide 75 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency.

(3) Exemptions from emission limitations—(i) Exemptions for all source categories except wood furniture coating. The limitations of paragraph (e) of this section shall not apply to coating lines within a facility, that otherwise would be subject to the same subparagraph of paragraph (e)(1)(i) of this section (because they belong to the same source category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the facility subject to that subparagraph never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices. (For example, can coating lines within a plant would not be subject to the limitations of subparagraph (e)(1)(i)(B) of this section if the combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices.) Volatile organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. Any owner or operator of a coating facility shall comply with the applicable coating analysis test methods and procedures specified in paragraph (a)(4)(i) of this section and the recordkeeping and reporting requirements specified in paragraph (e)(6)(i) of this section if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices and, therefore, are not subject to the limitations of paragraph (e)(1) of this section. Once a category of coating lines at a facility is subject to the limitations in paragraph (e)(1) of this section, the coating lines are always subject to the limitations in paragraph (e)(1) of this section.


Environmental Protection Agency

§ 52.741

(i) Applicability for wood furniture coating. (A) The limitations of paragraph (e) of this section shall apply to a plant's wood furniture coating lines if the plant contains process emission sources, not regulated by paragraphs (d), (e) (excluding paragraph (e)(1)(i)(L)), (h) (excluding paragraph (h)(5)), (i), (j), or (q)(1), or subparts B, Q (excluding sections 215.432 and 215.436), R (excluding sections 215.447, 215.450, and 215.452), S, V, X, Y (sections 215.582–215.584), or Z of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), which as a group both:

(1) Have maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and

(2) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable construction permit or SIP or FIP version.

(B) If a plant ceases to fulfill the criteria of paragraph (e)(3)(ii)(A) of this section, the limitations of paragraph (e)(1)(i)(L) of this section shall continue to apply to any wood furniture coating line which was ever subject to the limitations of paragraph (e)(1)(i)(L) of this section.

(C) For the purposes of paragraph (e)(3)(ii) of this section, an emission source shall be considered regulated by a subpart (of the Illinois rules), section, or paragraph if it is subject to the limitations of that subpart (of the Illinois rules), section, or paragraph. An emission source is not considered regulated by a subpart (of the Illinois rules), section, or paragraph if its emissions are below the applicability cutoff level or if the source is covered by an exemption.

(D) Any owner or operator of a wood furniture coating line to which the limitations of paragraph (e) of this section are not applicable due to the criteria in paragraph (e)(3)(ii) of this section shall, upon request by the Administrator, submit records to the Administrator within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of paragraph (e) of this section.

(4) Exemption from general rule on use of organic material. No owner or operator of a coating line subject to the limitations of paragraph (e)(1) of this section is required to meet the limitations of subpart K (section 215.301 or 215.302) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), after the date by which the coating line is required to meet paragraph (e)(1) of this section.

(5) Compliance schedule. Except as specified in paragraph (e)(7) of this section, every owner or operator of a coating line which is exempt from the limitations of paragraph (e)(1) of this section because of the criteria in paragraph (e)(3)(i) of this section shall comply with the requirements of paragraphs (e)(1), (e)(2) or (e)(3) of this section and paragraph (e)(6) of this section in accordance with the appropriate compliance schedule as specified in paragraph (e)(6)(i)(I), (ii), (iii) or (iv) of this section.

(i) No owner or operator of a coating line which is exempt from the limitations of paragraph (e)(1) of this section because of the criteria in paragraph (e)(3)(i) of this section shall operate said coating line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply with, paragraph (e)(6)(i) of this section. Wood furniture coating lines are not subject to paragraph (e)(6)(i) of this section.

(ii) No owner or operator of a coating line complying by means of paragraph (e)(1) of this section shall operate said coating line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply with, paragraphs (e)(1)(i) and (e)(6)(ii) of this section.

(iii) No owner or operator of a coating line complying by means of paragraph (e)(1)(ii) of this section shall operate said coating line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply with, paragraphs (e)(1)(ii) and (e)(6)(iii) of this section.

(iv) No owner or operator of a coating line complying by means of paragraph (e)(2) of this section shall operate said coating line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply
with, paragraphs (e)(2) and (e)(6)(iv) of this section.

(6) Recordkeeping and reporting. The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in paragraph (a)(4) of this section to establish the records required under paragraph (e)(6) of this section.

(i) Any owner or operator of a coating line which is exempted from the limitations of paragraph (e)(1) of this section because of paragraph (e)(3)(i) of this section shall comply with the following:

(A) By July 1, 1991, the owner or operator of a facility referenced in paragraph (e)(6)(i) of this section shall certify to the Administrator that the facility is exempt under the provisions of paragraph (e)(3)(i) of this section. Such certification shall include:

1. A declaration that the facility is exempt from the limitations of paragraph (e)(1) of this section because of paragraph (e)(3)(i) of this section;

2. Calculations which demonstrate that the combined VOM emissions from all coating lines at the facility never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOM emissions:

\[ T_e = \sum_{i=1}^{m} \sum_{j=1}^{n} (A_i B_j) \]

Where:

- \( T_e \) = Total VOM emissions from coating lines at a facility each day before the application of capture systems and control devices in units of kg/day (lbs/day),
- \( m \) = Number of coating lines at the facility,
- \( j \) = Subscript denoting an individual coating line,
- \( n \) = Number of different coatings as applied each day on each coating line at the facility,
- \( i \) = Subscript denoting an individual coating,
- \( A_i \) = Weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line at the facility in units of kg VOM/l (lbs VOM/gal), and
- \( B_j \) = Volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line at the facility in units of l/day (gal/day).

The instrument or method by which the owner or operator accurately measured or calculated the volume of each coating as applied on each coating line each day shall be described in the certification to the Administrator.

(B) On and after July 1, 1991, the owner or operator of a facility referenced in paragraph (e)(6)(i) of this section shall collect and record all of the following information each day for each coating line and maintain the information at the facility for a period of three years:

1. The name and identification number of each coating as applied on each coating line.
2. The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

(C) On and after July 1, 1991, the owner or operator of a facility exempted from the limitations of paragraph (e)(1) of this section because of paragraph (e)(3)(i) of this section shall notify the Administrator of any record showing that total VOM emissions from the coating facility exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices shall be reported by sending a copy of such record to the Administrator within 30 days after the exceedance occurs.

(ii) Any owner or operator of a coating line subject to the limitations of paragraph (e)(1) of this section and complying by means of paragraph (e)(1)(i) of this section shall comply with the following:

(A) By July 1, 1991, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from paragraph (e)(1)(ii) or paragraph (e)(2) to paragraph (e)(1)(i) of this section; the owner or operator of a subject coating line shall certify to the Administrator that the coating line will be in compliance with paragraph (e)(1)(i) of this section on and after July 1, 1991, or on and after the initial start-up date. Such certification shall include:
(1) The name and identification number of each coating as applied on each coating line.

(2) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

(3) For coating lines subject to paragraph (e)(1)(i)(A)(3) of this section, the owner or operator shall maintain all records necessary to calculate the daily-weighted average VOM content from the coating line in accordance with the proposal submitted, and approved by the Administrator, pursuant to paragraph (e)(1)(i)(A)(3) of this section.

(C) On and after July 1, 1991, the owner or operator of a subject coating line shall notify the Administrator in the following instances:

(1) Any record showing violation of paragraph (e)(1)(i) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following the occurrence of the violation, except that any record showing a violation of paragraph (e)(1)(i)(A)(3) of this section shall be reported by sending a copy of such record to the Administrator within 15 days from the end of the month in which the violation occurred.

(2) At least 30 calendar days before changing the method of compliance with paragraph (e)(1) of this section from paragraph (e)(1)(i) to paragraph (e)(1)(ii) or paragraph (e)(2) of this section, the owner or operator shall comply with all requirements of paragraph (e)(6) (iii)(A) or (iv)(A) of this section, respectively. Upon changing the method of compliance with paragraph (e)(1)(i) of this section from paragraph (e)(1)(i) to paragraph (e)(1)(ii) or paragraph (e)(2) of this section, the owner or operator shall comply with all requirements of paragraph (e)(6) (iii) or (iv) of this section, respectively.

(3) For coating lines subject to paragraph (e)(1)(i)(A)(3) of this section, the owner or operator shall notify the Administrator of any change to the topcoating operation at least 30 days before the change is effected. The Administrator shall determine whether or not recertification testing is required. If the Administrator determines that recertification testing is required, then the owner or operator shall submit a proposal to the Administrator to test within 30 days and retest within 30 days of the Administrator’s approval of the proposal.
(A) By July 1, 1991, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from paragraph (e)(1)(i) or paragraph (e)(2) to paragraph (e)(1)(ii) of this section; the owner or operator of the subject coating line shall certify to the Administrator that the coating line will be in compliance with paragraph (e)(1)(ii) of this section on and after July 1, 1991, or on and after the initial start-up date. Such certification shall include:

(1) The name and identification number of each coating line which will comply by means of paragraph (e)(1)(ii) of this section.

(2) The name and identification number of each coating as applied on each coating line.

(3) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

(4) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

(5) The method by which the owner or operator will create and maintain records each day as required in paragraph (e)(6)(iii)(B) of this section.

(6) An example of the format in which the records required in paragraph (e)(6)(iii)(B) of this section will be kept.

(B) On and after July 1, 1991, or on and after the initial start-up date, the owner or operator of a coating line subject to the limitations of paragraph (e)(1) of this section shall perform all tests and submit to the Administrator the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with paragraph (e)(1)(ii) of this section on and after July 1, 1991, or on and after the initial start-up date.

(C) On and after July 1, 1991, the owner or operator of a subject coating line shall notify the Administrator in the following instances:

(1) Any record showing violation of paragraph (e)(1)(ii) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following the occurrence of the violation.

(2) At least 30 calendar days before changing the method of compliance with paragraph (e) from paragraph (e)(1)(ii) to paragraph (e)(1)(i) or paragraph (e)(2) of this section, the owner or operator shall comply with all requirements of paragraph (e)(6)(ii)(A) or (iv)(A), respectively. Upon changing the method of compliance with paragraph (e) from paragraph (e)(1)(i) to paragraph (e)(1)(i) or paragraph (e)(2) of this section, the owner or operator shall comply with all requirements of paragraph (e)(6)(ii) or (iv), respectively.

(iv) Any operator or owner of a coating line subject to the limitations of paragraph (e)(2) of this section and complying by means of paragraph (e)(2)(ii), (iii), (iv), (v), (vi) or (vii) of this section shall comply with the following:

(A) By July 1, 1991, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from paragraph (e)(1)(i) or (ii) to paragraph (e)(2) of this section; the owner or operator of the subject coating line shall certify to the Administrator that the coating line will be in compliance with paragraph (e)(2) of this section on and after July 1, 1991, or on and after the initial start-up date.

(B) On and after July 1, 1991, or on and after the initial start-up date, the owner or operator of a coating line subject to the limitations of paragraph (e)(2) of this section and complying by means of paragraph (e)(2)(ii), (iii), (iv), (v), (vi) or (vii) of this section shall collect and record all of the following information each day for each coating line.
Environmental Protection Agency § 52.741

line and maintain the information at the facility for a period of three years:

(1) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to paragraph (e)(2)(i)(B) of this section.

(2) Control device monitoring data.

(3) A log operating time for the capture system, control device, monitoring equipment and the associated coating line.

(4) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

(C) On and after July 1, 1991, the owner or operator of a subject coating line shall notify the Administrator in the following instances:

(1) Any record showing violation of paragraph (e)(2) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following the occurrence of the violation.

(2) At least 30 calendar days before changing the method of compliance with paragraph (e) from paragraph (e)(2) to paragraph (e)(1)(i) or paragraph (e)(1)(ii) of this section, the owner or operator shall comply with all requirements of paragraph (e)(6)(ii)(A) or (iii)(A) of this section, respectively. Upon changing the method of compliance with paragraph (e) from paragraph (e)(2) to paragraph (e)(1)(i) or paragraph (e)(1)(ii) of this section, the owner or operator shall comply with all requirements of paragraph (e)(6)(ii) or (iii) of this section, respectively.

(7) Compliance schedule for diesel electric locomotive coatings. Notwithstanding any other provision of this subpart, the compliance date for the emission limitations and standards for “topcoat” and “final repair coat” operations only as applied to General Motors Corporation at their diesel electric locomotive coating lines in Cook County, Illinois, codified at 40 CFR §52.741(e)(1)(i)(M) (2) and (3) is specified in this paragraph (e)(7). Compliance with the requirements of paragraphs (e)(1), (e)(2) or (e)(3) of this section and paragraph (e)(6) of this section must be in accordance with the appropriate compliance schedule as specified in paragraph (e)(7)(i),(ii),(iii), or (iv) of this section.

(i) No owner or operator of a coating line which is exempt from the limitations of paragraph (e)(1) of this section because of the criteria in paragraph (e)(3)(i) of this section shall operate said coating line on or after March 25, 1995, unless the owner or operator has complied with, and continues to comply with, paragraph (e)(6)(i) of this section.

(ii) No owner or operator of a coating line complying by means of paragraph (e)(1)(i) of this section shall operate said coating line on or after March 25, 1995, unless the owner or operator has complied with, and continues to comply with, paragraph (e)(6)(i) of this section.

(iii) No owner or operator of a coating line complying by means of paragraph (e)(1)(ii) of this section shall operate said coating line on or after March 25, 1995, unless the owner or operator has complied with, and continues to comply with, paragraphs (e)(1)(i) and (e)(6)(ii) of this section.

(iv) No owner or operator of a coating line complying by means of paragraph (e)(2) of this section shall operate said coating line on or after March 25, 1995, unless the owner or operator has complied with, and continues to comply with, paragraphs (e)(2) and (e)(6)(iv) of this section.

(8) The control requirements in this paragraph apply to the wood coating line, which coats wooden globe stand components, at Replogle Globes, Inc. (Replogle) Broadview facility in Cook County, Illinois, instead of the control requirements in paragraphs (e)(1) and (e)(2) of this section. Compliance with this paragraph must be demonstrated through the applicable coating analysis test methods and procedures specified in paragraph (a)(4)(i) of this section.

(i) After October 6, 1991, no coatings shall at any time be applied which exceed the following emission limitations for the specified coating.

(A) 6.59 pounds (lbs) Volatile Organic Material (VOM) per gallon of stain (minus water and any compounds which are specifically exempted from the definition of VOM) as applied to
coat wooden globe stand components. Such stain consists of #9250 Walnut NGR Stain (RGI # W06000100), #9974 Cherry NGR Stain (RGI # W06003500) and #9943 Ash NGR Stain (RGI # W06003600). The Administrator must be notified at least ten (10) days prior to the use of any replacement stains.

(B) 5.53 lbs VOM per gallon of Sanding Sealer (minus water and any compounds which are specifically exempted from the definition of VOM) as applied to coat wooden globe stand components. Such sealer consists of #15304 High Build Sanding Sealer (RGI # W06003700). The Administrator must be notified at least ten (10) days prior to the use of any replacement sanding sealer.

(C) 5.20 lbs VOM per gallon of lacquer (minus water and any compounds which are specifically exempted from the definition of VOM) as applied to coat wooden globe stand components. Such lacquer consists of #15352 High Build Lacquer (RGI # W06003300). The Administrator shall be notified at least ten (10) days prior to the use of any replacement lacquer.

(ii) After October 6, 1991, the volume of coatings used shall not exceed the following:

(A) 5,000 gallons per year total for all coatings specified in paragraph (e)(8)(i)(A) of this section. The yearly volume of coatings used are to be calculated as follows:

(1) Compute the volume of specified coating used each month by the 15th of the following month.

(2) By the 15th of each month, add the monthly coating use for the 12 previous months (to obtain the yearly volume of coatings used).

(B) 4,000 gallons per year total for all coatings specified in paragraph (e)(8)(i)(B) of this section. The yearly volume of the coatings used are to be calculated as specified in paragraphs (e)(8)(ii)(A)(1) and (e)(8)(ii)(A)(2) of this section.

(C) 5,000 gallons per year total for all coatings specified in paragraph (e)(8)(i)(C) of this section. The yearly volume of coatings used are to be calculated as specified in paragraphs (e)(8)(ii)(A)(1) and (e)(8)(ii)(A)(2) of this section.

(iii) Beginning on October 6, 1991, the owner and operator of the Replogle Globes, Inc. plant in Broadview, Illinois shall keep the following records for each month. All records shall be retained at Replogle Globes, Inc. for three (3) years and shall be made available to the Administrator on request.

(A) the name and identification number of each coating as applied on any wood coating line.

(B) The weight of VOM per volume (determined in accordance with the procedures in paragraph (a)(4)(i) of this section) and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month on any wood coating line.

(9) [Reserved]

(10) Until December 31, 1996, the control and recordkeeping requirements in this paragraph apply to the three solvent-based polyester paper coating lines (Lines C, D and E) at Riverside Laboratories’ Kane County, Illinois facility, instead of the control requirements in paragraphs (e)(1) and (e)(2) of this section and the recordkeeping requirements in paragraph (e)(6) of this section. Compliance with this paragraph must be demonstrated through the applicable coating analysis test methods and procedures specified in paragraph (a)(4)(i) of this section. The requirements in paragraphs (e)(1), (e)(2), and (e)(6) of this section shall apply to Riverside on and after December 31, 1996.

(i) After December 21, 1995, no coatings shall at any time be applied on Lines C, D or E which exceed 3.5 pounds (lbs.) volatile organic material (VOM) per gallon of coating (minus water and any compounds which are specifically exempted from the definition of VOM), except as provided in paragraph (e)(10)(ii) of this section.

(ii) After December 21, 1995, the following specifically identified coatings may exceed 3.5 lbs. VOM per gallon of coating (minus water and any compounds which are specifically exempted from the definition of VOM) only if they are applied on Line E and they do not exceed the limits indicated below (minus water and any compounds which are specifically exempted from the definition of VOM):
(iii) That portion of Riverside’s polyester production which is manufactured with the use of any VOC, from Lines C, D, and E, may not exceed the following levels: 35 million square feet per year during and after 1992, 29 million square feet per year during and after 1994, and 25 million square feet during 1996. Compliance with this requirement shall be determined by adding the polyester production from any 12 consecutive months during and after the years indicated, through 1996. That is, the polyester production for any 12 consecutive months starting with January 1992 cannot exceed 35 million square feet; the polyester production from any 12 consecutive months starting with January 1994 cannot exceed 29 million square feet; and the polyester production for the twelve months from January through December 1996 cannot exceed 25 million square feet. Only those square feet of polyester whose production involves the use of VOC need to be restricted by the production levels in this paragraph (e)(10)(iii) of this section.

(iv) By December 21, 1995, Riverside shall certify to the Administrator that its polyester coating operations will be in compliance with paragraphs (e)(10)(i), (e)(10)(ii), and (e)(10)(iii) of this section. Such certification shall include the following:

(A) The name and identification number of each coating as applied on coating lines C, D and E.

(B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line.

(v) The Administrator must be notified at least 10 days prior to the use of any polyester coating not previously identified pursuant to paragraph (e)(10)(iv) of this section. This notification must include the information specified in paragraphs (e)(10)(iv)(A) and (e)(10)(iv)(B) of this section.

(vi) On and after December 21, 1995, Riverside shall collect and record all of the following information each day for each coating and maintain the information at the facility for a period of 3 years:

(A) The name and identification number of each coating as applied.

(B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day.

(C) Any record showing a VOM content in excess of the emission limits in paragraph (e)(10)(i) or (e)(10)(ii) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following its collection.

(D) Any VOM besides acetone used in any coating must be identified.

(vii) Starting with the first full month after December 21, 1995, Riverside shall collect and record the figures on polyester production (in square feet), for each month and maintain the information at the facility for a period of at least 3 years.

(viii) Regardless of any other provision of paragraph (e)(10) of this section, after August 21, 1995 no coating which contains any VOM other than acetone shall at any time be applied on Line C, D, or E which exceeds 2.9 lbs. VOM per gallon of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

(f)–(g) [Reserved]

(h) Printing and publishing—(1) Flexographic and rotogravure printing. (i) No owner or operator of a subject flexographic, packaging rotogravure or publication rotogravure printing line shall apply at any time any coating or ink unless the VOM content does not exceed the limitation specified in either paragraph (h)(1)(i)(A) or (B) of this section. Compliance with this paragraph must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in paragraph (a)(4)(i) of this section and the recordkeeping and reporting requirements specified in paragraph (h)(4)(ii) of this section. As an alternative to compliance with paragraph (h)(1)(i) of this section, a subject printing line may meet the requirements of paragraph (h)(1)(ii) or (iii) of this section.
(A) Forty percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM), or

(B) Twenty-five percent VOM by volume of the volatile content in the coating and ink.

(ii) No owner or operator of a subject flexographic, packaging rotogravure or publication rotogravure printing line shall apply coatings or inks on the subject printing line unless the weighted average, by volume, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either paragraph (h)(1)(i)(A) (as determined by paragraph (h)(1)(ii)(A) or (h)(1)(i)(B) (as determined by paragraph (h)(1)(ii)(B) of this section. Compliance with this paragraph must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in paragraph (a)(4)(i) of this section and the record-keeping and reporting requirements specified in paragraph (h)(4)(iii) of this section.

(A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in paragraph (h)(1)(i)(A) of this section.

\[ \sum_{i=1}^{n} C_i L_i V_{VMi} / \sum_{i=1}^{n} L_i V_{VMi} \]

Where:

- \( V_{VMi} \) = The volume fraction of volatile matter in each coating or ink as applied,
- \( L_i \) = The liquid volume of each coating or ink as applied in units of l (gal),
- \( C_i \) = The VOM content in units of percent VOM by volume of the volatile matter in each coating or ink as applied,
- \( n \) = The number of different coatings and/or inks as applied each day on each printing line,
- \( V_{VM} \) = The volume fraction of volatile matter in each coating or ink as applied,
- \( V_{OM} \) = The weighted average VOM content in units of percent VOM by volume of all coatings and inks (minus water and any compounds which are specifically exempted from the definition of VOM) used each day,
- \( i \) = Subscript denoting a specific coating or ink as applied,
- \( n \) = The number of different coatings and/or inks as applied each day on a printing line,
- \( V_{si} \) = The volume fraction of solids in each coating or ink as applied,
- \( V_{OMi} \) = The volume fraction of VOM in each coating or ink as applied.

(B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in paragraph (h)(1)(i)(B) of this section.

\[ \sum_{i=1}^{n} C_i L_i V_{VMi} / \sum_{i=1}^{n} L_i V_{VMi} \]

Where:

- \( V_{VMi} \) = The volume fraction of volatile matter in each coating or ink as applied in units of l (gal),
- \( L_i \) = The liquid volume of each coating or ink as applied in units of l (gal),
- \( C_i \) = The VOM content in units of percent VOM by volume of the volatile content of all coatings and inks used each day,
- \( i \) = Subscript denoting a specific coating or ink as applied,
- \( n \) = The number of different coatings and/or inks as applied each day on each printing line,
- \( V_{VM} \) = The volume fraction of volatile matter in each coating or ink as applied,
- \( V_{OM} \) = The weighted average VOM content in units of percent VOM by volume of all coatings and inks (minus water and any compounds which are specifically exempted from the definition of VOM) used each day,
- \( i \) = Subscript denoting a specific coating or ink as applied,
- \( n \) = The number of different coatings and/or inks as applied each day on a printing line,
- \( V_{si} \) = The volume fraction of solids in each coating or ink as applied,
- \( V_{OMi} \) = The volume fraction of VOM in each coating or ink as applied.

(iii) No owner or operator of a subject flexographic, packaging rotogravure or publication rotogravure printing line equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in paragraph (h)(1)(iii) (A), (B) or (C) and paragraphs (h)(1)(iii) (D), (E) and (F) of this section.

(A) A carbon adsorption system is used which reduces the captured VOM emissions by at least 90 percent by weight, or

(B) An incineration system is used which reduces the captured VOM emissions by at least 90 percent by weight, or

(C) An alternative VOM emission reduction system is demonstrated to have at least a 90 percent control device efficiency and the alternative emission reduction system is approved.
by the Administrator as a SIP or FIP revisions, and
(D) The printing line is equipped with a capture system and control device that provides an overall reduction in VOM emissions of at least:
(1) 75 percent where a publication rotogravure printing line is employed, or
(2) 65 percent where a packaging rotogravure printing line is employed, or
(3) 60 percent where a flexographic printing line is employed, and
(E) The control device is equipped with the applicable monitoring equipment specified in paragraph (a)(4)(iv)(B) of this section and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use, and
(F) The capture system and control device are operated at all times when the subject printing line is in operation. The owner or operator shall demonstrate compliance with this paragraph by using the applicable capture system and control device test methods and procedures specified in paragraphs (a)(4) (iii) through (vi) of this section and by complying with the recordkeeping and reporting requirements specified in paragraph (h)(4)(iv) of this section.
(ii) Upon achieving compliance with paragraph (h) of this section, the emission source is not required to meet subpart K (sections 215.301 or 215.302) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742). Emission sources exempt from paragraph (h) of this section are subject to subpart K (sections 215.301 or 215.302).
Rotogravure or flexographic equipment used for both roll printing and paper coating are subject to paragraph (h) of this section.
(iii) Once subject to the limitations of paragraph (h)(1) of this section, a flexographic or rotogravure printing line is always subject to the limitations of paragraph (h)(1) of this section.
(iv) Any owner or operator of any flexographic or rotogravure printing line that is exempt from the limitations of paragraph (h)(1) of this section because of the criteria in paragraph (h)(2) of this section is subject to the recordkeeping and reporting requirements specified in paragraph (h)(4)(i) of this section.
(3) Compliance schedule. Every owner or operator of a flexographic and/or rotogravure printing line shall comply with the applicable requirements of paragraph (h)(1) of this section and paragraph (h)(4) of this section in accordance with the applicable compliance schedule specified in paragraph (h)(3) (i), (ii), (iii) or (iv) of this section.
(i) No owner or operator of a flexographic or rotogravure printing line which is exempt from the limitations of paragraph (h)(1) of this section because of the criteria in paragraph (h)(2) of this section shall operate said printing line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply with, paragraph (h)(4)(i) of this section.
(ii) No owner or operator of a flexographic or rotogravure printing line complying by means of paragraph (h)(1)(i) of this section shall operate said printing line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply with, paragraphs (h)(1)(i) and (h)(4)(ii) of this section.
(iii) No owner or operator of a flexographic or rotogravure printing line complying by means of paragraph (h)(1)(ii) of this section shall operate
said printing line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply with, paragraphs (h)(1)(ii) and (h)(4)(iii) of this section.

(iv) No owner or operator of a flexographic or rotogravure printing line complying by means of paragraph (h)(1)(iii) of this section shall operate said printing line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply with, paragraphs (h)(1)(ii) and (h)(4)(iv) of this section.

(4) Recordkeeping and reporting. The VOM content of each coating and ink and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in paragraph (a)(4) of this section to establish the records required under paragraph (h)(4) of this section.

(i) Any owner or operator of a printing line which is exempted from the limitations of paragraph (h)(1) of this section because of the criteria in paragraph (h)(2) of this section shall comply with the following:

(A) By July 1, 1991, the owner or operator of a facility to which paragraph (h)(4)(i) of this section is applicable shall certify to the Administrator that the facility is exempt under the provisions of paragraph (h)(2) of this section.

Such certification shall include:

(1) A declaration that the facility is exempt from the limitations of the criteria in paragraph (h)(1) of this section because of paragraph (h)(2) of this section, and

(2) Calculations which demonstrate that total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines at the facility never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. Total maximum theoretical emissions of VOM for a flexographic or rotogravure printing facility is the sum of maximum theoretical emissions of VOM from each flexographic and rotogravure printing line at the facility. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year before the application of capture systems and control devices for each flexographic and rotogravure printing line at the facility:

$$E_p = A \times B$$

Where:

$E_p$ = Total maximum theoretical emissions of VOM from one flexographic or rotogravure printing line in units of kg/year (lbs/year);

$A$ = Weight of VOM per volume of solids of the coating or ink with the highest VOM content as applied each year on the printing line in units of kg VOM/l (lbs VOM/gal) of coating or ink solids, and

$B$ = Total volume of solids for all coatings and inks that can potentially be applied each year on the printing line in units of l/year (gal/year). The instrument and/or method by which the owner or operator accurately measured or calculated the volume of each coating and ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Administrator.

(B) On and after July 1, 1991, the owner or operator of a facility referenced in paragraph (h)(4)(i) of this section shall collect and record all of the following information each year for each printing line and maintain the information at the facility for a period of three years:

(1) The name and identification number of each coating and ink as applied on each printing line.

(2) The VOM content and the volume of each coating and ink as applied each year on each printing line.

(C) On and after July 1, 1991, the owner or operator of a facility exempted from the limitations of paragraph (h)(1) of this section because of the criteria in paragraph (h)(2) of this section shall notify the Administrator of any record showing that total maximum theoretical emissions of VOM from all printing lines exceed 90.7 Mg (100 tons) in any calendar year before the application of capture systems and control devices, shall be reported by sending a copy of such record to the Administrator within 30 days after the exceedance occurs.

(ii) Any owner or operator of a printing line subject to the limitations of paragraph (h)(1) of this section and complying by means of paragraph (h)(1)(i) of this section shall comply with the following:
(A) By July 1, 1991, or upon initial start-up of a new printing line, or upon changing the method of compliance from an existing subject printing line from paragraph (h)(1) (ii) or (iii) of this section to paragraph (h)(1)(i) of this section, the owner or operator of a subject printing line shall certify to the Administrator that the printing line will be in compliance with paragraph (h)(1)(i) of this section on and after July 1, 1991, or on and after the initial start-up date. Such certification shall include:

(1) The name and identification number of each coating and ink as applied on each printing line.

(2) The VOM content of each coating and ink as applied each day on each printing line.

(B) On and after July 1, 1991, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of paragraph (h)(1) of this section and complying by means of paragraph (h)(1)(i) of this section shall collect and record all of the following information each day for each coating line and maintain the information at the facility for a period of three years:

(1) The name and identification number of each coating and ink as applied on each printing line.

(2) The VOM content of each coating and ink as applied each day on each printing line.

(C) On and after July 1, 1991, the owner or operator of a subject printing line shall notify the Administrator in the following instances:

(1) Any record showing violation of paragraph (h)(1)(i) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following the occurrence of the violation.

(2) At least 30 calendar days before changing the method of compliance with paragraph (h)(1) of this section from paragraph (h)(1)(i) of this section to paragraph (h)(1) (ii) or (iii) of this section, the owner or operator shall comply with all requirements of paragraph (h)(4)(iii) or (iv) of this section, respectively.

(iii) Any owner or operator of a printing line subject to the limitations of paragraph (h)(1) of this section and complying by means of paragraph (h)(1)(ii) of this section shall comply with the following:

(A) By July 1, 1991, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing subject printing line from paragraph (h)(1)(i) or (iii) of this section to paragraph (h)(1)(ii) of this section, the owner or operator of the subject printing line shall certify to the Administrator that the printing line will be in compliance with paragraph (h)(1)(ii) of this section on and after July 1, 1991, or on and after the initial start-up date. Such certification shall include:

(1) The name and identification number of each coating and ink as applied on each printing line.

(2) The name and identification number of each coating and ink available for use on each printing line.

(3) The VOM content of each coating and ink as applied each day on each printing line.

(4) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating and ink as applied each day on each printing line.

(5) The method by which the owner or operator will create and maintain records each day as required in paragraph (h)(4)(iii)(B) of this section.

(6) An example of the format in which the records required in paragraph (h)(4)(iii)(B) of this section will be kept.

(B) On and after July 1, 1991, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of paragraph (h)(1) of this section and complying by means of paragraph (h)(1)(ii) of this section shall collecting line and maintain the information at the facility for a period of three years:

(1) The name and identification number of each coating and ink as applied on each printing line.
(2) The VOM content and the volume of each coating and ink as applied each day on each printing line.

(3) The daily-weighted average VOM content of all coatings and inks as applied on each printing line.

(C) On and after July 1, 1991, the owner or operator of a subject printing line shall notify the Administrator in the following instances:

(1) Any record showing violation of paragraph (h)(1)(ii) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following the occurrence of the violation.

(2) At least 30 calendar days before changing the method of compliance with paragraph (h)(1) of this section from paragraph (h)(1)(i) to paragraph (h)(1)(i) or (ii) of this section, the owner or operator shall comply with all requirements of paragraph (h)(4)(i)(A) or (iv)(A), respectively. Upon changing the method of compliance with paragraph (h)(1)(i) to paragraph (h)(1)(i) or (iii), the owner or operator shall comply with all requirements of paragraph (h)(4)(i) or (iv) of this section, respectively.

(iv) Any owner or operator of a printing line subject to the limitations of paragraph (h)(1) of this section and complying by means of paragraph (h)(1)(iii) of this section shall comply with the following:

(A) By July 1, 1991, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from paragraph (h)(1)(i) or (ii) of this section to paragraph (h)(1)(i)(ii) of this section, the owner or operator of the subject printing line shall perform all tests and submit to the Administrator the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with paragraph (h)(1)(iii) of this section on and after July 1, 1991, or on and after the initial start-up date.

(B) On and after July 1, 1991, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of paragraph (h)(1) of this section and complying by means of paragraph (h)(1)(iii) of this section shall collect and record all of the following information each day for each printing line and maintain the information at the facility for a period of three years:

(1) Control device monitoring data.

(2) A log of operating time for the capture system, control device, monitoring equipment and the associated printing line.

(3) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

(C) On and after July 1, 1991, the owner or operator of a subject printing line shall notify the Administrator in the following instances:

(1) Any record showing violation of paragraph (h)(1)(iii) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following the occurrence of the violation.

(2) At least 30 calendar days before changing the method of compliance with paragraph (h)(1) from paragraph (h)(1)(i) or (ii) to paragraph (h)(1)(i) or (iii), the owner or operator shall comply with all requirements of paragraph (h)(4)(ii)(A) or (iii)(A) of this section, respectively. Upon changing the method of compliance with paragraph (h)(1) from paragraph (h)(1)(iii) to paragraph (h)(1)(i) or (ii) of this section, the owner or operator shall comply with all requirements of paragraph (h)(4)(ii) or (iii) of this section, respectively.

(5) **Heatset-web-offset lithographic printing—** (i) **Applicability.** (A) The limitations of paragraph (h)(5)(ii) of this section apply to all heatset-web-offset lithographic printing lines at a subject facility. All facilities with heatset-web-offset lithographic printing lines are subject facilities unless:

(1) Total maximum theoretical emissions of VOM from all heatset-web-offset lithographic printing lines at the facility never exceed 90.7 Mg (100 tons) per calendar year in the absence of air pollution control equipment, or

(2) A federally enforceable construction permit or SIP or FIP revision for all heatset-web-offset lithographic printing line(s) at a facility requires the owner or operator to limit production or capacity of these printing
(A) An afterburner system is installed and operated that reduces 90 percent of the VOM emissions from the dryer exhaust, or

(B) The fountain solution contains no more than 8 percent, by weight, of VOM and a condensation recovery system is installed and operated that removes at least 75 percent of the non-isopropyl alcohol organic materials from the dryer exhaust, and

(C) The control device is equipped with the applicable monitoring equipment specified in paragraph (a)(4)(iv)(B) of this section and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use, and

(D) The control device is operated at all times when the subject printing line is in operation. The owner or operator shall demonstrate compliance with paragraph (h)(5) of this section by using the applicable test methods and procedures specified in paragraphs (a)(4) (i), (iv), and (vi) of this section and by complying with the recordkeeping and reporting requirements specified in paragraph (h)(5)(iii) of this section.

(ii) Recordkeeping and reporting. The VOM content of each fountain solution and ink and the efficiency of each control device shall be determined by the applicable test methods and procedures specified in paragraph (a)(4) of this section to establish the records required under paragraph (h)(5)(iii) of this section.

(iii) Specific provisions. No owner or operator of a subject heatset-web-offset lithographic printing line may cause or allow the operation of the subject heatset-web-offset printing line unless the owner or operator meets the requirements in paragraph (h)(5)(ii) (A) or (B) of this section and the requirements in paragraphs (h)(5)(ii) (C) and (D) of this section.

(A) An afterburner system is installed and operated that reduces 90 percent of the VOM emissions from the dryer exhaust, or

(B) The fountain solution contains no more than 8 percent, by weight, of VOM and a condensation recovery system is installed and operated that removes at least 75 percent of the non-isopropyl alcohol organic materials from the dryer exhaust, and

(C) The control device is equipped with the applicable monitoring equipment specified in paragraph (a)(4)(iv)(B) of this section and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use, and

(D) The control device is operated at all times when the subject printing line is in operation. The owner or operator shall demonstrate compliance with paragraph (h)(5) of this section by using the applicable test methods and procedures specified in paragraphs (a)(4) (i), (iv), and (vi) of this section and by complying with the recordkeeping and reporting requirements specified in paragraph (h)(5)(iii) of this section.

\[ E_p = (A \times B) + \frac{(C \times D)}{100} \]

Where:

- \( E_p \) = Total maximum theoretical emissions of VOM from one heatset-web-offset lithographic printing line at the facility in units of kg/yr (lbs/yr).
- \( A \) = Weight of VOM per volume of solids of ink with the highest VOM content as applied each year on the printing line in units of kg VOM/l (lbs VOM/gal) of solids, and
§ 52.741 40 CFR Ch. I (7–1–16 Edition)

B = Total volume of solids for all inks that can potentially be applied each year on the printing line in units of l/year (gal/year). The instrument or method by which the owner or operator accurately measured or calculated the volume of each ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Administrator.

C = The weight percent VOM of the fountain solution with the highest VOM content.

D = The total volume of fountain solution that can potentially be used each year on the printing line in units of l/year (gal/year). The instrument and/or method by which the owner or operator accurately measured or calculated the volume of each fountain solution used and the amount that can potentially be used each year on the printing line shall be described in the certification to the Administrator.

(2) On and after July 1, 1991, the owner or operator of a facility to which paragraph (h)(5)(iii)(A) of this section is applicable shall collect and record all of the following information each year for each printing line and maintain the information at the facility for a period of three years:

(i) The name and identification of each fountain solution and ink as applied on each printing line.

(ii) The VOM content and the volume of each fountain solution and ink as applied each year on each printing line.

(3) On and after July 1, 1991, the owner or operator of a subject printing line shall notify the Administrator in the following instances:

(i) Any record showing violation of paragraph (h)(5)(ii)(A) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following the occurrence of the violation.

(ii) At least 30 calendar days before changing the method of compliance with paragraph (h)(5)(ii) of this section from paragraph (h)(5)(ii)(A) to (ii)(B), the owner or operator shall comply with all requirements of paragraph (h)(5)(iii)(C)(I) of this section. Upon changing the method of compliance with paragraph (h)(5)(ii)(A) to (ii)(B) of this section the owner or operator shall comply with all requirements of paragraph (h)(5)(iii)(C) of this section.

(C) Any owner or operator of a printing line subject to the limitations of paragraph (h)(5)(ii) of this section and complying by means of paragraph
(h)(5)(ii)(B) of this section shall comply with the following:

(1) By July 1, 1991, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from paragraph (h)(5)(ii)(A) to (ii)(B) of this section, the owner or operator of the subject printing line shall perform all tests and submit to the Administrator the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with paragraph (h)(5)(ii)(B) of this section on and after July 1, 1991, or on and after the initial start-up date.

(2) On and after July 1, 1991, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of paragraph (h)(5)(ii) of this section and complying by means of paragraph (h)(5)(ii)(B) of this section shall collect and record the following information each day for each printing line and maintain the information at the facility for a period of three years:

(i) The VOM content of the fountain solution used each day on each printing line.

(ii) A log of operating time for the control device and the associated printing line.

(iii) A maintenance log for the control device detailing all routine and non-routine maintenance performed including dates and duration of any outages.

(3) On and after July 1, 1991, the owner or operator of a subject printing line shall notify the Administrator in the following instances:

(i) Any record showing violation of paragraph (h)(5)(ii)(B) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following the occurrence of the violation.

(ii) At least 30 calendar days before changing the method of compliance with paragraph (h)(5)(ii) of this section from paragraph (h)(5)(ii)(B) to (ii)(A) of this section, the owner or operator shall comply with all requirements of paragraph (h)(5)(ii)(B)(i) of this section. Upon changing the method of compliance with paragraph (h)(5)(ii) of this section from paragraph (h)(5)(ii)(B) to (ii)(A) of this section, the owner or operator shall comply with all requirements of paragraph (h)(5)(ii)(B)(i) of this section.

(iv) Compliance schedule. Every owner or operator of a heatset-web-offset lithographic printing line which is exempt from the limitations of paragraph (h)(5)(ii) of this section because of the criteria in paragraph (h)(5)(i) of this section shall operate said printing line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply with, paragraphs (h)(5)(ii)(A) and (h)(5)(ii)(B) of this section.

(B) No owner or operator of a heatset-web-offset lithographic printing line complying by means of paragraph (h)(5)(ii)(A) of this section shall operate said printing line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply with, paragraphs (h)(5)(ii)(A) and (h)(5)(ii)(B) of this section.

(C) No owner or operator of a heatset-web-offset lithographic printing line complying by means of paragraph (h)(5)(ii)(B) of this section shall operate said printing line on or after July 1, 1991, unless the owner or operator has complied with, and continues to comply with, paragraph (h)(5)(iii)(C) of this section.

(6) The control and recordkeeping and reporting requirements, as well as the test methods in this paragraph, apply to the rotogravure and flexographic presses at General Packaging Products, Inc.'s (GPP) plant in Chicago, Illinois, instead of the requirements in 40 CFR 52.741(h)(1) through 40 CFR 52.741(h)(5).

(i) After July 1, 1992, no inks or other volatile organic material (VOM) containing materials shall at any time be applied or used which have a higher percent VOM by weight than the following:
(A) 8 percent VOM by weight for waterbased inks as applied on GPP’s presses.

(B) 82 percent VOM by weight for solvent based inks as applied on GPP’s presses.

(C) 100 percent VOM by weight for all other VOM containing materials (besides inks) as used on GPP’s presses.

(ii) After July 1, 1992, the weight of ink and other VOM containing materials used shall not exceed the following:

(A) 200,000 pounds per year total for all waterbased inks, as applied (including dilution material). The yearly weight of waterbased inks used is to be calculated according to the procedure in paragraph (h)(6)(iii) of this section.

(B) 100,008 pounds per year total for all solvent based inks, as applied (including dilution material). The yearly weight of solvent based inks used is to be calculated according to the procedure in paragraph (h)(6)(iii) of this section.

(C) 100,000 pounds per year total (based upon the formulation of the material as it is used on the presses) for all other VOM containing materials (besides inks). The yearly weight of other VOM containing materials is to be calculated according to the procedure in paragraph (h)(6)(iii) of this section.

(iii) The yearly weight of ink/material used is to be calculated as follows:

(A) Compute the weight of ink/material used each month by the 15th of the following month.

(B) By the 15th of each month, add the monthly ink/material usage for the 12 previous months (to obtain the yearly weight of ink/material used).

(iv) Beginning on July 1, 1992, the owner and operator of GPP’s plant in Chicago, Illinois, shall keep the following records for each month. All records shall be retained at GPP for 3 years and shall be made available to the Administrator on request:

(A) The name and identification number of each waterbased ink, each solvent based ink, and each other VOM containing material as applied or used on any press.

(B) The pounds of waterbased ink as applied on all presses for each month and the percent VOM by weight for each waterbased ink as applied on any press for each month.

(C) The pounds of solvent based ink as applied on all presses for each month and the percent VOM by weight for each solvent based ink as applied on any press for each month.

(D) The pounds of other (non-ink) VOM containing material used on all presses for each month and the percent VOM by weight for each (non-ink) VOM containing material as used on any press for each month.

(v) Any record showing a violation of paragraph (h)(6)(i) or (h)(6)(ii) of this section shall be reported by sending a copy of such record to the Administrator within 30 days of the violation.

(vi) To determine compliance with paragraphs (h)(6)(i) and (h)(6)(ii) of this section and to establish the records required under paragraph (h)(6)(ii) of this section the percent VOM by weight of each ink and other VOM containing material shall be determined by the applicable test methods and procedures specified in paragraph (a)(4) of this section.

(i) Leaks from synthetic organic chemical and polymer manufacturing equipment—(1) Inspection program for leaks. The owner or operator of a synthetic chemical or polymer manufacturing plant subject to paragraph (i) and subpart Q (sections 215.430, 215.431, 215.433, 215.434, 215.435, and 215.437) of Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742) shall, for the purposes of detecting leaks, conduct a component inspection program using the test methods specified in Method 21, 40 CFR part 60, appendix A, consistent with the following provisions:

(i) Test annually those components operated near extreme temperature or pressure such that they would be unsafe to routinely monitor and those components which would require the elevation of monitoring personnel higher than two meters above permanent worker access structures or surfaces.

(ii) Test quarterly all other pressure relief valves in gas service, pumps in light liquid service, valves in light liquid service and in gas service, and compressors.
(iii) If less than or equal to 2 percent of the valves in light liquid service and in gas service tested pursuant to paragraph (i)(1)(ii) of this section are found not to leak for five consecutive quarters, no leak tests shall be required for three consecutive quarters. Thereafter, leak tests shall resume for the next quarter. If that test shows less than or equal to 2 percent of the valves in light liquid service and in gas service are leaking, then no tests are required for the next three quarters. If more than 2 percent are leaking, then tests are required for the next five quarters.

(iv) Observe visually all pump seals weekly.

(v) Test immediately any pump seal from which liquids are observed dripping.

(vi) Test any relief valve within 24 hours after it has vented to the atmosphere.

(vii) Routine instrument monitoring of valves which are not externally regulated, flanges, and equipment in heavy liquid service, is not required. However, any valve which is not externally regulated, flange or piece of equipment in heavy liquid service that is found to be leaking on the basis of sight, smell or sound shall be repaired as soon as practicable but no later than 30 days after the leak is found.

(viii) Test immediately after repair any component that was found leaking.

(ix) Within one hour of its detection, a weatherproof, readily visible tag, in bright colors such as red or yellow, bearing an identification number and the date on which the leak was detected must be affixed on the leaking component and remain in place until the leaking component is repaired.

(x) The following components are exempt from the monitoring requirements in paragraph (i)(1) of this section:

(A) Any component that is in vacuum service, and

(B) Any pressure relief valve that is connected to an operating flare header or vapor recovery device.

(2) Alternative program for leaks. The Administrator shall approve an alternative program of monitoring, record-keeping, or reporting to that prescribed in paragraph (i) and subpart Q (sections 215.430, 215.431, 215.433, 215.434, 215.435, and 215.437) of Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), upon a demonstration by the owner or operator of such plant that the alternative program will provide plant personnel and USEPA personnel with an equivalent ability to identify and repair leaking components. Any alternative program can only be allowed if approved by the Administrator as a SIP or FIP revision.

(j) Petroleum refining and related industries: asphalt materials—(1) Monitoring program for leaks. (i) The owner or operator of a petroleum refinery subject to subpart R (section 215.445) of Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742) shall, for the purpose of detecting leaks, conduct a component monitoring program consistent with the following provisions:

(A) Test once between March 1 and June 1 of each year, by methods referenced in paragraph (a)(4)(vii) of this section, all pump seals, pipeline valves in liquid service and process drains.

(B) Test once each quarter of each calendar year, by methods referenced in paragraph (a)(4)(vii) of this section, all pressure relief valves in gaseous service, pipeline valves in gaseous service and compressor seals.

(C) Inaccessible valves may be tested once each calendar year instead of once each quarter of each calendar year.

(D) Observe visually all pump seals weekly.

(E) Test immediately any pump seal from which liquids are observed dripping.

(F) Test any relief valve within 24 hours after it has vented to the atmosphere, and

(G) Test immediately after repair any component that was found leaking.

(ii) Storage tank valves and pressure relief devices connected to an operating flare header or vapor recovery device are exempt from the monitoring requirements in paragraph (j)(1)(i) of this section.

(iii) The Administrator may require more frequent monitoring than would otherwise be required by paragraph (j)(1)(i) of this section for components which are demonstrated to have a history of leaking.
(2) **Alternative program for leaks.** The Administrator may approve an alternative program of monitoring, recordkeeping or reporting to that prescribed in paragraph (j)(1) of this section and subpart R (sections 215.446, 215.448, and 215.449) of Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), upon a demonstration by the owner or operator of a petroleum refinery that the alternative program will provide refinery and USEPA personnel with an equivalent ability to identify and repair leaking components. Any alternative program can only be allowed if approved by the Administrator as a SIP or FIP revision.

(3) **Compliance schedule for leaks.** The owner or operator of a petroleum refinery shall adhere to the increments of progress contained in the following schedule:

(i) Submit to the Administrator a monitoring program consistent with subpart R (section 215.446) of Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742) prior to September 1, 1990.

(ii) Submit to the Administrator the first monitoring report pursuant to subpart R (section 215.449) of Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742) prior to October 1, 1990.

(k)–(l) [Reserved]

(m) **Pharmaceutical manufacturing**—

(1) **Applicability.** (i) The rules of paragraph (m) of this section, except for paragraphs (m)(4) through (m)(6) of this section, apply to all emission sources of VOM, including but not limited to reactors, distillation units, dryers, storage tanks for VOL, equipment for the transfer of VOL, filters, crystallizers, washers, laboratory hoods, pharmaceutical coating operations, mixing operations and centrifuges used in manufacturing, including packaging, of pharmaceuticals, and emitting more than 6.8 kg/day (15 lbs/day) and more than 2,268 kg/year (2.5 tons/year) of VOM. If an emission source emits less than 2,268 kg/year (2.5 tons/year) of VOM, the requirements of this paragraph still apply to the emission source if VOM emissions from the emission source exceed 45.4 kg/day (100 lbs/day).

(ii) Notwithstanding paragraph (m)(1)(i) of this section, the air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas located in Libertyville Township, Lake County, Illinois shall be exempt from the rules of paragraph (m) of this section, except for paragraphs (m)(4) through (m)(6) of this section, if emissions of VOM not vented to air pollution control equipment do not exceed the following levels:

(A) For the air suspension coater/dryer: 2,268 kg/year (2.5 tons/year);

(B) For each fluid bed dryer: 4,535 kg/year (5.0 tons/year);

(C) For each tunnel dryer: 6,803 kg/year (7.5 tons/year); and

(D) For each Accelacota: 6,803 kg/year (7.5 tons/year).

(iii) Paragraphs (m)(4) through (m)(6) of this section apply to a plant having one or more emission sources that:

(A) Are used to manufacture pharmaceuticals, and

(B) Emit more than 6.8 kg/day (15 lbs/day) of VOM and more than 2,268 kg/year (2.5 tons/year) of VOM, or, if less than 2,268 kg/year (2.5 tons/year), these paragraphs still apply if emissions from one or more sources exceed 45.4 kg/day (100 lbs/day).

(iv) No owner or operator shall violate any condition in a permit when the condition results in exclusion of an emission source from paragraph (m) of this section.

(v) Any pharmaceutical manufacturing source that becomes subject to the provisions of paragraph (m) of this section at any time shall remain subject to the provisions of paragraph (m) of this section at all times.

(vi) Emissions subject to paragraph (m) of this section shall be controlled at all times consistent with the requirements set forth in paragraph (m) of this section.

(vii) Control devices required pursuant to paragraph (m) of this section shall be operated at all times when the source it is controlling is operated.

(viii) Determinations of daily and annual emissions for purposes of paragraph (m)(1) of this section shall be made using both data on the hourly emission rate (or the emissions per unit of throughput) and appropriate daily and annual data from records of emission source operation (or material throughput or material consumption...
data). In the absence of representative test data pursuant to paragraph (m)(6) of this section for the hourly emission rate (or the emissions per unit of throughput), such items shall be calculated using engineering calculations, including the methods described in appendix B of "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products" (EPA-450/2-78-029). (This subparagraph shall not affect the Administrator’s authority to require emission tests to be performed pursuant to paragraph (m)(6) of this section.)

(2) Control of reactors, distillation units, crystallizers, centrifuges and vacuum dryers. (i) The owner or operator shall equip all reactors, distillation units, crystallizers, centrifuges and vacuum dryers that are used to manufacture pharmaceuticals with surface condensers or other air pollution control equipment listed in paragraph (m)(2)(i)(B) of this section.

(A) If a surface condenser is used, it shall be operated such that the condenser outlet gas temperature does not exceed:

1. 248.2 K (−13 °C) when condensing VOM of vapor pressure greater than 40.0 kPa (5.8 psi) at 294.3 K (70 °F), or
2. 258.2 K (5 °C) when condensing VOM of vapor pressure greater than 29.0 kPa (2.9 psi) at 294.3 K (70 °F), or
3. 273.2 K (2 °C) when condensing VOM of vapor pressure greater than 10.0 kPa (1.5 psi) at 294.3 K (70 °F), or
4. 283.2 K (50 °F) when condensing VOM of vapor pressure greater than 7.0 kPa (1.0 psi) at 294.3 K (70 °F), or
5. 298.2 K (77 °F) when condensing VOM of vapor pressure greater than 3.45 kPa (0.5 psi) at 294.3 K (70 °F).

(B) If a scrubber, carbon adsorption, thermal afterburner, catalytic afterburner, or other air pollution control equipment other than a surface condenser is used, such equipment shall provide a reduction in the emissions of VOM of 90 percent or more.

(ii) The owner or operator shall enclose all centrifuges used to manufacture pharmaceuticals and that have an exposed VOL surface, where the VOM in the VOL has a vapor pressure of 3.45 kPa (0.5 psi) or more at 294.3 K (70 °F), except as production, sampling, main-

tenance, or inspection procedures require operator access.

(3) Control of air dryers, production equipment exhaust systems and filters. (i) The owner or operator of an air dryer or production equipment exhaust system used to manufacture pharmaceuticals shall control the emissions of VOM from such emission sources by air pollution control equipment which reduces by 90 percent or more the VOM that would otherwise be emitted into the atmosphere.

(ii) The owner or operator shall enclose all rotary vacuum filters and other filters used to manufacture pharmaceuticals and that have an exposed VOL surface, where the VOM in the VOL has a vapor pressure of 3.45 kPa (0.5 psi) or more at 294 K (70 °F), except as production, sampling, maintenance, or inspection procedures require operator access.

(4) Material storage and transfer. The owner or operator of a pharmaceutical manufacturing plant shall:

(i) Provide a vapor balance system that is at least 90 percent effective in reducing VOM emissions from truck or railcar deliveries to storage tanks with capacities equal to or greater than 7,571 m³ (2,000 gal) that store VOL with vapor pressures greater than 28.0 kPa (4.1 psi) at 294.3 K (70 °F), and

(ii) Install, operate, and maintain pressure/vacuum conservation vents set at 0.2 kPa (0.03 psi) or greater on all storage tanks that store VOL with vapor pressures greater than 10 kPa (1.5 psi) at 294.3 K (70 °F).

(5) In-process tanks. The owner or operator shall install covers on all in-process tanks used to manufacture pharmaceuticals and containing a VOL at any time. These covers must remain closed, except as production, sampling, maintenance or inspection procedures require operator access.

(ii) The owner or operator shall repair any component from which a leak of VOL can be observed. The repair shall be completed as soon as practicable but no later than 15 days after the leak is found. If the leaking component cannot be repaired until the process unit is shut down, the leaking component must then be repaired before the unit is restarted.
(7) Other emission sources. The owner or operator of a washer, laboratory hood, tablet coating operation, mixing operation or any other process emission source not subject to paragraphs (m)(2) through (m)(6) of this section, and used to manufacture pharmaceuticals shall control the emissions of VOM from such emission sources by:
(i) Air pollution control equipment which reduces by 81 percent or more the VOM that would otherwise be emitted to the atmosphere, or
(ii) A surface condenser which captures all the VOM which would otherwise be emitted to the atmosphere and which meets the requirements of paragraph (m)(2)(i) of this section.

(8) Testing. (i) Upon request by the Administrator, the owner or operator of any VOM emission source subject to paragraph (m) or exempt from paragraph (m) of this section shall, at his own expense, demonstrate compliance to the Administrator by the methods or procedures listed in paragraph (a)(vi)(A) of this section.
(ii) A person planning to conduct a VOM emissions test to demonstrate compliance with paragraph (m) of this section shall notify the Administrator of that intent not less than 30 calendar days before the planned initiation of the test.

(9) Monitoring and recordkeeping for air pollution control equipment—(i) Monitoring. (A) At a minimum, continuous monitors for the following parameters shall be installed on air pollution control equipment used to control sources subject to paragraph (m) of this section:
(1) Destruction device combustion temperature.
(2) Temperature rise across a catalytic afterburner bed.
(3) VOM concentration on a carbon absorption unit to determine breakthrough.
(4) Outlet gas temperature of a refrigerated condenser.
(5) Temperature of a non-refrigerated condenser coolant supply system.
(B) Each monitor shall be equipped with a recording device.
(C) Each monitor shall be calibrated quarterly.
(D) Each monitor shall operate at all times while the associated control equipment is operating.
(ii) Recordkeeping. (A) The owner or operator of a pharmaceutical manufacturing facility shall maintain the following records:
(1) Parameters listed in paragraph (m)(9)(i)(A) of this section shall be recorded.
(2) For sources subject to paragraph (m)(2) of this section, the vapor pressure of VOM being controlled shall be recorded for every process.
(B) For any leak subject to paragraph (m)(6) of this section which cannot be readily repaired within one hour after detection, the following records shall be kept:
(1) The name of the leaking equipment.
(2) The date and time the leak is detected.
(3) The action taken to repair the leak, and
(4) The data and time the leak is repaired.
(C) The following records shall be kept for emission sources subject to paragraph (m)(5) of this section which contain VOL:
(1) For maintenance and inspection:
(i) The date and time each cover is opened,
(ii) The length of time the cover remains open, and
(iii) The reason why the cover is opened.
(2) For production and sampling, detailed written procedures or manufacturing directions specifying the circumstances under which covers may be opened and the procedures for opening covers.
(D) For each emission source used in the manufacture of pharmaceuticals for which the owner or operator of a pharmaceutical manufacturing plant claims emission standards are not applicable, because the emissions are below the applicability cutoffs in paragraph (m)(1)(i) of this section or paragraph (m)(1)(ii) of this section the owner or operator shall:
(1) Maintain a demonstration including detailed engineering calculations of the maximum daily and annual emissions for each such emission source showing that the emissions are below
the applicability cutoffs in paragraph (m)(1)(i) or paragraph (m)(1)(ii) of this section, as appropriate, for the current and prior calendar years;

(2) Maintain appropriate operating records for each such emission source to identify whether the applicability cutoffs in paragraph (m)(1)(i) or paragraph (m)(1)(ii) of this section, as appropriate, are ever exceeded; and

(3) Provide written notification to the Administrator within 30 days of a determination that such an emission source has exceeded the applicability cutoffs in paragraph (m)(1)(i) or paragraph (m)(1)(ii) of this section, as appropriate.

(E) Records required under paragraph (m)(9)(ii)(A) of this section shall be maintained by the owner or operator for a minimum of two years after the date on which they are made.

(F) Copies of the records shall be made available to the Administrator upon verbal or written request.

(n)–(p) [Reserved]

(q) Gasoline distribution—(1) Bulk gasoline plants. (i) Subject to paragraph (q)(1)(v) of this section, no person may cause or allow the transfer of gasoline from a delivery vessel into a stationary storage tank located at a bulk gasoline plant unless:

(A) The delivery vessel and the stationary storage tank are each equipped with a vapor collection system that meets the requirements of paragraph (q)(1)(iv)(D) of this section,

(B) Each vapor collection system is operating,

(C) The delivery vessel displays the appropriate sticker pursuant to the requirements of sections 215.584 (b) or (d) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742),

(D) The pressure relief valve(s) on the stationary storage tank and the delivery vessel are set to release at no less than 0.7 psi or the highest pressure allowed by state or local fire codes or the guidelines of the National Fire Prevention Association, and

(E) The stationary storage tank is equipped with a submerged loading pipe.

(iii) Subject to paragraph (q)(1)(vi) of this section, each operator of a stationary storage tank located at a bulk gasoline plant shall:

(A) Equip each stationary storage tank with a vapor control system that meets the requirements of paragraph (q)(1)(i) or (1)(ii) of this section, whichever is applicable,

(B) Provide instructions to the operator of the bulk gasoline plant describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system, or

(C) Repair, replace or modify any worn out or malfunctioning component or element of design.

(iv) Subject to paragraph (q)(1)(v) of this section, each operator of a bulk gasoline plant shall:

(A) Maintain and operate each vapor control system in accordance with the owner’s instructions,

(B) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system,

(C) Maintain gauges, meters or other specified testing devices in proper working order, and

(D) Operate the bulk plant vapor collection system and gasoline loading equipment in a manner that prevents:

(1) Gauge pressure from exceeding 45.7 cm (18 in.) of water and vacuum from exceeding 15.2 cm (6 in.) of water, as measured as close as possible to the vapor hose connection,

(2) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in “Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems”, Appendix B, EPA 450/2–78–051.
(which is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161), and

(3) Avoidable leaks of liquid during loading or unloading operations.

(E) Provide a pressure tap or equivalent on the bulk plant vapor collection system in order to allow the determination of compliance with paragraph (q)(1)(iv)(D)(1) of this section, and

(F) Within 15 business days after discovery of any leak by the owner, operator, or the Administrator, repair and retest a vapor collection system which exceeds the limits of paragraph (q)(1)(iv)(D)(1) or (2) of this section.

(v) The requirements of paragraphs (q)(1)(i), (i)(iii) and (1)(iv) of this section shall not apply to:

(A) Any stationary storage tank with a capacity of less than 2,177 l (575 gal), or

(B) Any bulk gasoline plant whose daily gasoline throughput is less than 15,140 l (4,000 gal/day) on a thirty-day rolling average.

(vi) The requirements of paragraph (q)(1)(ii) of this section shall only apply to bulk gasoline plants:

(A) Whose daily gasoline throughput is greater than or equal to 15,140 l (4,000 gal/day) on a thirty-day rolling average, and

(B) That either distribute gasoline to gasoline dispensing facilities subject to the requirements of section 215.583(a)(2) of 35 Ill. Adm. Code 215 or that are in Cook, DuPage, Kane, Lake, McHenry or Will County.

(vii) Any bulk gasoline plant which is ever subject to paragraph (q)(1)(i), (ii), (iii) or (iv) of this section shall always be subject to these paragraphs.

(2) [Reserved]

(r) [Reserved]

(s) Paint and ink manufacturing—(1) Applicability. Paragraph (s) shall apply to all paint and ink manufacturing plants which:

(A) Include process emission sources not subject to subparts (B), (Q) (excluding sections 215.432 and 215.436), (R) (excluding sections 215.447, 215.450, and 215.452), (S), (V), (X), (Y) (sections 215.582, 215.583, and 215.584), or (Z) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), or to paragraphs (d), (e) (excluding paragraph (e)(1)(ii)(L)), (h) (excluding paragraph (h)(5)), (i), (j), or (q)(1) of this section; and which as a group both:

(i) Have maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and

(ii) Are not limited to less than 91 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment, through production or capacity limitations contained in a federally enforceable construction permit or a SIP or FIP revision, or

(B) Produce more than 7,570,820 l (2,000,000 gal) per calendar year of paint or ink formulations, which contain less than 10 percent (by weight) water, and ink formulations not containing as the primary solvents water, Magie oil or glycol.

(ii) For the purposes of paragraph (s) of this section, uncontrolled VOM emissions are the emissions of VOM which would result if no air pollution control equipment were used.

(2) Exemption for waterbase material and heatset-offset ink. The requirements of paragraphs (s)(4) and (s)(5) of this section and paragraph (s)(7)(i) of this section shall not apply to equipment while it is being used to produce either:

(i) Paint or ink formulations which contain 10 percent or more (by weight) water, or

(ii) Inks containing Magie oil and glycol as the primary solvent.

(3) Permit conditions. No person shall violate any condition in a federally enforceable permit when the condition results in exclusion of the plant or an emission source from paragraph (s).

(4) Open-top mills, tanks, vats or vessels. No person shall operate an open-top mill, tank, vat or vessel with a volume of more than 45 l (12 gal) for the production of paint or ink unless:

(i) The mill, tank, vat or vessel is equipped with a cover which completely covers the mill, tank, vat or vessel opening except for an opening no larger than necessary to allow for safe clearance for a mixer shaft. Such cover shall extend at least 1.27 cm (0.5 in.) beyond the outer rim of the opening or be attached to the rim.
(ii) The cover remains closed except when production, sampling, maintenance or inspection procedures require access.

(iii) The cover is maintained in good condition such that, when in place, it maintains contact with the rim of the opening for at least 90 percent of the circumference of the rim.

(5) **Grinding mills.** (i) No person shall operate a grinding mill for the production of paint or ink which is not maintained in accordance with the manufacturer's specifications.

(ii) No person shall operate a grinding mill fabricated or modified after the effective date of paragraph (a) which is not equipped with fully enclosed screens.

(iii) The manufacturer's specifications shall be kept on file at the plant by the owner or operator of the grinding mill and be made available to any person upon verbal or written request during business hours.

(6) **Storage tanks.** (i) The owner or operator shall equip tanks storing VOL with a vapor pressure greater than 10 kPa (1.5 psi) at 20 °C (68 °F) with pressure/vacuum conservation vents set as a minimum at + /–0.2 kPa (0.029 psi). These controls shall be operated at all times. An alternative air pollution control system may be used if it results in a greater emission reduction than these controls. Any alternative control system can only be allowed if approved by the Administrator as a SIP or FIP revision.

(ii) Stationary VOL storage containers with a capacity greater than 946 l (250 gal) shall be equipped with a submerged-fill pipe or bottom fill. These controls shall be operated at all times. An alternative control system can only be allowed if approved by the Administrator as a SIP or FIP revision.

(7) **Leaks.** The owner or operator of a paint or ink manufacturing plant shall, for the purpose of detecting leaks, conduct an equipment monitoring program as set forth below:

(i) Each pump shall be checked by visual inspection each calendar week for indications of leaks, that is, liquids dripping from the pump seal. If there are indications of liquids dripping from the pump seal, the pump shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected.

(ii) Any pump, valve, pressure relief valve, sampling connection, open-ended valve and flange or connector containing a fluid which is at least 10 percent VOM by weight which appears to be leaking on the basis of sight, smell or sound shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected.

(iii) A weather proof, readily visible tag, in bright colors such as red or yellow, bearing an identification number and the date on which the leak was detected shall be attached to leaking equipment. The tag may be removed upon repair, that is, when the equipment is adjusted or otherwise altered to allow operation without leaking.

(iv) When a leak is detected, the owner or operator shall record the date of detection and repair and the record shall be retained at the plant for at least two years from the date of each detection or each repair attempt. The record shall be made available to any person upon verbal or written request during business hours.

(8) **Clean up.** (i) No person shall clean paint or ink manufacturing equipment with organic solvent unless the equipment being cleaned is completely covered or enclosed except for an opening no larger than necessary to allow safe clearance for proper operation of the cleaning equipment, considering the method and materials being used.

(ii) No person shall store organic wash solvent in other than closed containers, unless closed containers are demonstrated to be a safety hazard, or dispose of organic wash solvent in a manner such that more than 20 percent by weight is allowed to evaporate into the atmosphere.

(9) **Compliance schedule.** Every owner or operator of an emission source subject to the control requirements of paragraph (a) of this section shall comply with the requirements of paragraph (a) of this section on and after July 1, 1991.

(10) **Recordkeeping and reporting.** (i) Upon request by the Administrator, the owner or operator of an emission source which claims to be exempt from the requirements of paragraph (a) of
this section shall submit records to the Administrator within 30 calendar days from the date of the request which document that the emission source is in fact exempt from paragraph (s) of this section. These records shall include (but are not limited to) the percent water (by weight) in the paint or ink being produced and the quantity of Magie oil, glycol and other solvents in the ink being produced.  

(ii) Every owner or operator of an emission source which is subject to the requirements of paragraph (s) of this section shall maintain all records necessary to demonstrate compliance with those requirements at the facility for three years.

(t) [Reserved]

(u) Miscellaneous fabricated product manufacturing processes—(1) Applicability. (i) The requirements of paragraph (u) of this section shall apply to a plant's miscellaneous fabricated product manufacturing process emission sources which are not included within any of the source categories specified in subparts (B), (Q) (excluding sections 215.432 and 215.436), (R) (excluding sections 215.447, 215.450, and 215.452), (S), (V), (X), (Y) (sections 215.582, 215.583, and 215.584), or (Z) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), or specified in paragraph (d), (e), (h), (i), (j), or (q)(1) of this section; if the plant is subject to paragraph (u) of this section. A plant is subject to paragraph (u) of this section if it contains process emission sources, not regulated by subparts (B), (Q) (excluding sections 215.432 and 215.436), (R) (excluding sections 215.447, 215.450, and 215.452), (S), (V), (X), (Y) (sections 215.582, 215.583, 215.584), or (Z) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), or by paragraph (d), (e) (excluding paragraph (e)(1)(i)(L)), (h) (excluding paragraph (h)(5)), (i), (j), or (q)(1) of this section; if the plant is subject to paragraph (u) of this section. If a plant ceases to fulfill the criteria of paragraph (u)(1)(i) of this section, the requirements of paragraph (u) of this section shall continue to apply to a miscellaneous fabricated products manufacturing process emission source which was ever subject to the control requirements of paragraph (u)(3) of this section.

(iii) No limits under paragraph (u) of this section shall apply to emission sources with emissions of VOM to the atmosphere less than or equal to 0.91 Mg (1.0 ton) per calendar year if the total emissions from such sources not complying with paragraph (u)(3) of this section does not exceed 4.5 Mg (5.0 tons) per calendar year.

(iv) For the purposes of paragraph (u) of this section, an emission source shall be considered regulated by a subpart (of the Illinois rules) or paragraph if it is subject to the limits of that subpart (of the Illinois rules) or paragraph. An emission source is not considered regulated by a subpart (of the Illinois rules) or paragraph if its emissions are below the applicability cutoff level or if the source is covered by an exemption.

(v) For the purposes of paragraph (u) of this section, uncontrolled VOM emissions are the emissions of VOM which would result if no air pollution control equipment were used.

(2) Permit conditions. No person shall violate any condition in a permit when the condition results in exclusion of the plant or an emission source from paragraph (u) of this section.

(3) Control requirements. Every owner or operator of an emission source subject to paragraph (u) of this section shall comply with the requirements of paragraph (u)(3)(i), (ii) or (iii) of this section:

(i) Emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent, or

(ii) For coating lines, the daily-weighted average VOM content shall not exceed 0.42 kg VOM/gal (3.5 lbs VOM/gal) of coating as applied (minus water
Environmental Protection Agency § 52.741

and any compounds which are specifically exempted from the definition of VOM) during any day. Owners and Code 215 (incorporated by reference as specified in 40 CFR 52.742), or

(iii) An alternative control plan which has been approved by the Administrator as a SIP or FIP revision.

(4) Compliance schedule. Every owner or operator of an emission source subject to the control requirements of paragraph (u) of this section shall comply with the requirements of paragraph (u) of this section on and after July 1, 1991.

(5) Testing. Any owner or operator of a VOM emission source which is subject to paragraph (u) of this section shall demonstrate compliance with paragraph (u)(3) of this section by using the applicable test methods and procedures specified in paragraph (a)(4) of this section.

(6) The control requirements in this paragraph apply to the adhesive globe coating operations at Replogle’s Broadview facility in Cook County, Illinois, instead of the control requirements in paragraph (u)(3) of this section.

(i) After October 6, 1991, no coatings shall at any time be applied which exceed the following emission limitations for the specified coating.

(A) 7.0 lbs VOM per gallon of adhesive coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied to coat globes. Such coating consists of #7879446 Methylene Chloride (RGI #01004100). The Administrator shall be notified at least ten (10) days prior to the use of any replacement adhesive for coating globes.

(B) [Reserved]

(ii) After October 6, 1991, the volume of coatings used shall not exceed the following:

(A) 572 gallons per year total for all coatings specified in paragraph (u)(6)(i)(A) of this section. The yearly volume of coatings used are to be calculated as follows:

(1) Compute the volume of specified coating used each month by the 15th of the following month.

(2) By the 15th of each month, add the monthly coating use for the 12 previous months (to obtain the yearly volume of coatings used).

(B) [Reserved]

(iii) Beginning on October 6, 1991, the owner and operator of the Replogle Globes, Inc. plant in Broadview, Illinois shall keep the following records for each month. All records shall be retained at Replogle Globes, Inc. for three (3) years and shall be made available to the Administrator on request:

(A) The name and identification number of each coating as applied on any adhesive globe coating line.

(B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month on any adhesive globe coating line.

(7) The control requirements in this paragraph apply to the glass candle container coating line(s) and silk screening machines at the Candle Corporation of America (CCA), Chicago, Illinois facility, instead of the control requirements in paragraph (u)(3) of this section.

(i) After June 1, 1992, no coatings or inks shall at any time be applied, at any coating or ink applicator, which exceed the following emission limitations for the specified coating or ink.

(A) 6.04 pounds (lbs) volatile organic material (VOM) per gallon of clear lacquer/ varnish (minus water and any compounds which are specifically exempted from the definition of VOM) as applied to coat glass candle containers. Such clear lacquer/ varnish (multi-color) is identified as LP3500. The Administrator must be notified at least 10 days prior to the use of any replacement clear lacquer/ varnishes.

(B) 5.23 lbs VOM per gallon of translucent coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied to coat glass candle containers. Such translucent coating (multi-color) is identified as LP989. The Administrator must be notified at least 10 days prior to the use of any replacement translucent coatings.

(C) 5.84 lbs VOM per gallon of white lacquer (minus water and any compounds which are specifically exempted from the definition of VOM) as applied to coat glass candle containers. Such
§ 52.741 40 CFR Ch. I (7–1–16 Edition)

white lacquer is identified as LP3507. The Administrator must be notified at least 10 days prior to the use of any replacement white lacquers.

(D) 3.40 lbs VOM per gallon of fast dry enamel silk screen printing ink (minus water and any compounds which are specifically exempted from the definition of VOM) as applied to print onto glass candle containers.

(ii) After June 1, 1992, the volume of coating and ink used shall not exceed the following:

(A) 2,164 gallons per month total for all coatings specified in paragraph (u)(7)(i)(A) of this section.

(B) 369 gallons per month total for all coatings specified in paragraph (u)(7)(i)(B) of this section.

(C) 49 gallons per month total for all coatings specified in paragraph (u)(7)(i)(C) of this section.

(D) 50 gallons per month total for all inks specified in paragraph (u)(7)(i)(D) of this section.

(iii) Beginning on June 1, 1992, the owner and operator of CCA’s plant in Chicago, Illinois, shall keep the following records for each month. All records shall be retained at CCA for 3 years and shall be made available to the Administrator on request.

(A) The name and identification number of each coating and ink as applied on any glass candle container coating line or silk screening machine.

(B) The weight of VOM per volume and the volume of each coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month on any glass candle container coating line or silk screening machine.

(iv) After June 1, 1992, no more than 100 gallons per month of cleaning solvent is allowed to be used on the glass candle container silk screening machines at CCA. The only cleaning solvent allowed for use is petroleum naphtha (identified as light aromatic naphtha with 7.28 lbs VOM per gallon, minus water and any compounds which are specifically exempted from the definition of VOM). Beginning on June 1, 1992, CCA shall keep monthly records of the type and volume and the weight of VOM per volume (minus water and any compounds which are specifically exempted from the definition of VOM) of all cleaning solvents used on the glass candle container silk screening machines. All such records shall be retained at CCA for 3 years and shall be made available to the Administrator on request.

(v) After June 1, 1992, no more than 50 gallons per month of cleaning solvent is allowed to be used on the glass candle container silk screening machines at CCA. The only cleaning solvent allowed for use is petroleum naphtha (identified as light aromatic naphtha with 7.28 lbs VOM per gallon, minus water and any compounds which are specifically exempted from the definition of VOM). Beginning on June 1, 1992, CCA shall keep monthly records of the type and volume and the weight of VOM per volume (minus water and any compounds which are specifically exempted from the definition of VOM) of all cleaning solvents used on the glass candle container silk screening machines. All such records shall be retained at CCA for 3 years and shall be made available to the Administrator on request.

(8) The control, recordkeeping and reporting requirements in this paragraph apply to the cellulose food casing manufacturing operations at the Viskase Corporation plant in Bedford Park, Illinois (Cook County) instead of the requirements in paragraph (v) of this section, the other parts of paragraph (u) of this section, and the recordkeeping requirements in paragraph (y) of this section. Unless otherwise stated, the following requirements must be met by Viskase on and after November 21, 1995.

(i) VOM emissions shall never exceed 3.30 tons per day.

(ii) VOM emissions shall not exceed 2.22 tons per day, on a monthly average, during June, July, and August.

(iii) VOM emissions shall not exceed 2.44 tons per day during June, July, and August.

(iv) Compliance with the emission limits in paragraphs (u)(8) (i) through (iii) of this section, and the records in paragraph (u)(8)(v) of this section, shall be determined using an emission factor of “0.72 pounds of VOM emissions per pound of carbon disulfide consumed.”

(v) Viskase must keep the following daily records:

(A) The pounds of carbon disulfide per charge for its Fibrous process. If charges with different levels of carbon disulfide per charge are used the same day, a separate record must be kept for each level of carbon disulfide per charge.

(B) The pounds of carbon disulfide per charge for its NOJAX process. If
§ 52.741

charges with different levels of carbon disulfide per charge are used the same day, a separate record must be kept for each level of carbon disulfide per charge.

(C) The number of charges per day, for each level of carbon disulfide per charge, used in Viskase’s Fibrous process.

(D) The number of charges per day, for each level of carbon disulfide per charge, used in Viskase’s NOJAX process.

(E) The total quantity of carbon disulfide used per day in Viskase’s Fibrous process, the total quantity of carbon disulfide used per day in Viskase’s NOJAX process, and the daily VOM emissions resulting from use of the carbon disulfide.

(F) The monthly use of carbon disulfide, and the monthly VOM emissions resulting from use of the carbon disulfide, during June, July, and August.

(vi) Any violation of the emission limits in paragraphs (u)(8)(i) through (iii) of this section must be reported to USEPA within 30 days of its occurrence.

(vii) In order to determine daily and monthly VOM emissions, the test methods in paragraph (a)(4) of this section may be used in addition to, and take precedence over, the emission factor cited in paragraph (u)(8)(iv) of this section. Method 15 is to be used instead of Methods 18, 25, and 25A when the test methods in paragraph (a)(4) of this section are used to determine VOM emissions from Viskase’s cellulose food casing facility.

(v) Miscellaneous formulation manufacturing processes—(1) Applicability. (i) The requirements of paragraph (v) of this section shall apply to a plant’s miscellaneous formulation manufacturing process emission sources, which are not included within any of the source categories specified in subpart (B), (Q) (excluding sections 215.432 and 215.436), (R) (excluding sections 215.447, 215.450, and 215.452), (S), (V), (X), (Y) (sections 215.582, 215.583, and 215.584), or (Z) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), or by paragraph (d), (e) (excluding paragraph (e)(1)(i)(L)), (h) (excluding paragraph (h)(5)), (i), (j), or (q)(1) of this section; which as a group both:

(A) Have maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and

(B) Are not limited to less than 91 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment, through production or capacity limitations contained in a federally enforceable construction permit or a SIP or FIP revision.

(ii) If a plant ceases to fulfill the criteria of paragraph (v)(1)(i) of this section, the requirements of paragraph (v) of this section shall continue to apply to a miscellaneous formulation manufacturing process emission source which was ever subject to the control requirements of paragraph (v)(3) of this section.

(iii) No limits under paragraph (v) of this section shall apply to emission sources with emissions of VOM to the atmosphere less than or equal to 2.3 Mg (2.5 tons) per calendar year if the total emissions from such sources not complying with paragraph (v)(3) of this section does not exceed 4.5 Mg (5.0 tons) per calendar year.

(iv) For the purposes of paragraph (v) of this section, an emission source shall be considered regulated by a subpart (of the Illinois rules) or paragraph if it is subject to the limits of that subpart (of the Illinois rules) or paragraph.

An emission source is not considered regulated by a subpart (of the Illinois rules) or paragraph if its emissions are below the applicability cutoff level or if the source is covered by an exemption.

(v) For the purposes of paragraph (v) of this section uncontrolled VOM emissions are the emissions of VOM which
would result if no air pollution control equipment were used.

(2) Permit conditions. No person shall violate any condition in a permit when the condition results in exclusion of the plant or an emission source from paragraph (v) of this section.

(3) Control requirements. Every owner or operator of an emission source subject to paragraph (v) of this section shall comply with the requirements of paragraph (v)(3) (i) or (ii) of this section.

(i) Emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent, or

(ii) An alternative control plan which has been approved by the Administrator as a SIP or FIP revision.

(4) Compliance schedule. Every owner or operator of an emission source subject to the control requirements of paragraph (v) of this section shall comply with the requirements of paragraph (v) of this section and after July 1, 1991.

(5) Testing. Any owner or operator of a VOM emission source which is subject to paragraph (v) of this section shall demonstrate compliance with paragraph (v)(3) of this section by using the applicable test methods and procedures specified in paragraph (a)(4) of this section.

(6) The control requirements in this paragraph apply to the 7 blenders and 3 moguls of the adhesive coating solution formulation (compounding) operations at the Minnesota Mining and Manufacturing Corporation’s (3M) Bedford Park facility in Cook County, Illinois, instead of the control requirements in paragraph (v)(3) of this section.

(i) After September 1, 1991, the following operating restrictions shall apply to 3M’s Bedford Park, Illinois, compounding operations.

(A) The combined operating hours for all blenders shall not exceed 8,400 hours per quarter (rolled on a monthly basis). The combined quarterly operating hours of all blenders are to be calculated as follows:

(1) By the 15th of each month, compute the combined monthly operating hours of all blenders for the 3 previous months (to obtain the combined quarterly operating hours of all blenders).

(B) The combined operating hours for all moguls shall not exceed 4,200 hours per quarter (rolled on a monthly basis). The quarterly operating hours of all moguls are to be calculated as follows:

(1) By the 15th of each month, compute the combined monthly operating hours of all moguls during the previous month.

(ii) Beginning on September 1, 1991, the owner and operator of the 3M Bedford Park Plant in Bedford Park, Illinois, shall keep the following records. These records shall be compiled on a monthly basis, be retained at the 3M facility for a period of 3 years, and be made available to the Administrator upon request.

(1) Separate monthly records for each of the 7 blenders identifying each batch and the length of each batch as well as the total monthly hours of operation for all blenders.

(2) Separate monthly records for each of the 3 moguls identifying each batch and the length of each batch as well as the total monthly hours of operation for all moguls.

(w) Miscellaneous organic chemical manufacturing processes—(1) Applicability. (i) The requirements of paragraph (w) of this section shall apply to a plant’s miscellaneous organic chemical manufacturing process emission sources which are not included within any of the source categories specified in subparts (B), (Q) (excluding sections 215.432 and 215.436), (R) (excluding sections 215.447, 215.450, and 215.452), (S), (V), (X), (Y) (sections 215.582, 215.583, and 215.584), or (Z) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), or specified in paragraph (d), (e), (h), (i), (j), or (q)(1) of this section; if the plant is subject to paragraph (w) of this section. A plant is subject to paragraph (w) of this section if it contains process emission sources, not regulated by subparts (B),
(Q) (excluding sections 215.432 and 215.436), (R) (excluding sections 215.447, 215.450, and 215.452), (S), (V), (X), (Y) (sections 215.582, 215.583, and 215.584), or (Z) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), or by paragraph (d), (e) (excluding paragraph (e)(1)(i)(L)), (h) (excluding paragraph (h)(5)), (i), (j), or (q)(1) of this section; which as a group both:

(A) Have maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and
(B) Are not limited to less than 91 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment, through production or capacity limitations contained in a federally enforceable construction permit or a SIP or FIP revision.

(ii) If a plant ceases to fulfill the criteria of paragraph (w)(1)(i) of this section, the requirements of paragraph (w) of this section shall continue to apply to a miscellaneous organic chemical manufacturing process emission source which was ever subject to the control requirements of paragraph (w)(3) of this section.

(iii) No limits under paragraph (w) of this section shall apply to emission sources with emissions of VOM to the atmosphere less than or equal to 0.91 Mg (1.0 ton) per calendar year.

(iv) For the purposes of paragraph (w) of this section, an emission source shall be considered regulated by a subpart of the Illinois rules or paragraph if its emissions are below the applicability cutoff level or if the source is covered by an exemption.

(v) For the purposes of paragraph (w) of this section, uncontrolled VOM emissions are the emissions of VOM which would result if no air pollution control equipment were used.

(2) Permit conditions. No person shall violate any condition in a permit when the condition results in exclusions of the plant or an emission source from paragraph (w) of this section.

(3) Control requirements. Every owner or operator of an emission source subject to paragraph (w) of this section shall comply with the requirements of paragraph (w)(3)(i) or (ii) of this section.

(i) Emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent, or
(ii) An alternative control plan which has been approved by the Administrator as a SIP or FIP revision.

(4) Compliance schedule. Every owner or operator of an emission source subject to the control requirements of paragraph (w) of this section shall comply with the requirements of paragraph (w) of this section on and after July 1, 1991.

(5) Testing. Any owner or operator of a VOM emission source which is subject to paragraph (w) shall demonstrate compliance with paragraph (w)(3) of this section by using the applicable test methods and procedures specified in paragraph (a)(4) of this section.

(x) Other emission sources—(1) Applicability. (i) The requirements of paragraph (x) of this section shall apply to a plant’s VOM emission sources, which are not included within any of the source categories specified in subpart (B), (Q) (excluding sections 215.432 and 215.436), (R) (excluding sections 215.447, 215.450, and 215.452), (S), (V), (X), (Y) (sections 215.582, 215.583, and 215.584), or (Z) of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), or by paragraph (d), (e) of this section (excluding paragraph

803
(e)(1)(i)(L)), (h) (excluding paragraph (h)(5)), (i), (j), or (q)(1) of this section; which as a group both:

(A) Have maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and

(B) Are not limited to less than 91 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment, through production or capacity limitations contained in a federally enforceable construction permit or a SIP of FIP revision.

(ii) If a plant ceases to fulfill the criteria of paragraph (x)(1)(i) of this section, the requirements of paragraph (x) of this section shall continue to apply to an emission source which was ever subject to the control requirements of paragraph (x)(3) of this section.

(iii) No limits under paragraph (x) of this section shall apply to emission sources with emissions of VOM to the atmosphere less than or equal to 2.3 Mg (2.5 tons) per calendar year if the total emissions from such sources not complying with paragraph (x)(3) of this section does not exceed 4.5 Mg (5.0 tons) per calendar year.

(iv) For the purposes of paragraph (x) of this section, an emission source shall be considered regulated by a subpart (of the Illinois rules) or paragraph if it is subject to the limits of that subpart (of the Illinois rules) or paragraph. An emission source is not considered regulated by a subpart (of the Illinois rules) or paragraph of its emissions are below the applicability cutoff level or if the source is covered by an exemption.

(v) The control requirements in paragraph (x)(3) of this section shall not apply to sewage treatment plants, vegetable oil processing plants, coke ovens (including by-product recovery plants), fuel combustion sources, bakeries, barge loading facilities, jet engine test cells, pharmaceutical manufacturing, production of polystyrene foam insulation board (including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the plant), and iron and steel production.

(2) Permit conditions. No person shall violate any condition in a permit when the condition results in exclusion of the plant or an emission source from paragraph (x) of this section.

(3) Control requirements. Every owner or operator of an emission source subject to paragraph (x) of this section shall comply with the requirements of paragraph (x)(3) (i), (ii) or (iii) of this section.

(i) Emission capture and control equipment which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent, or

(ii) For coating lines, the daily-weighted average VOM content shall not exceed 0.42 kg VOM/l (3.5 lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied during any day. Owners and operators complying with this paragraph are not required to comply with section 215.301 of 35 Ill. Adm. Code 215 (incorporated by reference as specified in 40 CFR 52.742), or

(iii) An alternative control plan which has been approved by the Administrator as a SIP or FIP revision.

(4) Compliance schedule. Every owner or operator of an emission source which is subject to paragraph (x) of this section shall comply with the requirements of paragraph (x) of this section on and after July 1, 1991.

(5) Testing. Any owner or operator of a VOM emission source which is subject to paragraph (x) of this section shall demonstrate compliance with paragraph (x)(3) of this section by using the applicable test methods and procedures specified in paragraph (a)(4) of this section.

(6) The control requirements in this paragraph apply to the varnish operations at the General Motors Corporation, Electro-Motive Division Plant (GMC Electro-Motive), LaGrange, Illinois, instead of the control requirements in paragraph (x)(3) of this section.

(i) After July 1, 1991, no coatings shall at any time be applied which exceed the following emission limitations for the specified coating.
(A) 8.0 lbs VOM per gallon of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator to coat Nomex rings. Such coating consists of Monsanto Skybond 705 Polyamide Resin (EMD P/N 9088817) and diluents. The Administrator must be notified at least 10 days prior to the use of any replacement coating(s) and/or diluents for coating Nomex rings.

(B) 6.8 lbs VOM per gallon of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator for any coatings not specified in paragraph (x)(6)(i)(A) of this section.

(ii) After July 1, 1991, the volume of coatings used shall not exceed the following:

(A) 600 gallons per year total for all coatings specified in paragraph (x)(6)(i)(A) of this section. The yearly volume of coatings used are to be calculated as follows:

1. Compute the volume of specified coating used each month by the 15th of the following month.

2. By the 15th of each month, add the monthly coating use for the 12 previous months (to obtain the yearly volume of coatings used).

(B) 28,500 gallons per year total for all coatings other than those specified in paragraph (x)(6)(i)(A) of this section. The yearly volume of coatings used are to be calculated as specified in paragraphs (x)(6)(i)(A)(1) and (x)(6)(i)(A)(2) of this section.

(iii) Beginning on July 1, 1991, the owner and operator of the General Motors Corporation Electro-Motive Division Plant in LaGrange, Illinois shall keep the following records for each month. All records shall be retained at General Motors for 3 years and shall be made available to the Administrator on request.

(A) The name and identification number of each coating as applied on any coating line within the varnish operation.

(B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month on any coating line within the varnish operation.

(7) The control, recordkeeping, and monitoring requirements in this paragraph apply to the aluminum rolling mills at the Reynolds Metals Company’s McCook Sheet & Plate Plant in McCook, Illinois (Cook County) instead of the control requirements and test methods in the other parts of paragraph (x), and the recordkeeping requirements in paragraph (y) of this section. All of the following requirements must be met by Reynolds on and after July 7, 1995.

(i) Only organic lubricants with initial and final boiling points between 460 degrees F and 635 degrees F, as determined by a distillation range test using ASTM method D86–90, are allowed to be used at Reynolds’ aluminum sheet cold rolling mills numbers 1 and 7. All incoming shipments of organic lubricant for the number 1 and 7 mills must be sampled and each sample must undergo a distillation range test to determine the initial and final boiling points using ASTM method D86–90. A grab rolling lubricant sample shall be taken from each operating mill on a monthly basis and each sample shall undergo a distillation range test to determine the initial and final boiling points, using ASTM method D86–90.

(ii) An oil/water emulsion, with no more than 15 percent by weight of petroleum-based oil and additives, shall be the only lubricant used at Reynolds’ aluminum sheet and plate hot rolling mills, 120 inch, 96 inch, 80 inch, and 145 inch mills. A grab rolling lubricant sample shall be taken from each operating mill on a monthly basis and each sample shall be tested for the percent by weight of petroleum-based oil and additives by ASTM Method D95–83.

(iii) The temperature of the inlet supply of rolling lubricant for aluminum sheet cold rolling mills numbers 1 and 7 shall not exceed 150 °F, as measured at or after (but prior to the lubricant nozzles) the inlet sump. The temperature of the inlet supply of rolling lubricant for the aluminum sheet and plate hot rolling mills, 120 inch, 96 inch, 80 inch, and 145 inch mills shall not exceed 200 °F, as measured at or...
after (but prior to the lubricant nozzles) the inlet sump. Coolant temperatures shall be monitored at all the rolling mills by use of thermocouple probes and chart recorders or electronic data recorders.

(iv) All distillation test results for cold mill lubricants, all percent oil test results for hot mill lubricants, all coolant temperature recording charts and/or temperature data obtained from electronic data recorders, and all oil/water emulsion formulation records, shall be kept on file, and be available for inspection by USEPA, for three years.

(8) The control and recordkeeping requirements in this paragraph apply to the silk screen presses and associated ovens, cleaning operations and laminators at Parisian’s Novelty Company (Parisian), Chicago, Illinois, facility, instead of the control requirements in paragraphs (x)(8)(i)(A) and (x)(8)(i)(A)(2) of this section.

(i) After March 1, 1993, no coatings or inks shall at any time be applied, at any coating or ink applicator, which exceed the following emission limitations for the specified coating or ink.

(A) 6.65 pounds (lbs) volatile organic material (VOM) per gallon of ink (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on Parisian’s silk screen presses.

(B) 6.4 lbs VOM per gallon of adhesive coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on Parisian’s laminators. Such adhesive is identified as MIX #963.

(ii) After March 1, 1993, the volume of coating and ink used shall not exceed the following:

(A) 2,556 gallons per year total for all inks. The yearly volume of inks used is to be calculated as follows:

(1) Compute the volume of ink used each month by the 15th of the following month.

(2) By the 15th of each month, add the monthly ink usage for the 12 previous months (to obtain the yearly volume of ink used).

(B) 780 gallons per year total for all coatings specified in paragraph (x)(8)(i)(B) of this section. The yearly volume of coatings used are to be calculated as specified in paragraphs (x)(8)(i)(A)(1) and (x)(8)(i)(A)(2) of this section.

(iii) Beginning on March 1, 1993, the owner and operator of Parisian’s plant in Chicago, Illinois, shall keep the following records for each month. All records shall be retained at Parisian for 3 years and shall be made available to the Administrator on request.

(A) The name and identification number of each coating as applied on any laminator.

(B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month on any laminator.

(C) The weight of VOM per volume and the volume of each type of ink (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month on any screen press.

(iv) After March 1, 1993, no more than 84 gallons per year of denatured alcohol may be used for cleaning labels at Parisian. The yearly volume of denatured alcohol used is to be calculated as specified in paragraphs (x)(8)(i)(A)(1) and (x)(8)(i)(A)(2) of this section. Beginning on March 1, 1993, Parisian shall keep monthly records of the type, volume, and VOM content of all solvents used for label cleaning. These records shall be retained at Parisian for 3 years and shall be made available to the Administrator on request.

(v) After March 1, 1993, no more than 7,932 gallons per year of screen wash #956 may be used on Parisian’s screen cleaner. The yearly volume of screen wash #956 used is to be calculated as specified in paragraphs (x)(8)(i)(A)(1) and (x)(8)(i)(A)(2) of this section. Beginning on March 1, 1993, Parisian shall keep monthly records of the type, volume, and VOM content of all cleaning compounds used on Parisian’s screen cleaner. These records shall be retained at Parisian for 3 years and shall be made available to the Administrator on request.
(vi) After March 1, 1993, only those cleaners specifically identified in paragraphs (x)(8)(iv) and (x)(8)(v) of this section may be used at Parisian.

(9) The control requirements in this paragraph apply to the process sources listed in paragraph (x)(9)(ix)(A) of this section at the Nalco Chemical Company facility in Bedford Park, Illinois, instead of the control requirements in paragraph (x)(3) of this section.

<table>
<thead>
<tr>
<th>Source</th>
<th>Maximum VOC emissions, lb/batch</th>
<th>12-mo. rolling average limit batch/yr</th>
<th>Peak batch limit, batch/month</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) System 1 charge</td>
<td>0.16 lb/hr</td>
<td>280 lb/hr/yr</td>
<td>33 hr/mo</td>
</tr>
<tr>
<td>System 1 purge</td>
<td>1.35 lb/hr</td>
<td>300 lb/hr/yr</td>
<td>33 hr/mo</td>
</tr>
<tr>
<td>(2) 24–T–156, 157</td>
<td>0.23 lb/hr</td>
<td>402 lb/hr/yr</td>
<td>45 hr/mo</td>
</tr>
<tr>
<td>(3) 28–T–217, 234</td>
<td>0.23 lb/hr</td>
<td>653 lb/hr/yr</td>
<td>65 hr/mo</td>
</tr>
<tr>
<td>(4) 28–T–214–216</td>
<td>0.23 lb/hr</td>
<td>72 lb/hr/yr</td>
<td>8 hr/mo</td>
</tr>
<tr>
<td>(5) 20–R–182, 185</td>
<td>0.07 lb/hr</td>
<td>340 lb/hr/yr</td>
<td>38 hr/mo</td>
</tr>
<tr>
<td>(6) 20–R–130</td>
<td>0.21 lb/hr</td>
<td>254 lb/hr/yr</td>
<td>29 hr/mo</td>
</tr>
<tr>
<td>(7) 20–R–155</td>
<td>0.21 lb/hr</td>
<td>254 lb/hr/yr</td>
<td>29 hr/mo</td>
</tr>
<tr>
<td>(8) 20–WT–174</td>
<td>0.21 lb/hr</td>
<td>254 lb/hr/yr</td>
<td>29 hr/mo</td>
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<tr>
<td>(9) 12–T–97–99</td>
<td>4.6E–4 lb/hr</td>
<td>744 hr/mo</td>
<td></td>
</tr>
<tr>
<td>(10) 12–T–95</td>
<td>4.6E–4 lb/hr</td>
<td>744 hr/mo</td>
<td></td>
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<tr>
<td>(11) 12–T–96</td>
<td>7.7E–5 lb/hr</td>
<td>744 hr/mo</td>
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<td>(12) 12–T–67, 73</td>
<td>0.003 lb/hr</td>
<td>744 hr/mo</td>
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<tr>
<td>(13) 20–T–121–122</td>
<td>0.85 lb/hr</td>
<td>312 lb/hr/yr</td>
<td>34 hr/mo</td>
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<tr>
<td>(14) 20–T–123–125</td>
<td>5.4 lb/hr</td>
<td>616 lb/hr/yr</td>
<td>68 hr/mo</td>
</tr>
<tr>
<td>(15) 20–T–140, 142</td>
<td>8.0 lb/hr</td>
<td>600 lb/hr/yr</td>
<td>65 hr/mo</td>
</tr>
<tr>
<td>(16) 20–T–159</td>
<td>0.31 lb/hr</td>
<td>416 lb/hr/yr</td>
<td>46 hr/mo</td>
</tr>
<tr>
<td>(17) 20–R–193, 200</td>
<td>9.8 lb/hr</td>
<td>540 lb/hr/yr</td>
<td>59 hr/mo</td>
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<tr>
<td>(18) 32–R–300</td>
<td>0.18 lb/hr</td>
<td>365 lb/hr/yr</td>
<td>41 hr/mo</td>
</tr>
<tr>
<td>(19) 32–R–302</td>
<td>0.21 lb/hr</td>
<td>365 lb/hr/yr</td>
<td>41 hr/mo</td>
</tr>
<tr>
<td>(20) 25–T–304</td>
<td>0.21 lb/hr</td>
<td>730 lb/hr/yr</td>
<td>81 hr/mo</td>
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<tr>
<td>(21) 32–T–314</td>
<td>0.23 lb/hr</td>
<td>365 lb/hr/yr</td>
<td>41 hr/mo</td>
</tr>
<tr>
<td>(22) 32–T–322</td>
<td>0.21 lb/hr</td>
<td>365 lb/hr/yr</td>
<td>41 hr/mo</td>
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<tr>
<td>(23) 32–T–328</td>
<td>0.23 lb/hr</td>
<td>365 lb/hr/yr</td>
<td>41 hr/mo</td>
</tr>
<tr>
<td>(24) 10–T–61</td>
<td>0.001 lb/hr</td>
<td>365—containing organic material</td>
<td>31—containing organic material</td>
</tr>
<tr>
<td>(25) 24–T–441, 166</td>
<td>0.12 lb/hr</td>
<td>730 lb/hr/yr</td>
<td>81 hr/mo</td>
</tr>
<tr>
<td>(26) 25–T–284, 440, 443–444</td>
<td>0.28 lb/hr</td>
<td>730 lb/hr/yr</td>
<td>81 hr/mo</td>
</tr>
<tr>
<td>(27) 25–T–170</td>
<td>4E–6 lb/hr</td>
<td>104 lb/hr/yr</td>
<td>12 hr/mo</td>
</tr>
<tr>
<td>(28) Tank truck loading</td>
<td>0.12 lb/truck</td>
<td>1,600 trucks/yr</td>
<td>134 trucks/mo</td>
</tr>
<tr>
<td>(29) System 2</td>
<td>0.06 lb/hr</td>
<td>280 lb/hr/yr</td>
<td>33 hr/mo</td>
</tr>
<tr>
<td>(30) System 4</td>
<td>2.88 lb/hr</td>
<td>280 lb/hr/yr</td>
<td>33 hr/mo</td>
</tr>
<tr>
<td>(31) 25–R–164</td>
<td>0.10 lb/hr</td>
<td>365 lb/hr/yr</td>
<td>41 hr/mo</td>
</tr>
<tr>
<td>(32) 25–R–205</td>
<td>0.14 lb/hr</td>
<td>365 lb/hr/yr</td>
<td>41 hr/mo</td>
</tr>
<tr>
<td>(33) Drum station</td>
<td>3.51 lb/hr</td>
<td>1,005 lb/hr/yr</td>
<td>110 hr/mo</td>
</tr>
<tr>
<td>(34) V–4 SAC</td>
<td>1.56 lb/hr</td>
<td>254 lb/hr/yr</td>
<td>29 hr/mo</td>
</tr>
<tr>
<td>(35) 20–CT–155</td>
<td>13.90 lb/hr</td>
<td>254 lb/hr/yr</td>
<td>29 hr/mo</td>
</tr>
<tr>
<td>(36) 12–SE–100</td>
<td>1.10 lb/hr</td>
<td>8,760 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(37) Drum exhaust hood A</td>
<td>1.00 lb/hr</td>
<td>365—containing use of organic material</td>
<td>31—containing use of organic material</td>
</tr>
<tr>
<td>(38) 24–T–230</td>
<td>0.98 lb/hr</td>
<td>730 lb/hr/yr</td>
<td>81 hr/mo</td>
</tr>
<tr>
<td>(39) 8–CT–1</td>
<td>0.002 lb/hr</td>
<td>8,760 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(40) 9–CT–1</td>
<td>0.002 lb/hr</td>
<td>8,760 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(41) 10–CT–1</td>
<td>0.005 lb/hr</td>
<td>8,760 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(42) 22–CT–1</td>
<td>0.003 lb/hr</td>
<td>8,760 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(43) 25–CT–1</td>
<td>0.005 lb/hr</td>
<td>8,760 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(44) 25–CT–2</td>
<td>0.002 lb/hr</td>
<td>8,760 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(45) 29–CT–1</td>
<td>0.002 lb/hr</td>
<td>8,760 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(46) 32–CT–1</td>
<td>0.005 lb/hr</td>
<td>8,760 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(47) 36–CT–1</td>
<td>0.002 lb/hr</td>
<td>8,760 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(48) 32–T–325</td>
<td>0 lb/hr</td>
<td>365 lb/hr/yr</td>
<td>41 hr/mo</td>
</tr>
<tr>
<td>(49) 26–R–365</td>
<td>0.1 lb/hr</td>
<td>365 lb/hr/yr</td>
<td>41 hr/mo</td>
</tr>
<tr>
<td>(50) Continuous polymer-blending</td>
<td>0.1 lb/hr</td>
<td>2,000 lb/hr/yr</td>
<td>81 hr/mo</td>
</tr>
<tr>
<td>(51) Portafed washer booth 1</td>
<td>0.84 lb/hr</td>
<td>4,160 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
<tr>
<td>(52) Portafed washer booth 2</td>
<td>0.84 lb/hr</td>
<td>8,736 lb/hr/yr</td>
<td>744 hr/mo</td>
</tr>
</tbody>
</table>
(B) The following equation shall be used to calculate maximum VOC emissions per batch for the process sources listed in paragraphs (x)(9)(1)(A)(I) (charge only and (2) through (29) and (33) of this section:

\[
ER = \frac{Q_0 \times \text{Molar Mass} \times \text{Partial Pressure}}{\text{Constant}_1}\]

Where:
- \( ER \) = VOC emission rate;
- \( Q_0 \) = Quantity of organic per batch or charge rate;
- \( \text{Molar Mass} \) = Molecular weight of the volatile component;
- \( \text{Partial Pressure} \) = Partial pressure of the volatile component for mixtures of liquid made up with more than one chemical, or vapor pressure for pure liquids made up of only one organic chemical; and
- \( \text{Constant}_1 = (7.45 \text{ gal/ft}^3) \times (385 \text{ ft}^3/\text{mole}) \times (760 \text{ mmHg}) \).

(C) The following equation shall be used to calculate the VOC emissions per batch from the process sources listed in paragraph (x)(9)(1)(A)(I) of this section (purge only) and (29) through (32) of this section:

\[
ER = \frac{PR \times \text{Molar Mass} \times \text{Partial Pressure}}{\text{Constant}_2}
\]

Where:
- \( PR \) = Nitrogen purge rate; and
- \( \text{Constant}_2 = (385 \text{ ft}^3/\text{mole}) \times (760 \text{ mmHg}) \).

(D) The following equation shall be used to calculate the VOC emissions per batch from the drum station listed at paragraph (x)(9)(1)(A)(33) of this section:

\[
ER = FR_1 \times \text{Molar Mass} \times \text{Partial Pressure} \times \frac{1}{(760 - P_{v2})}
\]

Where:
- \( FR_1 \) = Maximum air flow rate to maintain 1 mmHg;
- \( \text{Molar Mass} \) = Molecular weight of air; and
- \( P_{v2} \) = Vapor pressure of organic at 65 °F and 760 mmHg.

(E) The following equation shall be used to calculate the VOC emissions per batch from the V–4SAC listed at paragraph (x)(9)(1)(A)(34) of this section:

(F) The following equation shall be used to calculate the VOC emissions per batch from 20–CT–155 listed at paragraph (x)(9)(1)(A)(35) of this section:
ER(lb / batch) = \[ER_{\text{tot}}(\text{lb} / \text{hr}) - ER_{VAC}(\text{lb} / \text{hr})\] × hr / batch

Where:

\[ER_{\text{tot}} = \text{Total system emission rate calculated using the following equation:}\]

\[ER_{\text{tot}}(\text{lb} / \text{hr}) = \frac{FR_{\text{lb} / \text{hr}} \times M_{\nu} \times P_{\text{V1}}(\text{mmHg})}{M_a(\text{lb} / \text{mole}) \times (350 - P_{\text{V1}})(\text{mmHg})}\]

Where:

\[P_{\text{v1}} = \text{Vapor pressure of organic at 200 °F and 350 mmHg.}\]

(G) The following equation shall be used to calculate the VOC emissions per hour from 12–SE–100 listed at paragraph (x)(9)(i)(A)(36) of this section:

\[ER(\text{lb/hr}) = \text{Evap (gm/cm}^2 \text{ sec) \times area (cm}^2 \times 3600 \text{ sec/hr}}\]

Where:

\[\text{Evap = Evaporation rate from a surface 8.93 cm \times 8.9 cm (lb/cm}^2 \text{ [sec]) calculated using the following equation:}\]

\[\text{Evap} = 10^{-7} \times 0.71 \times (0.004(P_e - P_d)^{1.25} + 156(P_e - P_d))\]

Where:

\[P_e = \text{Partial pressure of the component from the spilled liquid;}\]

\[P_d = \text{Partial pressure of the component in the incident air stream, assumed to be 0 mmHg; and}\]

\[\text{Area = Surface area of the liquid.}\]

(H) The following equation shall be used to calculate the VOC emissions per batch from the drum exhaust hood A listed at paragraph (x)(9)(i)(A)(37) of this section:

\[ER(\text{lb batch}) = \frac{FR_{\text{lb} / \text{batch}} \times M_{\nu} \times P}{M_a(\text{lb} / \text{mole}) \times (\text{tan}[\text{\degree}]/\text{mmHg/mole})}\]

Where:

\[FR = \text{Air flow rate.}\]

(I) The following equation shall be used to calculate the VOC emissions per batch from 24–T–230 listed at paragraph (x)(9)(i)(A)(38) of this section:

\[ER(\text{lb batch}) = \frac{(V_H - V_A) \times M_{\nu} \times PP_{135}^\circ F \times 0.5}{\text{Constant}_3}\]

Where:

\[V_H = \text{Head space volume at heated temperature 135 °F;}\]

\[V_A = \text{Head space volume at ambient temperature 68 °F;}\]

\[PP_{135}^\circ F = \text{Partial pressure of volatile component at 135 °F.}\]

\[\text{Constant}_3 = (434 \text{ ft}^3/\text{mole})(7.45 \text{ gal/ft}^3) \times (760 \text{ mmHg})\]

(J) The following equations shall be used to calculate the VOC emissions per batch from the process sources listed in paragraph (x)(9)(i) (39) through (47) of this section:
(K) The number of batches for each process source shall be calculated as follows:

(I) Compute the monthly number of batches for each process source by the 15th day of the following month.

(2) By the 15th day of each month, add the monthly number of batches for each process source for the 12 previous months to obtain the total number of batches per year.

(ii) Recordingkeeping. (A) On and after October 1, 1992, the owner and operator of the Nalco Chemical Company facility in Bedford Park, Illinois, shall keep the following records for all processes sources listed in paragraph (x)(10)(i)(A) through (K) of this section. These records shall be maintained for the units specified in paragraphs (x)(9)(i) through (K) of this section, be compiled on a monthly basis, be retained at the facility for a period of 3 years, and be made available to the Administrator upon request.

(B) [Reserved]

(I) Calculations of the pounds per batch or pounds per hour (as appropriate) for each batch for each process source. This includes the information necessary for each calculation.

(2) The monthly number of batches for each process source.

(3) The total number of batches per year for the 12 previous months for each process source.

(10) The control requirements in this paragraph apply to the storage tanks listed in paragraph (x)(10)(i)(A) of this section at the Nalco Chemical Company facility in Bedford Park, Illinois, instead of the control requirements in paragraph (x)(3) of this section.

(i) Production and Operation Restrictions. (A) On and after October 1, 1992, the product of the molecular weight of vapor in each storage tank (Mw), the true vapor pressure at bulk liquid conditions for each tank (Pt), the paint factor (Fp); the storage tank maximum yearly throughput for each tank; and the maximum monthly throughput for each tank shall not exceed the following limits:

<table>
<thead>
<tr>
<th>Tank No.</th>
<th>Mw × P × Fp (lb (mmHg)/lb-mole)</th>
<th>Yearly throughput, gal/yr</th>
<th>Monthly throughput, gal/month</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 24-T-147</td>
<td>45.4</td>
<td>58,250</td>
<td>4,688</td>
</tr>
<tr>
<td>(2) 24-T-150</td>
<td>227</td>
<td>266,450</td>
<td>22,204</td>
</tr>
<tr>
<td>(3) 24-T-151</td>
<td>227</td>
<td>266,450</td>
<td>22,204</td>
</tr>
<tr>
<td>(4) 24-T-158N</td>
<td>18.9</td>
<td>173,830</td>
<td>14,486</td>
</tr>
<tr>
<td>(5) 24-T-158C</td>
<td>18.0</td>
<td>110,190</td>
<td>9,183</td>
</tr>
<tr>
<td>(6) 24-T-158S</td>
<td>1.17</td>
<td>52,010</td>
<td>4,334</td>
</tr>
<tr>
<td>(7) 24-T-160</td>
<td>226.8</td>
<td>266,450</td>
<td>22,204</td>
</tr>
<tr>
<td>(8) 24-T-161</td>
<td>227</td>
<td>182,450</td>
<td>15,204</td>
</tr>
<tr>
<td>(9) 24-T-162</td>
<td>473</td>
<td>93,900</td>
<td>7,825</td>
</tr>
<tr>
<td>(10) 20-T-101</td>
<td>3.72</td>
<td>96,290</td>
<td>7,825</td>
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<tr>
<td>(11) 20-T-102</td>
<td>1.80</td>
<td>122,900</td>
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<td>(12) 20-T-103</td>
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</tr>
<tr>
<td>(13) 20-T-104</td>
<td>180</td>
<td>475,900</td>
<td>39,659</td>
</tr>
<tr>
<td>(14) 20-T-105</td>
<td>370</td>
<td>52,360</td>
<td>4,363</td>
</tr>
<tr>
<td>Tank No.</td>
<td>M Kansas (lb/mole)</td>
<td>Yearly throughput, gal/year</td>
<td>Monthly throughput, gal/month</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>-------------------------------</td>
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<td>20–T–106</td>
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<td>90,040</td>
<td>7,503</td>
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<tr>
<td>20–T–132*</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>20–T–133*</td>
<td></td>
<td></td>
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<tr>
<td>20–T–134*</td>
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<td></td>
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<td>29.5</td>
<td>307,710</td>
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<td>64,620</td>
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<td>77,290</td>
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<td>17–T–242</td>
<td>115</td>
<td>873,270</td>
<td>72,773</td>
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<td>23.4</td>
<td>209,610</td>
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<td>197,900</td>
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<td>2,460</td>
<td>160,020</td>
<td>13,336</td>
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<td>6,235</td>
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<td>50.0</td>
<td>63,040</td>
<td>5,253</td>
</tr>
</tbody>
</table>
(B) The throughput shall be calculated as follows:

(i) Compute the monthly throughput for each tank by the 15th day of the following month.

(ii) By the 15th day of each month, add the monthly throughputs for the 12 previous months to obtain the yearly throughput.

(iii) Recordkeeping. (A) On and after October 1, 1992, the owner and operator of the Nalco Chemical Company facility in Bedford Park, Illinois, shall keep the following records for all storage tanks. These records shall be compiled on a monthly basis, be retained at the facility for a period of 3 years, and be made available to the Administrator upon request.

(a) The molecular weight of vapor in each storage tank (Mv) shall be determined by using the procedure specified in paragraph (a)(8) of this section.

(b) The molecular weight of vapor in the storage tank shall be determined by using Table 4.3-2 “Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources,” AP–42, September 1985, or by analysis of vapor samples. Where mixtures of organic liquids are stored in a tank, Mv shall be estimated from the liquid composition using the following equation:

\[
M_v = \frac{P_v}{P_t} \left[ M_a X_a + M_b X_b \right]
\]

Where:

M = Molecular weight of pure component \( a \);

P = Vapor pressure of pure component \( a \);

X = Mole fraction of pure component \( a \) in the liquid;

M = Molecular weight of pure component \( b \);

P = Vapor pressure of pure component \( b \);

X = Mole fraction of pure component \( b \) in the liquid; and

P = P_a X_a P_b X_b.

(c) Test Methods. (A) The true vapor pressure at bulk liquid temperature shall be determined by the procedures specified in paragraph (a)(8) of this section.

(B) The molecular weight of vapor in the storage tank shall be determined by using Table 4.3-2 “Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources,” AP–42, September 1985, or by analysis of vapor samples. Where mixtures of organic liquids are stored in a tank, Mv shall be estimated from the liquid composition using the following equation:

\[
M_v = \frac{P_v}{P_t} \left[ M_a X_a + M_b X_b \right]
\]

Where:

M = Molecular weight of pure component \( a \);

P = Vapor pressure of pure component \( a \);

X = Mole fraction of pure component \( a \) in the liquid;

M = Molecular weight of pure component \( b \);

P = Vapor pressure of pure component \( b \);

X = Mole fraction of pure component \( b \) in the liquid; and

P = P_a X_a P_b X_b.
Environmental Protection Agency
§ 52.741

Park, Illinois, instead of the control requirements in paragraph (x)(3) of this section.

(i) Production and Operation Restrictions.

(A) On and after October 1, 1992, all components (e.g., pumps, valves, flanges, pressure relief valves (PRV’s), and open end lines) at the specified locations (e.g., Building 32—Tube Reactor System, etc.), and in the specified type of service (e.g., heavy liquid stratified, light liquid stratified, etc.) shall be limited by the maximum monthly hours in the following table:

(ii) Recordkeeping.

(A) On and after October 1, 1992, the owner and operator of the Nalco Chemical Company facility in Bedford Park, Illinois, shall keep the following records for all fugitive emission sources. These records shall be compiled on a monthly basis, be retained at the facility for a period of 3 years, and be made available to the Administrator upon request.

(1) The total number of hours of organic service for each component at each location specified in paragraphs (x)(11)(i)(A) (1) through (10) of this section.

(2) The vapor pressure of each organic compound in each component at each location specified in paragraphs (x)(11)(i)(A) (1) through (10) of this section.

(B) [Reserved]

(12) The control and recordkeeping and reporting requirements, as well as the test methods in this paragraph, apply to the gravure and screen press operations at the Meyercord Corporation (Meyercord) in Carol Stream, Illinois, instead of the requirements in paragraphs (x)(1) through (x)(6) of this section.

(i) After July 1, 1991, no materials which contain volatile organic material (VOM), including coatings, inks, and cleaning material, may be used at any gravure or screen press unless the total VOM emissions remain below 100 tons of VOM for every consecutive 365-day period, or fraction thereof, starting on July 1, 1991. A new 365-day period starts on each day. The VOM emissions, which are to be calculated on a daily basis, are to be added to the VOM emissions for the prior 364 days (but not including any day prior to July 1, 1991). VOM emissions are based upon the VOM content of the material and the volume of material used. The effect of add-on control equipment is not considered in calculating VOM emissions; that is, the VOM emissions are to be determined as if the press(es) do(es) not have add-on control equipment. The applicable test methods and procedures specified in paragraph (a)(4) of this section are to be used in determining daily VOM emissions.

(ii) The VOM content of each coating, ink, and cleaning solution shall be determined by the applicable test methods and procedures specified in paragraph (a)(4) of this section to establish the records required under paragraph (x)(12)(ii) of this section. Beginning on July 1, 1991, the owner or operator of the subject presses shall collect and record all of the following information each day and maintain the information at the facility for 3 years:

(A) The name and identification number of each coating, ink, and cleaning solution as applied on any press.

(B) The pounds (lbs) of VOM per gallon of each coating, ink, and cleaning solution (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on any press.

(C) The total gallons of each coating, ink, and cleaning solution (minus water and any compounds which are specifically exempted from the definition of VOM) used per day.

(D) The total lbs of VOM per day from all coatings, inks, and cleaning solutions used on all presses. The total lbs of VOM per day is to be calculated by multiplying the lbs of VOM per gallon (minus water and any compounds which are specifically exempted from the definition of VOM) times the gallons (minus water and any compounds which are specifically exempted from the definition of VOM) used per day.

(E) The total lbs of VOM per day from all coatings, inks, and cleaning solutions used on all presses. The total lbs of VOM per day is to be obtained by adding the lbs of VOM per day contained in all coatings, inks, and cleaning solutions.
§ 52.741

(F) Within 7 days after each 365-day period, the VOM emissions (as calculated in paragraph (x)(12)(ii)(E)) of this section before add-on control, from the 365-day period, are to be determined.

Starting on July 7, 1992, VOM emissions are to be determined for the 365 days ending 7 days earlier. Each day concludes a new 365-day period. However, no VOM emissions are to be included for any days prior to July 1, 1991. For example, on July 17, 1991, the emissions from July 1, through July 10, 1991, are to be included, whereas on January 7, 1994, the emissions from January 1, 1993, through December 31, 1993, are to be included.

(i) After July 1, 1991, no inks shall at any time be applied, at the presses indicated below, which exceed the pounds (lbs) volatile organic material (VOM) per gallon of ink (minus water and any compounds which are specifically exempted from the definition of VOM) limit established for each press. After July 1, 1991, the yearly volume of ink (excluding ink and water) used at each press, in gallons of material (minus water and any compounds which are specifically exempted from the definition of VOM) per year, shall not exceed the gallons per year limit established for each press. The yearly volume of ink (excluding ink and water) used per press is to be calculated according to the procedure in paragraph (x)(13)(iii) of this section.

(ii) After July 1, 1991, no materials (other than those inks subject to the limits in paragraph (x)(13)(i)) of this section, shall at any time be applied or used, at the presses indicated below, which exceed the lbs VOM per gallon of material (minus water and any compounds which are specifically exempted from the definition of VOM) limit established for each press. After July 1, 1991, the yearly volume of material (excluding ink and water) used at each press, in gallons of material (minus water and any compounds which are specifically exempted from the definition of VOM) per year, shall not exceed the gallons per year limit established for each press. The yearly volume of material (excluding ink and water) used per press is to be calculated according to the procedure in paragraph (x)(13)(iii) of this section.

(iii) The yearly volume of ink/material used is to be calculated as follows:

(A) Compute the volume of ink/material used each month per press by the 15th of the following month.
(B) By the 15th of each month, add the monthly ink/material usage per press for the 12 previous months (to obtain the yearly volume of ink used).

(iv) Beginning on July 1, 1991, the owner and operator of Wallace’s plant in Hillside, Illinois, shall keep the following records for each press for each month. All records shall be retained by Wallace for 3 years and shall be made available to the Administrator on request:

(A) The name and identification number of each ink, fountain solution, fountain solution additive, cleaning solvent, and other VOM containing material as applied or used.
(B) The weight of VOM per volume of each ink, fountain solution, fountain solution additive, cleaning solvent, and each other VOM containing material (minus water and any compounds which are specifically exempted from

### Table: Press  | Lbs VOM/ gallon ink | Gallons/ year ink
--- | --- | ---
14 | 6.9 | 612
16 | 6.9 | 8,340
22 | 7.1 | 360
23 | 7.1 | 480
25 | 7.1 | 516
26 | 7.1 | 1,848

### Table: Press  | Lbs VOM/ gallon ink |
--- | ---
14 | 1.68
16 | 1.68
22 | 3.01
23 | 3.01
25 | 3.01
26 | 3.01

814
the definition of VOM) as applied or used each month.

(C) The volume of ink (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month.

(D) The total volume of miscellaneous VOM containing materials (minus water and any compounds which are specifically exempted from the definition of VOM), other than inks, that are used each month.

(v) Any record showing a violation of paragraph (x)(13)(i) or (x)(13)(ii) of this section shall be reported by sending a copy of such record to the Administrator within 30 days of the violation.

(vi) To determine compliance with paragraphs (x)(13)(i) and (x)(13)(ii) of this section and to establish the records required under paragraphs (x)(13)(iv) of this section the VOM content of each ink and miscellaneous VOM containing material shall be determined by the applicable test methods and procedures specified in paragraph (a)(4) of this section.

14 (i) After July 24, 1992, no inks, coatings, thinner, clean-up material, and other VOC-containing material shall not exceed the applicable pounds per year limit established below. The yearly weight of ink, coating, thinner, clean-up material, and other VOC-containing material is to be calculated according to the procedure in paragraph (x)(14)(ii) of this section.

(ii) The yearly weight of material used is to be calculated as follows:

(A) Compute the weight of each ink, coating, thinner, clean-up material, and other VOC-containing material used each month by the 15th of the following month.

(B) By the 15th of each month, add the monthly usage (in pounds) of each ink, coating, thinner, clean-up material, and other VOC-containing material for the twelve previous months (to obtain the yearly weight of each ink, coating, thinner, clean-up material used). A comparison of these yearly usage levels (in pounds) with purchase records must be made to ensure the accuracy of the monthly usage levels (in pounds) obtained to satisfy paragraph (x)(14)(ii)(A) of this section.

(iii) Beginning on August 1, 1992, the owner and operator of the American Decal and Manufacturing Company

### Environmental Protection Agency

#### § 52.741

**Material Usage**

<table>
<thead>
<tr>
<th>Material</th>
<th>Usage (lbs/yr)</th>
<th>Weight Percent VOC</th>
</tr>
</thead>
<tbody>
<tr>
<td>#5 ink</td>
<td>9,076</td>
<td>56.8</td>
</tr>
<tr>
<td>#7 ink</td>
<td>1,278</td>
<td>54.2</td>
</tr>
<tr>
<td>#9 ink</td>
<td>2,911</td>
<td>72.7</td>
</tr>
<tr>
<td>Blue N.C. lacq</td>
<td>394</td>
<td>64.3</td>
</tr>
<tr>
<td>Black M lacq</td>
<td>753</td>
<td>61.6</td>
</tr>
<tr>
<td>489L Clear</td>
<td>2,451</td>
<td>77.1</td>
</tr>
<tr>
<td>489L H Clear</td>
<td>3,360</td>
<td>75.0</td>
</tr>
<tr>
<td>Flow-Out Agent</td>
<td>1,795</td>
<td>97.1</td>
</tr>
<tr>
<td>D.S. Stamp lacq</td>
<td>1,047</td>
<td>62.0</td>
</tr>
<tr>
<td>Dull write-on</td>
<td>86</td>
<td>71.6</td>
</tr>
<tr>
<td>AH–16</td>
<td>621</td>
<td>84.5</td>
</tr>
<tr>
<td>Thinner (#7,6)</td>
<td>2,350</td>
<td>100.0</td>
</tr>
<tr>
<td>Exon 470</td>
<td>1,668</td>
<td>65.4</td>
</tr>
<tr>
<td>9c Clear</td>
<td>2,451</td>
<td>77.1</td>
</tr>
<tr>
<td>White M lacq</td>
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<td>Tedlar Gr. Vehicle</td>
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<td>TH–98</td>
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<td>PG 160</td>
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<td>3.0</td>
</tr>
<tr>
<td>#1 tint</td>
<td>4,872</td>
<td>69.3</td>
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<tr>
<td>#2 tint</td>
<td>4,256</td>
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<td>Roto Color</td>
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<td>1st SS White</td>
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</tr>
<tr>
<td>2nd SS White</td>
<td>25,740</td>
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<tr>
<td>Clean Up</td>
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</tr>
<tr>
<td>Other Materials</td>
<td>400</td>
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</tr>
</tbody>
</table>
plant in Chicago, Illinois, shall keep the following records for each ink, coating, thinner, clean-up material, and other VOC-containing material for each month. All records shall be kept by the American Decal and Manufacturing Company for 3 years and shall be made available to the Administrator on request:

(A) The name and identification number of each ink, coating, thinner, clean-up material, and other VOC-containing material as applied or used.

(B) The weight percent VOC of each ink, coating, thinner, clean-up material, and other VOC-containing material as applied or used.

(C) The as applied weight of each ink, coating, thinner, clean-up material, and other VOC-containing material used each month.

(iv) Any record showing a violation of paragraph (x)(14)(i) of this section after October 20, 1995 shall be reported by sending a copy of such record to the Administrator within 30 days of the violation.

(v) To determine compliance with paragraph (x)(14)(i) of this section and to establish the records required under paragraph (x)(14)(iii) of this section, the weight percent VOC of each ink, coating, thinner, clean-up material, and other VOC-containing material shall be determined by the applicable test methods and procedures specified in paragraph (a)(4) of this section. Any material reported to be 100 percent VOC does not have to be tested for weight percent VOC.

(y) Recordkeeping and reporting for non-CTG sources—(1) Exempt emission sources. Upon request by the Administrator, the owner or operator of an emission source which is exempt from the requirements of paragraphs (u), (v), (w), (x), or (e)(3)(ii) of this section shall submit records to the Administrator within 30 calendar days from the date of the request that document that the emission source is exempt from those requirements.

(2) Subject emission sources. (i) Any owner or operator of a VOM emission source which is subject to the requirements of paragraph (u), (v), (w) or (x) of this section and complying by the use of emission capture and control equipment shall comply with the following:

(A) By July 1, 1991, or upon initial start-up of a new emission source, the owner or operator of the subject VOM emission source shall perform all tests and submit to the Administrator the results of all tests and calculations necessary to demonstrate that the subject emission source will be in compliance on and after July 1, 1991, or on and after the initial start-up date.

(B) On and after July 1, 1991, or on and after the initial start-up date, the owner or operator of a subject VOM emission source shall collect and record all of the following information each day and maintain the information at the facility for a period of three years:

(1) Control device monitoring data.

(2) A log of operating time for the capture system, control device, monitoring equipment and the associated emission source.

(3) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

(C) On and after July 1, 1991, the owner or operator of a subject VOM emission source shall notify the Administrator in the following instances:

(1) Any record showing a violation of the requirements of paragraphs (u), (v), (w), or (x) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following the occurrence of the violation.

(2) At least 30 calendar days before changing the method of compliance with paragraphs (u) or (x) of this section from the use of capture systems and control devices to the use of complying coatings, the owner or operator shall comply with all requirements of paragraph (y)(2)(ii)(A) of this section. Upon changing the method of compliance with paragraphs (u) or (x) of this section from the use of capture systems and control devices to the use of complying coatings, the owner or operator shall comply with all requirements of paragraph (y)(2)(ii)(A) of this section.
(i) Any owner or operator of a coating line which is subject to the requirements of paragraphs (u) or (x) of this section and complying by means of the daily-weighted average VOM content limitation shall comply with the following:

(A) By July 1, 1991, or upon initial start-up of a coating line subject to paragraph (u) or (x) of this section; the owner or operator of the subject coating line shall certify to the Administrator that the coating line will be in compliance on and after July 1, 1991, or on and after the initial start-up date. Such certification shall include:

(1) The name and identification number of each coating line which will comply by means of the daily-weighted average VOM content limitation.

(2) The name and identification number of each coating as applied on each coating line.

(3) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

(4) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

(5) The method by which the owner or operator will create and maintain records each day as required in paragraph (y)(2)(ii)(B) of this section.

(6) An example of the format in which the records required in paragraph (y)(2)(ii)(B) of this section will be kept.

(B) On and after July 1, 1991, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the facility for a period of three years:

(1) The name and identification number of each coating as applied on each coating line.

(2) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

(3) The daily-weighted average VOM content of all coatings as applied on each coating line as defined in paragraph (a)(3) of this section.

(C) On and after July 1, 1991, the owner or operator of a subject coating line shall notify the Administrator in the following instances:

(1) Any record showing violation of the requirements of paragraph (u) or (x) of this section shall be reported by sending a copy of such record to the Administrator within 30 days following the occurrence of the violation.

(2) At least 30 calendar days before changing the method of compliance with paragraph (u) or (x) of this section from the use of complying coatings to the use capture systems and control devices, the owner or operator shall comply with all requirements of paragraph (y)(2)(i)(A) of this section. Upon changing the method of compliance with paragraphs (u) or (x) of this section from the use of complying coatings to the use capture systems and control devices, the owner or operator shall comply with all requirements of paragraph (y)(2)(i) of this section.

(iii) Any owner or operator of a VOM emission source which is subject to the requirements of paragraphs (u), (v), (w) or (x) of this section and complying by means of an alternative control plan which has been approved by the Administrator as a SIP or FIP revision shall comply with the recordkeeping and reporting requirements specified in the alternative control plan.

(2) Rules stayed. Notwithstanding any other provision of this subpart, the effectiveness of the following rules is stayed as indicated below.

(1) [Reserved]

(2) Compliance with all of 40 CFR 52.741 is stayed for 60 days (July 1, 1991, until August 30, 1991) as it pertains to the following parties: The Illinois Environmental Regulatory Group including its approximately 40 member firms; Allsteel, Incorporated; Riverside Laboratories, Incorporated; the Printing Industry of Illinois/Indiana Association including its member firms, and R.R. Donnelley & Sons Company; the rules applicable to General Motors Corporation; Reynolds Metals Company; Stepan Company; and Duo-Fast Corporation. Final compliance for these
The following rules are stayed from July 23, 1991, until USEPA completes its reconsideration as indicated:

(i) 40 CFR 52.741(e) only as it applies to Duo-Fast Corporation’s Franklin Park, Illinois “power-driven metal fastener” manufacturing facility, and

(ii) 40 CFR 52.741 (w) and (y) only as it applies to Stepan Company’s miscellaneous organic chemical manufacturing processes at its manufacturing facility located near Millsdale, Illinois.

When USEPA concludes its reconsideration, it will publish its decision and any actions required to effectuate that decision in the FEDERAL REGISTER.

(4)-(5) [Reserved]

APPENDIX A TO §52.741—LIST OF CHEMICALS DEFINING SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING

<table>
<thead>
<tr>
<th>No.</th>
<th>Chemical</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Acetal</td>
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<tr>
<td>30</td>
<td>Acetaldehyde</td>
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§ 52.741  OCPDB Numbers and Chemicals

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¹The OCPDB Numbers are reference indices assigned to the various chemicals in the Organic Chemical Producers Data Base developed by the USEPA.
Environmental Protection Agency

§ 52.741

1.3 Estimated measurement uncertainty. The measurement uncertainties are estimated for each captured or fugitive emissions point as follows: \( Q = \pm 5.5 \) percent and \( C_p = \pm 5.0 \) percent. Based on these numbers, the probable uncertainty for \( G \) is estimated at about \( \pm 7.4 \) percent.

1.4 Sampling requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.

1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.

2. APPARATUS AND REAGENTS

2.1 Gas VOC concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:

2.1.1 Sample probe. Stainless steel, or equivalent. The probe shall be heated to prevent VOC condensation.

2.1.2 Calibration valve assembly. Three-way valve assembly at the outlet of sample probe to direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.

2.1.3 Sample line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.

2.1.4 Sample pump. A lead-free pump, to pull the sample gas through the system at a flow rate sufficient to minimize the response time of the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.

2.1.5 Sample flow rate control. A sample flow rate control valve and rotameter, or equivalent, to maintain a constant sampling rate within 10 percent. The flow rate control valve and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.

2.1.6 Sample gas manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If captured or fugitive emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold and connecting lines to the FIA must be heated to prevent condensation.

2.1.7 Organic concentration analyzer. An FIA with a span value of 1.3 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements.

The system shall be capable of meeting or exceeding the following specifications:

2.1.7.1 Zero drift. Less than \( \pm 3.0 \) percent of the span value.

2.1.7.2 Calibration drift. Less than \( \pm 3.0 \) percent of the span value.

2.1.7.3 Calibration error. Less than \( \pm 5.0 \) percent of the calibration gas value.

2.1.7.4 Response time. Less than 30 seconds.

2.1.8 Integrator/data acquisition system. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.

2.1.9 Calibration and other gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to \( \pm 1 \) percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than \( \pm 2 \) percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.

2.1.9.1 Fuel. A 40 percent \( H_2 \) percent \( H_2O \) percent \( N_2 \) gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.

2.1.9.2 Carrier gas. High purity air with less than 1 ppm of organic material (as propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.

2.1.9.3 FIA Linearity calibration gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20–30, 45–55, and 70–80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.

2.1.10 Particulate filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter must be
heated to prevent any condensation unless it can be demonstrated that no condensation occurs.

2.2 Captured emissions volumetric flow rate.

2.2.1 Method 1 apparatus and reagents. For determining volumetric flow rate.

2.2.2 Method 3 apparatus and reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.

2.2.3 Method 4 apparatus and reagents. For determining moisture content, if necessary.

3. Determinations of Volumetric Flow Rate of Captured Emissions

3.1 Locate all points where emissions are captured from the affected facility. Using Method 1, determine the sampling points. Be sure to check each site for cyclonic or swirling flow.

3.2 Measure the velocity at each sampling site at least once every hour during each sampling run using Method 2 or 2A.

4. Determinations of VOC Content of Captured Emissions

4.1 Analysis duration. Measure the VOC responses at each captured emissions point during the entire test run or, if applicable, while the process is operating. If there are multiple captured emission locations, design a sampling system to allow a single FIA to be used to determine the VOC responses at all sampling locations.

4.2 Gas VOC concentration.

4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA according to the procedure in section 5.1.

4.2.2 Conduct a system check according to the procedure in section 5.3.

4.2.3 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct, and is sealed tightly at the stack port connection.

4.2.4 Inject zero gas at the calibration valve assembly. Allow the measurement system response to reach zero. Measure the system response time as the time required for the system to reach the effluent concentration after the calibration valve has been returned to the effluent sampling position.

4.2.5 Conduct a system check before and after each sampling run according to the procedures in sections 5.2 and 5.3. If the drift check following a run indicates unacceptable performance, the run is not valid. The tester may elect to perform system drift checks during the run not to exceed one drift check per hour.

4.2.6 Verify that the sample lines, filter, and pump temperatures are 120 ± 5°C.

4.2.7 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple captured emission locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same as the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of testing. Disregard the measurements at each sampling location until two times the response time of the measurement system has elapsed. Continue sampling for at least 1 minute and record the concentration measurements.

4.3 Background concentration.

4.3.1 Locate all NDO’s of the TTE. A sampling point shall be centrally located outside of the TTE at 4 equivalent diameters from each NDO, if possible. If there are more than 6 NDO’s, choose 6 sampling points evenly spaced among the NDO’s.

4.3.2 Assemble the sample train as shown in Figure 2. Calibrate the FIA and conduct a system check according to the procedures in sections 5.1 and 5.3.

NOTE: This sample train shall be a separate sampling train from the one to measure the captured emissions.

4.3.3 Position the probe at the sampling location.

4.3.4 Determine the response time, conduct the system check and sample according to the procedures described in sections 4.2.4 to 4.2.7.

4.4 Alternative procedure. The direct interface sampling and analysis procedure described in section 7.2 of Method 18 may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

5. Calibration and Quality Assurance

5.1 FIA calibration and linearity check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a
calibration and linearity check after assembling the analysis system and after a major change is made to the system.

5.2 Systems drift checks. Select the calibration gas that most closely approximates the concentration of the captured emissions for conducting the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in section 5.1 is less than 3 percent of the span value. Conduct the system drift checks at the end of each run.

5.3 System check. Inject the high range calibration gas at the inlet to the sampling probe while the dilution air is turned off. Record the response. The performance of the system is acceptable if the system response is within 5 percent of the value obtained in section 5.1 for the high range calibration gas. Conduct a system check before and after each test run.

5.4 Analysis audit. Immediately before each test analyze an audit cylinder as described in section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.

6. NOMENCLATURE

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>Concentration of captured emissions, ppm</td>
</tr>
<tr>
<td>G</td>
<td>Total VOC content of captured emissions, kg</td>
</tr>
<tr>
<td>A</td>
<td>Area of NDO, ft²</td>
</tr>
<tr>
<td>n</td>
<td>Total area of all NDO’s in the enclosure, ft²</td>
</tr>
<tr>
<td>Cn</td>
<td>Corrected average VOC concentration of background emissions at point i, ppm propane</td>
</tr>
<tr>
<td>C</td>
<td>Average background concentration, ppm propane</td>
</tr>
<tr>
<td>Cm</td>
<td>Corrected average VOC concentration of captured emissions at point j, ppm propane</td>
</tr>
<tr>
<td>Ctm</td>
<td>Average measured concentration for the drift check calibration gas, ppm propane</td>
</tr>
<tr>
<td>Cdr</td>
<td>Average system drift check concentration for zero concentration gas, ppm propane</td>
</tr>
<tr>
<td>C</td>
<td>Actual concentration of the drift check calibration gas, ppm propane</td>
</tr>
<tr>
<td>C</td>
<td>Uncorrected average background VOC concentration measured at point i, ppm propane</td>
</tr>
<tr>
<td>CC</td>
<td>Uncorrected average VOC concentration measured at point j, ppm propane</td>
</tr>
<tr>
<td>G</td>
<td>Total VOC content of captured emissions, kg</td>
</tr>
<tr>
<td>K</td>
<td>1.830 x 10⁻² kg/(m³·ppm)</td>
</tr>
<tr>
<td>n</td>
<td>Number of measurement points</td>
</tr>
<tr>
<td>Q</td>
<td>Average flow rate (Qm) corrected to standard conditions at captured emissions point j, m³/min</td>
</tr>
<tr>
<td>T</td>
<td>Total duration of captured emissions sampling run, min</td>
</tr>
</tbody>
</table>

7. CALCULATIONS

7.1 Total VOC captured emissions.

\[ G = \sum_{j=1}^{n} (C_{Gj} - C_{H}) Q_{Gj} T C K_1 \]  

(1)

7.2 VOC concentration of the captured emissions at point i.

\[ C_{Gj} = \left( C_i - C_{DO} \right) \frac{C_H}{C_{DH} - C_{DO}} \]  

(2)

7.3. Background VOC concentration at point i.

\[ C_{Bi} = \left( C_i - C_{DO} \right) \frac{C_H}{C_{DH} - C_{DO}} \]  

(3)

7.4 Average background concentration.

\[ C_B = \frac{\sum_{i=1}^{n} C_{Bi} A_i}{n A_N} \]  

(4)

Note: If the concentration at each point is within 20 percent of the average concentration of all points, the terms “A_i” and “A_N” may be deleted from Equation 4.

Procedure G.2—Captured VOC Emissions (Dilution Technique)

1. INTRODUCTION

1.1 Applicability. This procedure is applicable for determining the volatile organic compounds (VOC) content of captured gas streams. It is intended to be used as a segment in the development of a gas/gas protocol in which fugitive emissions are measured for determining VOC capture efficiency (CE) for surface coating and printing operations. A dilution system is used to reduce the VOC concentration of the captured emission to about the same concentration as the fugitive emission. The procedure may not be acceptable in certain site-specific situations, e.g., when: (1) Direct fired heaters or other circumstances affect the quantity of VOC at the control device inlet; and (2) particulate organic aerosols are formed in the process and are present in the captured emissions.

1.2 Principle. The amount of VOC captured (G) is calculated as the sum of the products of the VOC content (C_{G0}), the flow rate (Q_{G0}), and the sampling time (T_{G0}) from each captured emissions point.

1.3 Estimated measurement uncertainty. The measurement uncertainties are estimated for each captured or fugitive emissions point as follows: G_{G0}=±5.5 percent and C_{G0}=±5 percent. Based on these numbers, the probable
§ 52.741 40 CFR Ch. I (7–1–16 Edition)

uncertainty for G is estimated at about ±7.4 percent.

1.4 Sampling requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.

1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.

2. APPARATUS AND REAGENTS

2.1 Gas VOC concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:

2.1.1 Dilution system. A Kipp in-stack dilution probe and controller or similar device may be used. The dilution rate may be varied by substituting different critical orifices or adjustments of the aspirator supply pressure. The dilution system shall be heated to prevent VOC condensation.

2.1.2 Calibration valve assembly. Three-way valve assembly at the outlet of sample probe to direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.

2.1.3 Sample line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.

2.1.4 Sample pump. A leak-free pump, to pull the sample gas through the system at a flow rate sufficient to minimize the response time of the measurement system. The components of the pump that contract the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.

2.1.5 Sample flow rate control. A sample flow rate control valve and rotameter, or equivalent, to maintain a constant sampling rate within 10 percent. The flow control valve and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.

2.1.6 Sample gas manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If captured or fugitive emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold and connecting lines to the FIA must be heated to prevent condensation.

2.1.7 Organic concentration analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements.

The system shall be capable of measuring or exceeding the following specifications:

2.1.7.1 Zero drift. Less than ±0.0 percent of the span value.

2.1.7.2 Calibration drift. Less than ±0.5 percent of the span value.

2.1.7.3 Calibration error. Less than ±0.4 percent of the calibration gas value.

2.1.7.4 Response time. Less than 30 seconds.

2.1.7.5 Integrator/data acquisition system. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.

2.1.9 Calibration and other gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than 2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution system, may be used with prior approval.

2.1.9.1 Fuel. A 40 percent H₂/60 percent He or 40 percent H₂/60 percent N₂ gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.

2.1.9.2 Carrier gas and dilution air supply. High purity air with less than 1 ppm of organic material (as propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.

2.1.9.3 FIA linearity calibration gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20–30, 45–55, and 70–80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.

2.1.9.4 Dilution check gas. Gas mixture standard containing propane in air, approximately half the span value after dilution.
Environmental Protection Agency

2.1.10 Particulate filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter must be heated to prevent any condensation unless it can be demonstrated that no condensation occurs.

2.2 Captured emissions volumetric flow rate. For determining volumetric flow rate.

2.2.1 Method 3 apparatus and reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.

2.2.2 Method 4 apparatus and reagents. For determining moisture content, if necessary.

2.2.3 Captured emissions volumetric flow rate. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.

2.2.4 Alternative procedure. The direct interface sampling and analysis procedure described in section 7.2 of Method 18 may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

3. DETERMINATION OF VOLUMETRIC FLOW RATE OF CAPTURED EMISSIONS

3.1 Locate all points where emissions are captured from the affected facility. Using Method 1, determine the sampling points. Be sure to check each site for cyclonic or swirling flow.

3.2 Measure the velocity at each sampling site at least once every hour during each sampling run using Method 2 or 2A.

4. DETERMINATION OF VOC CONTENT OF CAPTURED EMISSIONS

4.1 Analysis duration. Measure the VOC responses at each captured emissions point during the entire test run or, if applicable, while the process is operating. If there are multiple captured emissions locations, design a sampling system to allow a single FIA to be used to determine the VOC responses at all sampling locations.

4.2 Gas VOC concentration.

4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA according to the procedure in section 5.1.

4.2.2 Set the dilution ratio and determine the dilution factor according to the procedure in section 5.1.

4.2.3 Locate all NDO’s of the TTE. A sampling point shall be centrally located outside of the TTE at 4 equivalent diameters from each NDO, if possible. If there are more than 6 NDO’s, choose 6 sampling points evenly spaced among the NDO’s.

4.2.4 Assemble the sample train as shown in Figure 2. Calibrate the FIA and conduct a system check according to the procedures in sections 5.1 and 5.4.

4.2.5 Position the probe at the sampling location.

4.2.6 Determine the response time, conduct the system check and sample according to the procedures described in sections 4.2.4 to 4.2.8.

4.3 Background concentration.

4.3.1 Locate all NDO’s of the TTE. A sampling point shall be centrally located outside of the TTE at 4 equivalent diameters from each NDO, if possible. If there are more than 6 NDO’s, choose 6 sampling points evenly spaced among the NDO’s.

4.3.2 Assemble the sample train as shown in Figure 2. Calibrate the FIA and conduct a system check according to the procedures in sections 5.1 and 5.4.

4.3.3 Position the probe at the sampling location.

4.3.4 Determine the response time, conduct the system check and sample according to the procedures described in sections 4.2.4 to 4.2.8.

4.4 Alternative procedure. The direct interface sampling and analysis procedure described in section 7.2 of Method 18 may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

5. CALIBRATION AND QUALITY ASSURANCE

5.1 FIA Calibration and linearity check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system after the dilution system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the
§ 52.741  

system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.

5.2 Systems drift checks. Select the calibration gas that most closely approximates the concentration of the diluted captured emissions for conducting the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in section 5.1 is less than 3 percent of the span value. Conduct the system drift check at the end of each run.

5.3 Determination of dilution factor. Inject the dilution check gas into the measurement system before the dilution system and record the response. Calculate the dilution factor using Equation 3.

5.4 System check. Inject the high range calibration gas at the inlet to the sampling probe while the dilution air is turned off. Record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in section 5.1 for the high range calibration gas. Conduct a system check before and after each test run.

5.5 Analysis audit. Immediately before each test analyze an audit cylinder as described in section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.

6. NOMENCLATURE

A<sub>i</sub> = area of NDO i, ft<sup>2</sup>.  
A<sub>N</sub> = total area of all NDO’s in the enclosure, ft<sup>2</sup>.  
C<sub>A</sub> = actual concentration of the dilution check gas, ppm propane.  
C<sub>B</sub> = corrected average VOC concentration of background emissions at point 1, ppm propane.  
C<sub>Bi</sub> = average background concentration, ppm propane.  
C<sub>BiH</sub> = average measured concentration for the drift check calibration gas, ppm propane.  
C<sub>C0</sub> = average system drift check concentration for zero concentration gas, ppm propane.  
C<sub>C</sub> = actual concentration of the drift check calibration gas, ppm propane.  
C<sub>DH</sub> = uncorrected average background VOC concentration measured at point 1, ppm propane.  
C<sub>DO</sub> = uncorrected average VOC concentration measured at point j, ppm propane.  
C<sub>M</sub> = measured concentration of the dilution check gas, ppm propane.  
D<sub>F</sub> = dilution factor.  
G = total VOC content of captured emissions, kg.  
K<sub>1</sub> = 1.830 × 10<sup>-6</sup> kg/(m<sup>3</sup>-ppm).  
N = number of measurement points.  
Q<sub>Gj</sub> = average effluent volumetric flow rate corrected to standard conditions at captured emissions point j, m<sup>3</sup>/min.  
T<sub>C</sub> = total duration of capture efficiency sampling run, min.

7. CALCULATIONS

7.1 Total VOC captured emissions.

\[
G = \sum_{j=1}^{n} C_{Gj}Q_{Gj}T_{C}K_{1} \quad \text{Eq. 1}
\]

7.2 VOC concentration of the captured emissions to point j.

\[
C_{Gj} = \frac{DF(C_j - C_{DO})}{C_{DH} - C_{DO}} \quad \text{Eq. 2}
\]

7.3 Dilution factor.

\[
DF = \frac{C_A}{C_M} \quad \text{Eq. 3}
\]

7.4 Background VOC concentration at point i.

\[
C_{Bi} = \frac{(C_i - C_{DO})}{C_{DH} - C_{DO}} \cdot \frac{C_H}{C_{DH} - C_{DO}} \quad \text{Eq. 4}
\]

7.5 Average background concentration.

\[
C_B = \frac{\sum_{i=1}^{n} C_{Bi}A_i}{nA_N} \quad \text{Eq. 5}
\]

Note: If the concentration at each point is within 20 percent of the average concentration of all points, the terms ‘‘A<sub>i</sub>’’ and ‘‘A<sub>N</sub>’’ may be deleted from Equation 4.
Procedure F.2—Fugitive VOC Emissions from Building Enclosures

1. Introduction

1.1 Applicability. This procedure is applicable for determining the fugitive volatile organic compounds (VOC) emissions from a building enclosure (BE). It is intended to be used as a segment in the development of liquid/gas or gas/gas protocols for determining VOC capture efficiency (CE) for surface coating and printing operations.

1.2 Principle. The total amount of fugitive VOC emissions ($F_B$) from the BE is calculated as the sum of the products of the
Environmental Protection Agency

VOC content ($C_j$) of each fugitive emissions point, its flow rate ($Q_j$), and time ($T_j$).

1.3 Measurement uncertainty. The measurement uncertainties are estimated for each fugitive emissions point as follows: $Q_j$ = 25.0 percent and $C_j$ = 25.0 percent. Based on these numbers, the probable uncertainty for $F_j$ is estimated at about ±11.2 percent.

1.4 Sampling requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.

1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.

2. APPARATUS AND REAGENTS

2.1 Gas VOC concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:

2.1.1 Sample probe. Stainless steel, or equivalent. The probe shall be heated to prevent VOC condensation.

2.1.2 Calibration valve assembly. Three-way valve assembly at the outlet of sample probe to direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.

2.1.3 Sample line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.

2.1.4 Sample pump. A leak-free pump, to pull the sample gas through the system at a flow rate sufficient to minimize the response time of the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel to prevent condensation.

2.1.5 Sample flow rate control. A sample flow rate control valve and rotameter, or equivalent, to maintain a constant sampling rate within ±10 percent. The flow rate control valve and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.

2.1.6 Sample gas manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold must be heated to prevent condensation.

2.1.7 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of exceeding the following specifications:

2.1.7.1 Zero drift. Less than ±3.0 percent of the span value.

2.1.7.2 Calibration drift. Less than ±3.0 percent of the span value.

2.1.7.3 Calibration error. Less than ±5.0 percent of the calibration gas value.

2.1.7.4 Response time. Less than 30 seconds.

2.1.8 Integrator/data acquisition system. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.

2.1.9 Calibration and other gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the certified value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than 22 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.

2.1.9.1 Fuel. A 40 percent H2/60 percent N2 gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.

2.1.9.2 Carrier gas. High purity air with less than 1 ppm of organic material (propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.

2.1.9.3 FIA linearity calibration gases. Low, mid-, and high-range gas mixture standards with nominal propane concentrations of 20–30, 45–55, and 70–80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.

2.1.10 Particulate filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter must be heated to prevent any condensation unless it
can be demonstrated that no condensation occurs.

2.2 Fugitive emissions volumetric flow rate.

2.2.1 Flow direction indicators. Any means of indicating inward or outward flow, such as light plastic film or paper streamers, smoke tubes, filaments, and sensory perception.

2.2.2 Method 2 or 2A apparatus. For determining volumetric flow rate. Anemometers or similar devices calibrated according to the manufacturer’s instructions may be used when low velocities are present. Vane anemometers (Young-maximum response propeller), specialized pitots with electronic manometers (e.g., Shortridge Instruments Inc., Airdata Multimeter 860) are commercially available with measurement thresholds of 15 and 8 ppm (50 and 25 fpm), respectively.

2.2.3 Method 3 apparatus and reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.

2.2.4 Method 4 apparatus and reagents. For determining moisture content, if necessary.

3. DETERMINATION OF VOLUMETRIC FLOW RATE OF FUGITIVE EMISSIONS

3.1 Preliminary determinations. The purpose of this exercise is to determine which exhaust points should be measured for volumetric flow rates and VOC concentrations.

3.1.1 Forced draft openings. Identify all forced draft openings. Determine the volumetric flow rate according to Method 2.

3.1.2 NDO’s exhaust points. The NDO’s in the roof of a facility are considered to be exhaust points. Determine volumetric flow rate from these NDO’s. Divide the cross-sectional area according to Method 1 using 12 equal areas. Use the appropriate velocity measurement devices, e.g., propeller anemometers.

3.1.3 Other NDO’s. This step is optional. Determine the exhaust flow rate, including that of the control device, from the enclosure and the intake air flow rate. If the exhaust flow rate divided by the intake air flow rate is greater than 1/1, then all other NDO’s are not considered to be significant exhaust points.

3.1.4 If the option above is not taken, identify all other NDO’s and other potential points through which fugitive emissions may escape the enclosure. Then use the following criteria to determine whether flow rates and VOC concentrations need to be measured:

3.1.3.1 Using the appropriate flow direction indicator, determine the flow direction. An NDO with zero or inward flow is not an exhaust point.

3.1.3.2 Measure the outward volumetric flow rate from the remainder of the NDO’s. If the collective flow rate is 2 percent, or less, of the flow rate from sections 3.1.1 and 3.1.2, then these NDO’s, except those within two equivalent diameters (based on NDO opening) from VOC sources, may be considered to be non-exhaust points.

3.1.3.2.1 Using the appropriate flow direction indicator, determine the flow direction.

3.1.3.2.2 Measure the outward volumetric flow rate from these NDO’s. Divide the cross-sectional area into 9 equal areas for rectangular openings and 8 for circular openings.

3.1.3.2.3 If the percentage calculated in section 3.1.3.2.2 is greater than 2 percent, those NDO’s (except those within two equivalent diameters from VOC sources) whose volumetric flow rate totals 2 percent of the flow rate from sections 3.1.1 and 3.1.2 may be considered as non-exhaust points. All remaining NDO’s shall be measured for volumetric flow rate and VOC concentrations during the CE test.

3.1.3.2.4 The tester may choose to measure VOC concentrations at the forced exhaust points and the NDO’s. If the total VOC emissions from the NDO’s are less than 2 percent of the emissions from the forced draft and roof NDO’s, then these NDO’s may be eliminated from further consideration.

3.2 Determination of flow rates.

3.2.1 Measure the volumetric flow rate at all locations identified as exhaust points in section 3.1. Divide each exhaust opening into 9 equal areas for rectangular openings and 8 for circular openings.

3.2.2 Measure the velocity at each site at least once every hour during each sampling run using Method 2 or 2A, if applicable, or using the low velocity instruments in section 2.2.2.

4. DETERMINATION OF VOC CONTENT OF FUGITIVE EMISSIONS

4.1 Analysis duration. Measure the VOC responses at each fugitive emission point during the entire test run or, if applicable, while the process is operating. If there are multiple emissions locations, design a sampling system to allow a single FIA to be used to determine the VOC responses at all sampling locations.

4.2 Gas VOC concentration.

4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA and conduct a system check according to the procedures in sections 5.1 and 5.3, respectively.

4.2.2 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct, and is sealed tightly at the stack port connection.

4.2.3 Inject zero gas at the calibration valve assembly. Allow the measurement system response to reach zero. Measure the system response time as the time required for the system to reach the effluent concentration after the calibration valve has been returned to the effluent sampling position.

4.2.4 Conduct a system check before and after each sampling run according to the procedures in sections 5.2 and 5.3. If the drift check following a run indicates unacceptable performance, the run is not valid. The tester may elect to perform drift checks during the run not to exceed one drift check per hour.
4.2.5 Verify that the sample lines, filter, and pump temperatures are 120 ± 5°C.

4.2.6 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple emission locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same at the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of testing. Disregard the response measurements at each sampling location until two times the response time of the measurement system has elapsed. Continue sampling for at least 1 minute and record the concentration measurements.

4.3 Alternative procedure. The direct interface sampling and analysis procedure described in section 7.2 of Method 18 may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

5. CALIBRATION AND QUALITY ASSURANCE

5.1 FIA calibration and linearity check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.

5.2 Systems drift checks. Select the calibration gas that most closely approximates the concentration of the captured emissions for conducting the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in section 5.1 is less than 3 percent of the span value. Conduct a system drift check at the end of each run.

5.3 System check. Inject the high range calibration gas at the inlet of the sampling probe and record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in section 5.1 for the high range calibration gas. Conduct a system check before each test run.

5.4 Analysis audit. Immediately before each test analyze an audit cylinder as described in section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.

6. NOMENCLATURE

\( C_{DO} = \) average measured concentration for the drift check calibration gas, ppm propane.

\( C_{DO} = \) average system drift check concentration for zero concentration gas, ppm propane.

\( C_{j} = \) corrected average VOC concentration of fugitive emissions at point \( j \), ppm propane.

\( C_{h} = \) actual concentration of the drift check calibration gas, ppm propane.

\( C_{j} = \) uncorrected average VOC concentration measured at point \( j \), ppm propane.

\( F_{h} = \) total VOC content of fugitive emissions from the building, kg.

\( K_{l} = 1.830 \times 10^{-6} \text{ kg/(m}^3\text{-ppm)} \).

\( n = \) number of measurement points.

\( Q_{fj} = \) average effluent volumetric flow rate corrected to standard conditions at fugitive emissions point \( j \), m³/min.

\( T_{f} = \) total duration of capture efficiency sampling run, min.

7. CALCULATIONS

7.1 Total VOC fugitive emissions from the building.

\[
F_{B} = \sum_{j=1}^{n} C_{fj} Q_{fj} T_{f} K_{l} \quad \text{Eq. 1}
\]

7.2 VOC concentration of the fugitive emissions at point \( j \).

\[
C_{fj} = \left( \frac{C_{j} - C_{DO}}{C_{DH} - C_{DO}} \right) \quad \text{Eq. 2}
\]

Environmental Protection Agency

§ 52.741
Procedure F.1—Fugitive VOC Emissions From Temporary Enclosures

1. Introduction

1.1 Applicability. This procedure is applicable for determining the fugitive volatile organic compounds (VOC) emissions from a temporary total enclosure (TTE). It is intended to be used as a segment in the development of liquid/gas or gas/gas protocols for determining VOC capture efficiency (CE) for surface coating and printing operations.

1.2 Principle. The amount of fugitive VOC emissions ($F$) from the TTE is calculated as the sum of the products of the VOC content
(C_0), the flow rate (Q_0), and the sampling time (T_s) from each fugitive emission point.

1.3 Estimated measurement uncertainty. The measurement uncertainties are estimated for each fugitive emission point as follows: Q=±5.5 percent and C_0=±5.0 percent. Based on these numbers, the probable uncertainty for F is estimated at about ±2.4 percent.

1.4 Sampling requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.

1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement, approval.

2. APPARATUS AND REAGENTS

2.1 Gas VOC concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:

2.1.1 Sample probe. Stainless steel, or equivalent. The probe shall be heated to prevent VOC condensation.

2.1.2 Calibration valve assembly. Three-way valve assembly at the outlet of sample probe to direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.

2.1.3 Sample line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.

2.1.4 Sample pump. A leak-free pump to pull the sample gas through the system at a flow rate sufficient to minimize the response time of the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.

2.1.5 Sample flow rate control. A sample flow rate control valve and rotometer, or equivalent, to maintain a constant sampling rate within 10 percent. The flow control valve and rotometer must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.

2.1.6 Sample gas manifold. Capeable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold and connecting lines to the FIA must be heated to prevent condensation.

2.1.7 Organic concentration analyzer. An FIA with a span value of 1.3 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:

2.1.7.1 Zero drift. Less than ±3.0 percent of the span value.

2.1.7.2 Calibration drift. Less than ±3.0 percent of the span value.

2.1.7.3 Calibration error. Less than ±5.0 percent of the calibration gas value.

2.1.7.4 Response time. Less than 30 seconds.

2.1.8 Integrator/data acquisition system. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.

2.1.9 Calibration and other gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.

2.1.9.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2 gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.

2.1.9.2 Carrier gas. High purity air with less than 1 ppm of organic material (as propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.

2.1.9.3 FIA linearity calibration gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20–30, 45–55, and 70–80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.

2.1.10 Particulate filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter must be
§ 52.741

40 CFR Ch. 1 (7–1–16 Edition)

heated to prevent any condensation unless it can be demonstrated that no condensation occurs.

2.2 Fugitive emissions volumetric flow rate

2.2.1 Method 2 or 2A apparatus. For determining volumetric flow rate.

2.2.2 Method 3 apparatus and reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.

2.2.3 Method 4 apparatus and reagents. For determining moisture content, if necessary.

2.3 Temporary total enclosure. The criteria for designing a TTE are discussed in Procedure T.

3. Determination of volumetric flow rate of fugitive emissions

3.1 Locate all points where emissions are exhausted from the TTE. Using Method 1, determine the sampling points. Be sure to check each site for cyclonic or swirling flow.

3.2 Measure the velocity at each sampling site at least once every hour during each sampling run using Method 2 or 2A.

4. Determination of VOC content of fugitive emissions

4.1 Analysis duration. Measure the VOC responses at each fugitive emission point during the entire test run or, if applicable, while the process is operating. If there are multiple emission locations, design a sampling system to allow a single FIA to be used to determine the VOC responses at all sampling locations.

4.2 Gas VOC concentration

4.2.1 Locate all NDO’s of the TTE. A sampling point shall be centrally located outside of the TTE at 4 equivalent diameters from each NDO, if possible. If there are more than 6 NDO’s, choose 6 sampling points evenly spaced among the NDO’s.

4.2.2 Assemble the sample train as shown in Figure 1. Calibrate the FIA and conduct a system check according to the procedures described in sections 5.1 and 5.3, respectively.

4.2.3 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct, and is sealed tightly at the stack port connection.

4.2.4 Conduct a system check before and after the sampling location. The system must be designed to collect and analyze at least one sample every 10 minutes.

4.2.5 Verify that the sample lines, filter, and pump temperatures are 120 ±5°C.

4.2.6 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple emission locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same at the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of testing. Disregard the response measurements at each sampling location until two times the response time of the measurement system has elapsed. Continue sampling for at least 1 minute and record the concentration measurements.

4.3 Background concentration

4.3.1 Determination of VOC background concentration

4.3.1.1 Determine the VOC background concentration.

4.3.1.2 Assemble the sample train as shown in Figure 2. Calibrate the FIA and conduct a system check according to the procedures described in sections 4.2.3 and 4.2.6.

4.4 Alternative procedure. The direct interface sampling and analysis procedure described in section 7.2 of Method 18 may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

5. Calibration and Quality Assurance

5.1 FIA calibration and linearity check

Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.
Environmental Protection Agency § 52.741

5.2 Systems drift checks. Select the calibration gas concentration that most closely approximates that of the fugitive gas emissions to conduct the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in section 5.1 is less than 3 percent of the span value. Conduct a system drift check at the end of each run.

5.3 System check. Inject the high range calibration gas at the inlet of the sampling probe and record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in section 5.1 for the high range calibration gas. Conduct a system check before each test run.

5.4 Analysis audit. Immediately before each test analyze an audit cylinder as described in section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.

6. Nomenclature

\[
\begin{align*}
A_i &= \text{area of NDO}_i, \text{ft}^2. \\
A_N &= \text{total area of all NDO's in the enclosure, ft}^2. \\
C_{Bi} &= \text{corrected average VOC concentration of background emissions at point } i, \text{ppm propane.} \\
C_B &= \text{corrected average VOC concentration of background emissions, ppm propane.} \\
C_{DH} &= \text{average measured concentration for the drift check calibration gas, ppm propane.} \\
C_{DO} &= \text{average system drift check concentration for zero concentration gas, ppm propane.} \\
C_n &= \text{corrected average VOC concentration of fugitive emissions at point } j, \text{ppm propane.} \\
C_m &= \text{actual concentration of the drift check calibration gas, ppm propane.} \\
P &= \text{total VOC content of fugitive emissions, kg.} \\
K_1 &= 1.830 \times 10^{-6} \text{ kg/(m}^3 \text{ ppm).} \\
n &= \text{number of measurement points.} \\
Q_{Fj} &= \text{average effluent volumetric flow rate corrected to standard conditions at fugitive emissions point } j, \text{ m}^3/\text{min.} \\
T_r &= \text{total duration of fugitive emissions sampling run, min.} \\
\end{align*}
\]

7. Calculations

7.1 Total VOC fugitive emissions.

\[
F = \sum_{j=1}^{n} (C_{Fj} - C_B) Q_{Fj} T_F K_1 \quad \text{Eq. 1}
\]

7.2 VOC concentration of the fugitive emissions at point \( j \).

\[
C_{Fj} = \left( \frac{C_j - C_{DO}}{C_{DH} - C_{DO}} \right) \frac{C_H}{C_{DH} - C_{DO}} \quad \text{Eq. 2}
\]

7.3 Background VOC concentration at point \( i \).

\[
C_{Bi} = \left( \frac{C_i - C_{DO}}{C_{DH} - C_{DO}} \right) \frac{C_H}{C_{DH} - C_{DO}} \quad \text{Eq. 3}
\]

7.4 Average background concentration.

\[
C_B = \frac{\sum_{i=1}^{n} C_{Bi} A_i}{n A_N} \quad \text{Eq. 4}
\]

Note: If the concentration at each point is within 20 percent of the average concentration of all points, the terms "\( A_i \)" and "\( A_N \)" may be deleted from Equation 4.
1. INTRODUCTION

1.1 Applicability. This procedure is applicable for determining the input of volatile organic compounds (VOC). It is intended to be used as a segment in the development of liquid/gas protocols for determining VOC capture efficiency (CE) for surface coating and printing operations.

1.2 Principle. The amount of VOC introduced to the process \( L \) is the sum of the products of the weight \( W \) of each VOC containing liquid (ink, paint, solvent, etc.) used and its VOC content \( V \). A sample of each
§ 52.741

VOC containing liquid is analyzed with a flame ionization analyzer (FIA) to determine V.

1.3 Estimated measurement uncertainty. The measurement uncertainties are estimated for each VOC containing liquid as follows: W=±2.0 percent and V=±12.0 percent. Based on these numbers, the probable uncertainty for L is estimated at about ±12.2 percent for each VOC containing liquid.

1.4 Sampling requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.

1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.

2. APPARATUS AND REAGENTS

2.1 Liquid weight.
2.1.1 Balances/digital scales. To weigh drums of VOC containing liquids to within 0.2 lb.
2.1.2 Volume measurement apparatus (alternative). Volume meters, flow meters, density measurement equipment, etc., as needed to achieve same accuracy as direct weight measurements.

2.2 VOC content (flame ionization analyzer technique). The liquid sample analysis system is shown in Figures 1 and 2. The following equipment is required:
2.2.1 Sample collection can. An appropriately sized metal can to be used to collect VOC containing materials. The can must be grounded to the coating container.
2.2.2 Needle valves. To control gas flow.
2.2.3 Regulators. For carrier gas and calibration gases to be heated to the sample oven temperature before entering the critical orifice or aspirator.

2.3 Atmospheric vent. A tee and 0- to 0.5-liter/min rotameter placed in the sampling line between the carrier gas cylinder and the VOC sample vessel to release the excess carrier gas. A toggle valve placed between the tee and the rotameter facilitates leak tests of the analysis system.

2.4 Thermometer. Capable of measuring the temperature of the hot water bath to within 1 °C.

2.5 Sample oven. Heated enclosure, containing calibration gas coil heaters, critical orifice, aspirator, and other liquid sample analysis components, capable of maintaining a temperature of 120 ±5 °C.

2.6 Integrator/data acquisition system. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The
minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.

2.2.21 Chart recorder (optional). A chart recorder or similar device is recommended to provide a continuous analog display of the measurement results during the liquid sample analysis.

2.2.22 Calibration and other gases. For calibration, fuel, and combustion air (if required) contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.

2.2.22.1 Fuel. A 40 percent H₂/60 percent He gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.

2.2.22.2 Carrier gas. High purity air with less than 1 ppm of organic material (as propane) or less than 0.1 percent of the span value, whichever is greater.

2.2.22.3 FIA linearity calibration gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20–30, 45–55, and 70–80 percent of the span value, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.

2.2.22.4 System calibration gas. Gas mixture standard containing propane in air, approximately the undiluted VOC concentration expected for the liquid samples.

3. DETERMINATION OF LIQUID INPUT WEIGHT

3.1 Weight difference. Determine the amount of material introduced to the process as the weight difference of the feed material before and after each sampling run. In determining the total VOC containing liquid usage, account for: (a) The initial (beginning) VOC containing liquid mixture; (b) any solvent added during the test run; (c) any coating added during the test run; and (d) any residual VOC containing liquid mixture remaining at the end of the sample run.

3.1.1 Identify all points where VOC containing liquids are introduced to the process. To obtain an accurate measurement of VOC containing liquids, start with an empty fountain (if applicable). After completing the run, drain the liquid in the fountain back into the liquid drum (if possible), and weigh the drum again. Weigh the VOC containing liquids to ±0.5 percent of the total weight (full) or ±0.1 percent of the total weight of VOC containing liquid used during the sample run, whichever is less. If the residual liquid cannot be returned to the drum, drain the fountain into a preweighted empty drum to determine the final weight of the liquid.

3.1.2 If it is not possible to measure a single representative mixture, than weigh the various components separately (e.g., if solvent is added during the sampling run, weigh the solvent before it is added to the mixture). If a fresh drum of VOC containing liquid is needed during the run, then weigh both the empty drum and fresh drum.

3.2 Volume measurement (alternative). If direct weight measurements are not feasible, the tester may use volume meters and flow rate meters (and density measurements) to determine the weight of liquids used if it can be demonstrated that the technique produces results equivalent to the direct weight measurements. If a single representative mixture cannot be measured, measure the components separately.

4. DETERMINATION OF VOC CONTENT IN INPUT LIQUIDS

4.1 Collection of liquid samples.

4.1.1 Collect a 100-mL or larger sample of the VOC containing liquid mixture at each application location at the beginning and end of each test run. A separate sample should be taken of each VOC containing liquid added to the application mixture during the test run. If a fresh drum is needed during the sampling run, then obtain a sample from the fresh drum.

4.1.2 When collecting the sample, ground the sample container to the coating drum. Fill the sample container as close to the rim as possible to minimize the amount of headspace.

4.1.3 After the sample is collected, seal the container so the sample cannot leak out or evaporate.

4.1.4 Label the container to identify clearly the contents.

4.2 Liquid sample VOC content.

4.2.1 Assemble the liquid VOC content analysis system as shown in Figure 1.

4.2.2 Permanently identify all of the critical orifices that may be used. Calibrate each critical orifice under the expected operating conditions (i.e., sample vacuum and temperature) against a volume meter as described in section 5.3.

4.2.3 Label and tare the sample vessels (including the stoppers and caps) and the syringes.

4.2.4 Install an empty sample vessel and perform a leak test of the system. Close the carrier gas valve and atmospheric vent and evacuate the sample vessel to 250 mm (10 in.) Hg absolute or less using the aspirator. Close
the toggle valve at the inlet to the aspirator and observe the vacuum for at least one minute. If there is any change in the sample pressure, release the vacuum, adjust or repair the apparatus as necessary and repeat the leak test.

4.2.5 Perform the analyzer calibration and linearity checks according to the procedure in section 5.1. Record the results to each of the calibration gases and the back-pressure setting of the FIA.

4.2.6 Establish the appropriate dilution ratio by adjusting the aspirator air supply or substituting critical orifices. Operate the aspirator at a vacuum of at least 25 mm (1 in.) Hg greater than the vacuum necessary to achieve critical flow. Select the dilution ratio so that the maximum response of the FIA to the sample does not exceed the high-range calibration gas.

4.2.7 Perform system calibration checks at two levels by introducing compressed gases at the inlet to the sample vessel while the aspirator and dilution devices are operating. Perform these checks using the carrier gas (zero concentration) and the system calibration gas. If the response to the carrier gas exceeds ±0.5 percent of span, clean or repair the apparatus and repeat the check. Adjust the dilution ratio as necessary to achieve the correct response to the specacle check, but do not adjust the analyzer calibration. Record the identification of the orifice, aspirator air supply pressure, FIA back-pressure, and the responses of the FIA to the carrier and system calibration gases.

4.2.8 After completing the above checks, inject the system calibration gas for approximately 10 minutes. Time the exact duration of the gas injection using a stopwatch. Determine the area under the FIA response curve and calculate the system response factor based on the sample gas flow rate, gas concentration, and the duration of the injection as compared to the integrated response using Equations 2 and 3.

4.2.9 Verify that the sample oven and sample line temperatures are 120 ± 5 °C and that the water bath temperature is 100 ± 5 °C.

4.2.10 Fill a tared syringe with approximately 1 g of the VOC containing liquid and weigh it. Transfer the liquid to a tared sample vessel. Plug the sample vessel to minimize sample loss. Weigh the sample vessel containing the liquid to determine the amount of sample actually received. Also, as a quality control check, weigh the empty syringe to determine the amount of material delivered. The two coating sample weights should agree within ±0.02 g. If not, repeat the procedure until an acceptable sample is obtained.

4.2.11 Connect the vessel to the analysis system. Adjust the aspirator supply pressure to the correct value. Open the valve on the carrier gas supply to the sample vessel and adjust it to provide a slight excess flow to the atmospheric vent. As soon as the initial response of the FIA begins to decrease, immerse the sample vessel in the water bath. (Applying heat to the sample vessel too soon may cause the FID response to exceed the calibrated range of the instrument, and thus invalidate the analysis.)

4.2.12 Continuously measure and record the response of the FIA until volatile material has been evaporated from the sample and the instrument response has returned to the baseline (i.e., response less than 0.5 percent of the span value). Observe the aspirator supply pressure, FIA back-pressure, atmospheric vent, and other system operating parameters during the run; repeat the analysis procedure if any of these parameters deviate from the values established during the system calibration checks in Section 4.2.7. After each sample perform the drift check described in Section 5.2. If the drift check results are acceptable, calculate the VOC content of the sample using the equations in Section 7. Integrate the area under the FIA response curve, or determine the average concentration response and the duration of sample analysis.

5. CALIBRATION AND QUALITY ASSURANCE

5.1 FIA calibration and linearity check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.

5.2 Systems drift checks. After each sample, repeat the system calibration checks in Section 4.2.7 before any adjustments to the FIA or measurement system are made. If the zero or calibration drift exceeds ±5 percent of the span value, discard the result and repeat the analysis.

5.3 Critical orifice calibration.

5.3.1 Each critical orifice must be calibrated at the specific operating conditions that it will be used. Therefore, assemble all components of the liquid sample analysis system as shown in Figure 3. A stopwatch is also required.
5.3.2 Turn on the sample oven, sample line, and water bath heaters and allow the system to reach the proper operating temperature. Adjust the aspirator to a vacuum of 380 mm (15 in.) Hg vacuum. Measure the time required for one soap bubble to move a known distance and record barometric pressure.

5.3.3 Repeat the calibration procedure at a vacuum of 406 mm (16 in.) Hg and at 25-mm (1-in.) Hg intervals until three consecutive determinations provide the same flow rate. Calculate the critical flow rate for the orifice in ml/min at standard conditions. Record the vacuum necessary to achieve critical flow.

6. NOMENCLATURE

- \( A_L \) = area under the response curve of the liquid sample, area count.
- \( A_S \) = area under the response curve of the calibration gas, area count.
- \( C_S \) = actual concentration of system calibration gas, ppm propane.
- \( K = 1.830 \times 10^{-9} \text{ g/(ml-ppm)} \).
- \( L \) = total VOC content of liquid input, kg.
- \( q \) = flow rate through critical orifice, ml/min.
- \( RF \) = liquid analysis system response factor, g/area count.
- \( T_S \) = total gas injection time for system calibration gas during integrator calibration, min.
- \( V_{fj} \) = final VOC fraction of VOC containing liquid j.
- \( V_{ij} \) = initial VOC fraction of VOC containing liquid j.
- \( V_{Aj} \) = VOC fraction of VOC containing liquid j added during the run.
- \( V \) = VOC fraction of liquid sample.
- \( W_{fj} \) = weight of VOC containing liquid j remaining at end of the run, kg.
- \( W_{ij} \) = weight of VOC containing liquid j at beginning of the run, kg.
- \( W_{Aj} \) = weight of VOC containing liquid j added during the run, kg.

7. CALCULATIONS

7.1 Total VOC content of the input VOC containing liquid.

\[
L = \sum_{j=1}^{n} V_{fj} W_{fj} - \sum_{j=1}^{n} V_{ij} W_{ij} + \sum_{j=1}^{n} V_{Aj} W_{Aj} \tag{1}
\]

7.2 Liquid sample analysis system response factor for systems using integrators, grams/area counts.

\[
RF = \frac{C_S q T_S K}{A_S} \tag{2}
\]

7.3 VOC content of the liquid sample.

\[
V = \frac{A_L RF}{M_L} \tag{3}
\]
Figure 2. VOC sampling vessel.
Figure 3. Critical orifice calibration apparatus.
Environmental Protection Agency

§52.741

Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure

1. Introduction

1.1 Applicability. This procedure is used to determine whether a permanent or temporary enclosure meets the criteria of a total enclosure.

1.2 Principle. An enclosure is evaluated against a set of criteria. If the criteria are met and if all the exhaust gases are ducted to a control device, then the volatile organic compounds (VOC) capture efficiency (CE) is assumed to be 100 percent and CE need not be measured. However, if part of the exhaust gas stream is not ducted to a control device, CE must be determined.

2. Definitions

2.1 Natural Draft Opening (NDO)—Any permanent opening in the enclosure that remains open during operation of the facility and is not connected to a duct in which a fan is installed.

2.2 Permanent Total Enclosure (PTE)—A permanently installed enclosure that completely surrounds a source of emissions such that all VOC emissions are captured and contained for discharge through a control device.

2.3 Temporary Total Enclosure (TTE)—A temporarily installed enclosure that completely surrounds a source of emissions such that all VOC emissions are captured and contained for discharge through ducts that allow for the accurate measurement of VOC rates.

3. Criteria of a Temporary Total Enclosure

3.1 Any NDO shall be at least 4 equivalent opening diameters from each VOC emitting point.

3.2 Any exhaust point from the enclosure shall be at least 4 equivalent duct or hood diameters from each NDO.

3.3 The total area of all NDO’s shall not exceed 5 percent of the surface area of the enclosure’s four walls, floor, and ceiling.

3.4 The average facial velocity (FV) of air through all NDO’s shall be at least 3,600 m/hr (200 fpm). The direction of air through all NDO’s shall be into the enclosure.

3.5 All access doors and windows whose areas are not included in section 3.3 and are not included in the calculation in section 3.4 shall be closed during routine operation of the process.

4. Criteria of a Permanent Total Enclosure

4.1 Same as sections 3.1 and 3.3-3.5.

4.2 All VOC emissions must be captured and contained for discharge through a control device.

5. Procedure

5.1 Determine the equivalent diameters of the NDO’s and determine the distances from each VOC emitting point to all NDO’s. Determine the equivalent diameter of each exhaust duct or hood and its distance to all NDO’s. Calculate the distances in terms of equivalent diameters. The number of equivalent diameters shall be at least 4.

5.2 Measure the total area (A) of the enclosure and the total area (A_N) of all NDO’s of the enclosure. Calculate the NDO to enclosure area ratio (NEAR) as follows:

\[ \text{NEAR} = \frac{A_N}{A} \]

The NEAR must be ≤0.05.

5.3 Measure the volumetric flow rate, corrected to standard conditions, of each gas stream exiting the enclosure through an exhaust duct or hood using EPA Method 2. In some cases (e.g., when the building is the enclosure), it may be necessary to measure the volumetric flow rate, corrected to standard conditions, of each gas stream entering the enclosure through a forced makeup air duct using Method 2. Calculate FV using the following equation:

\[ \text{FV} = \frac{\text{Q}_O - \text{Q}_I}{A_N} \]

Where:

\[ \text{Q}_O = \text{the sum of the volumetric flow from all gas streams exiting the enclosure through an exhaust duct or hood.} \]

\[ \text{Q}_I = \text{the sum of the volumetric flow from all gas streams into the enclosure through a forced makeup air duct; zero, if there is no forced makeup air into the enclosure.} \]

\[ A_N = \text{total area of all NDO’s in enclosure.} \]

The FV shall be at least 3,600 m/hr (200 fpm).

5.4 Verify that the direction of air flow through all NDO’s is inward. Use streamers, smoke tubes, tracer gases, etc. Strips of plastic wrapping film have been found to be effective. Monitor the direction of air flow at intervals of at least 10 minutes for at least 1 hour.

6. Quality Assurance

6.1 The success of this protocol lies in designing the TTE to simulate the conditions that exist without the TTE, i.e., the effect of the TTE on the normal flow patterns around the affected facility or the amount of fugitive VOC emissions should be minimal. The TTE must enclose the application stations, coating reservoirs, and all areas from the application station to the oven. Use streamers, smoke tubes, tracer gases, etc. Strips of plastic wrapping film have been found to be effective. Monitor the direction of air flow at intervals of at least 10 minutes for at least 1 hour.

6.2 Estimate the ventilation rate of the TTE that best simulates the conditions that exist without the TTE, i.e., the effect of the TTE on the normal flow patterns around the affected facility or the amount of fugitive...
VOC emissions should be minimal. Figure 1 may be used as an aid. Measure the concentration \( (C_G) \) and flow rate \( (Q_G) \) of the captured gas stream, specify a safe concentration \( (C_F) \) for the fugitive gas stream, estimate the CE, and then use the plot in Figure 1 to determine the volumetric flow rate of the fugitive gas stream \( (Q_F) \). A fugitive VOC emission exhaust fan that has a variable flow control is desirable.

6.2.1 Monitor the concentration of VOC into the capture device without the TTE. To minimize the effect of temporal variation on the captured emissions, the baseline measurement should be made over as long a time period as practical. However, the process conditions must be the same for the measurement in section 6.2.3 as they are for this baseline measurement. This may require short measuring times for this quality control check before and after the construction of the TTE.

6.2.2 After the TTE is constructed, monitor the VOC concentration inside the TTE. This concentration shall continue to increase and must not exceed the safe level according to OSHA requirements for permissible exposure limits. An increase in VOC concentration indicates poor TTE design or poor capture efficiency.

6.2.3 Monitor the concentration of VOC into the capture device with the TTE. To limit the effect of the TTE on the process, the VOC concentration with and without the TTE must be within ±10 percent. If the measurements do not agree, adjust the ventilation rate from the TTE until they agree within 10 percent.
Environmental Protection Agency § 52.741

Figure 1. The Crumpler Chart

[Volumetric Flowrate of Fugitive Emissions Exhaust Stream, Q_F] / [Volumetric Flowrate of Gas Stream Delivered to the Control Device, Q_G]

§ 52.742 Incorporation by reference.

The materials listed below are incorporated by reference in the corresponding sections noted. The incorporation by reference was approved by the Director of the Office of Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available from the sources listed below.

(a) The following material is available for purchase from the American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103.


(10) ASTM D3233–82, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), for § 52.741(a)(3).


(b) The Evaporation Loss From External Floating-Roof Tanks, Publication 2517, second edition, February 1980, for § 52.741(a)(3) is available for purchase from the American Petroleum Institute, 2101 L Street, NW., Washington, DC 20037.


(d) 35 Illinois Administrative Code 215, June 1989, subparts (B), (E) (sections 215.182, 215.183, and 215.184), (K) (sections 215.301 and 215.302), (Q) (excluding sections 215.432 and 215.436), (R) (excluding sections 215.447, 215.450, and 215.452), (S), (V), (X), (Y) (sections 215.582, 215.583, and 215.584), and (Z) of 35 Ill. Adm. Code 215 for § 52.741(d)(1)–(d)(3); (e)(3), (e)(4); (h)(2); (i)(1), (i)(2); (j)(1)–(j)(3); (q)(1); (s)(1); (w)(1); and (x)(1), (x)(3) is available from the United States Environmental Protection Agency, Air and Radiation Division, Region V, 230 S. Dearborn, Chicago, IL, 60604.

§ 52.743 Continuous monitoring.

(a) Alternative monitoring requirements established under Section 201.402 of Title 35, IAC must be either: Incorporated into a federally enforceable operating permit or construction permit or submitted to USEPA for approval as
a revision to the Illinois State Implementation Plan (SIP), Illinois shall set forth alternative emissions monitoring and reporting requirements to satisfy the intent of 40 CFR part 51, appendix P whenever Illinois exempts any source subject to Section 201.401 from installing continuous emission monitoring systems. Illinois may exempt a source if the source cannot install a continuous emission monitoring system because of physical plant limitations or extreme economic reasons, according to the criteria of Section 201.402.

(b) As codified at 40 CFR 52.737 (USEPA’s approval of the Illinois operating permit program for the purpose of issuing federally enforceable construction and operating permits), USEPA reserves the right to deem an operating permit not federally enforceable. Such a determination will be made according to appropriate procedures including operating permit requirements promulgated at 54 FR 27274 (June 28, 1989) and will be based upon either: the permit, permit approval procedures or state or local permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA’s underlying regulations. Among other things, underlying requirements include 40 CFR 51.214 and part 51, appendix P and Illinois’ approved SIP, 40 CFR part 52. Should USEPA deem an operating or construction permit containing alternative monitoring requirements not federally enforceable, the underlying continuous monitoring requirements at Section 201.401 of the State rule would be the Federal requirements contained in the SIP to which the source would be subject. This interpretation of the impact of an operating permit deemed not federally enforceable by USEPA on a source to which it was issued was acknowledged by the State in a March 3, 1993, letter from Bharat Mathur, Chief, Bureau of Air, Illinois Environmental Protection Agency, to Stephen Rothblatt, Chief, Regulation Development Branch, Region 5, USEPA.

[58 FR 17783, Apr. 6, 1993]
PSD, Illinois continues to implement the Federally promulgated rules for this purpose as they pertain to (C), (D)(i)(II), and the PSD portion of (J).

(d) Approval and Disapproval—In a December 31, 2012, submittal, Illinois certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2008 lead (Pb) NAAQS. EPA is not taking action on the state board requirements of (E)(ii). Although EPA is disapproving portions of Illinois’ submission addressing the prevention of significant deterioration, Illinois continues to implement the Federally promulgated rules for this purpose as they pertain to (C), (D)(i)(II), and the PSD portion of (J).

(e) Approval and Disapproval—In a December 31, 2012, submittal, Illinois certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2008 ozone NAAQS. EPA is approving Illinois’ submission addressing the infrastructure SIP requirements of section 110(a)(2)(A), (B), (C) with respect to enforcement, (D)(i)(II) with respect to visibility protection, (D)(ii), (E) except for state board requirements, (F) through (H), and the PSD portion of (J). EPA is disapproving Illinois’ submission addressing the infrastructure SIP requirements of section 110(a)(2)(A), (B), (C) with respect to enforcement, (D)(i)(II) with respect to visibility protection, (D)(ii), (E) except for state board requirements, (F) through (H), (J) except for prevention of significant deterioration. Although EPA is disapproving portions of Illinois’ submission addressing the prevention of significant deterioration, Illinois continues to implement the Federally promulgated rules for this purpose as they pertain to (C), (D)(i)(II), and the prevention of significant deterioration (PSD) portion of (J).

(f) Approval and Disapproval—In a December 31, 2012, submittal, Illinois certified that the state has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2010 nitrogen dioxide (NO₂) NAAQS except for 110(a)(2)(D)(i)(I). EPA is approving Illinois’ submission addressing the infrastructure SIP requirements of section 110(a)(2)(A), (B), (C) with respect to enforcement, (D)(i)(II) with respect to visibility protection, (D)(ii), (E) except for state board requirements, (F) through (H), (J) except for prevention of significant deterioration, and (K) through (M). EPA is disapproving Illinois’ submission addressing the prevention of significant deterioration, in (C), (D)(i)(II), and the prevention of significant deterioration (PSD) portion of (J). EPA is not taking action on the state board requirements of (E). Although EPA is disapproving portions of Illinois’ submission addressing the prevention of significant deterioration, Illinois continues to implement the Federally promulgated rules for this purpose as they pertain to (C), (D)(i)(II), and the prevention of significant deterioration (PSD) portion of (J).

(g) Approval and Disapproval—In a December 31, 2012, submittal, Illinois certified that the state has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2010 sulfur dioxide (SO₂) NAAQS except for 110(a)(2)(D)(i)(I). EPA is approving Illinois’ submission addressing the infrastructure SIP requirements of section 110(a)(2)(A), (B), (C) with respect to enforcement, (D)(i)(II) with respect to visibility protection, (D)(ii), (E) except for state board requirements, (F) through (H), (J) except for prevention of significant deterioration, and (K) through (M). EPA is disapproving Illinois’ submission addressing the prevention of significant deterioration, in (C), (D)(i)(II), and the prevention of significant deterioration (PSD) portion of (J). EPA is not taking action on the state board requirements of (E). Although EPA is disapproving portions of Illinois’ submission addressing the prevention of significant deterioration, Illinois continues to implement the Federally promulgated rules for this purpose as they pertain to (C), (D)(i)(II), and the prevention of significant deterioration (PSD) portion of (J).

§52.746 Control strategy: Lead (Pb).

(a) Based upon EPA’s review of the air quality data for the 3-year period 2012 to 2014, EPA determined that the
§ 52.770 Identification of plan—conditional approval.

The plan revision commitment listed in paragraphs (a) and (b) of this section were submitted on the dates specified:

(a)–(b) [Reserved]

(80 FR 51131, Aug. 24, 2015)

Subpart P—Indiana

§ 52.769 Identification of plan—conditional approval.

The plan revision commitment listed in paragraphs (a) and (b) of this section were submitted on the dates specified.

(a)–(b) [Reserved]


§ 52.770 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State Implementation Plan (SIP) for Indiana under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR Part 51 to meet National Ambient Air Quality Standards.

(b) Incorporation by reference. (1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to December 31, 2009, 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), (d), and (e) of this section with an EPA approval date after December 31, 2009, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 5 certifies that the rules/regulations provided by the 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 SIP as of December 31, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 5, Air Programs Branch, 77 West Jackson Boulevard, Chicago, IL 60604; the EPA, Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566–1742. 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.

(c) EPA approved regulations.
§ 52.770

40 CFR Ch. I (7–1–16 Edition)
EPA-APPROVED INDIANA REGULATIONS—Continued
EPA
approval
date

Subject

1–2–2 ............
1–2–3 ............
1–2–4 ............

‘‘Allowable emissions’’ defined ............
Air pollution control equipment ............
‘‘Applicable state and federal regulations’’ defined.
‘‘Attainment area’’ defined ...................
‘‘Best available control technology
(BACT)’’ defined.
Board ...................................................

6/24/1994
9/26/1980
6/24/1994

7/21/1997, 62 FR 38919..
11/5/1981, 46 FR 54943..
7/21/1997, 62 FR 38919..

9/26/1980
9/26/1980

11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..

8/31/2014

‘‘Bulk gasoline plant’’ defined ..............
‘‘Bulk gasoline terminal’’ defined .........
‘‘Catalytic cracking unit’’ defined .........
‘‘Charging’’ defined ..............................
‘‘Charge port’’ defined .........................
‘‘Clean Air Act’’ defined .......................
‘‘Coal processing’’ defined ..................
‘‘Coating line’’ defined .........................
‘‘Coke oven battery’’ defined ...............
Coke Oven Topside ............................
Coke-Side ............................................
‘‘Cold cleaner degreaser’’ defined .......
‘‘Combustion for indirect heating’’ defined.
Commence Construction .....................
Construction ........................................
‘‘Conveyorized degreaser’’ defined .....
Cutback asphalt ...................................
‘‘Department’’ defined ..........................
‘‘Electric arc furnaces’’ defined ...........
‘‘Emissions unit’’ defined .....................
EPA .....................................................
Excess air ............................................
Existing facility .....................................
Facility .................................................
Farming operation ...............................
‘‘Federally enforceable’’ defined ..........
Flare ....................................................
‘‘Freeboard height’’ defined .................
‘‘Freeboard ratio’’ defined ....................
Fugitive dust ........................................
Gas collector main ..............................
Gasoline ..............................................
‘‘Gooseneck cap’’ defined ...................
Governmental unit ...............................
‘‘Grain elevator’’ defined ......................
‘‘Grain terminal elevator’’ defined ........
Incinerator ............................................
‘‘Jumper pipe’’ defined ........................
Larry car ..............................................
Lowest achievable emission rate ........
Luting material .....................................
Major facility ........................................
Malfunction ..........................................
Material ................................................
Military specifications ..........................
Modification .........................................
Natural growth .....................................
Necessary preconstruction approvals
for permits.
New facility ..........................................
Nonattainment areas ...........................
‘‘Noncombustible container’’ defined ...
‘‘Nonphotochemically reactive hydrocarbons’’
or
‘‘negligibly
photochemically
reactive
compounds’’ defined.
Offtake piping ......................................
‘‘Open top vapor degreaser’’ defined ..
Oven door ............................................
‘‘Owner or operator’’ defined ...............

9/26/1980
9/26/1980
9/26/1980
9/26/1980
9/26/1980
6/24/1994
9/26/1980
6/5/1991
9/26/1980
9/26/1980
9/26/1980
3/1/2013
9/26/1980

12/03/2014, 79 FR
71672..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
7/21/1997, 62 FR 38919..
11/5/1981, 46 FR 54943..
3/6/1992, 57 FR 8082..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
7/25/2014, 79 FR 43260..
11/5/1981, 46 FR 54943..

9/26/1980
9/26/1980
5/18/1990
9/26/1980
1/21/1995
9/26/1980
12/25/1998
9/26/1980
9/26/1980
9/26/1980
9/26/1980
9/26/1980
1/21/1995
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5/18/1990
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9/26/1980
9/26/1980
9/26/1980
9/26/1980
9/26/1980
9/26/1980
9/26/1980
9/26/1980

11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
3/6/1992, 57 FR 8082..
11/5/1981, 46 FR 54943..
7/5/1995, 60 FR 34856..
11/5/1981, 46 FR 54943..
10/23/13, 78 FR 63093.
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
7/5/1995, 60 FR 34856..
11/5/1981, 46 FR 54943..
3/6/1992, 57 FR 8082..
3/6/1992, 57 FR 8082..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
6/15/1995, 60 FR 31412..
11/5/1981, 46 FR 54943..
7/21/1997, 62 FR 38919..
7/21/1997, 62 FR 38919..
11/5/1981, 46 FR 54943..
6/15/1995, 60 FR 31412..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..

9/26/1980
9/26/1980
9/26/1980
10/31/2010

11/5/1981,
11/5/1981,
11/5/1981,
5/13/2011,

1–2–5 ............
1–2–6 ............
1–2–6.5 .........
1–2–7 ............
1–2–8 ............
1–2–9 ............
1–2–10 ..........
1–2–11 ..........
1–2–12 ..........
1–2–13 ..........
1–2–14 ..........
1–2–16 ..........
1–2–17 ..........
1–2–18 ..........
1–2–18.5 .......
1–2–19 ..........
1–2–20 ..........
1–2–21 ..........
1–2–21.5 .......
1–2–22 ..........
1–2–22.5 .......
1–2–23 ..........
1–2–23.5 .......
1–2–24 ..........
1–2–25 ..........
1–2–26 ..........
1–2–27 ..........
1–2–28 ..........
1–2–28.5 .......
1–2–29 ..........
1–2–29.5 .......
1–2–29.6 .......
1–2–30 ..........
1–2–31 ..........
1–2–32 ..........
1–2–32.1 .......
1–2–33 ..........
1–2–33.1 .......
1–2–33.2 .......
1–2–34 ..........
1–2–34.1 .......
1–2–35 ..........
1–2–36 ..........
1–2–37 ..........
1–2–38 ..........
1–2–39 ..........
1–2–40 ..........
1–2–41 ..........
1–2–42 ..........
1–2–43 ..........
1–2–44 ..........
1–2–45
1–2–46
1–2–47
1–2–48

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1–2–49 ..........
1–2–49.5 .......
1–2–50 ..........
1–2–51 ..........

9/26/1980
5/18/1990
9/26/1980
9/26/1980

46
46
46
76

FR
FR
FR
FR

Notes

54943..
54943..
54943..
27904..

11/5/1981, 46 FR 54943..
3/6/1992, 57 FR 8082..
11/5/1981, 46 FR 54943..
11/5/1981, 46 FR 54943..

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VerDate Sep<11>2014

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31


Environmental Protection Agency

EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–2–52.2 .......</td>
<td>“PM2.5” defined</td>
<td>1/19/2005</td>
<td>10/19/2005, 70 FR 60735.</td>
<td></td>
</tr>
<tr>
<td>1–2–52.4 .......</td>
<td>“PM10” defined</td>
<td>1/19/2005</td>
<td>10/19/2005, 70 FR 60735.</td>
<td></td>
</tr>
<tr>
<td>1–2–64.1 .......</td>
<td>“Reasonably available control technology” or “RACT” defined.</td>
<td>1/21/1995</td>
<td>7/5/1995, 60 FR 34856.</td>
<td></td>
</tr>
<tr>
<td>1–2–82.5 ......</td>
<td>“Total suspended particulate” or “TSP” defined.</td>
<td>1/19/2005</td>
<td>10/19/2005, 70 FR 60735.</td>
<td></td>
</tr>
</tbody>
</table>

Rule 3. Ambient Air Quality Standards


Rule 4. Attainment Status Designations

| 1–4–1 .......... | Definitions | 1/18/2013 | 4/19/2013, 78 FR 23492. |

Rule 5. Episode Alert Levels

### EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–5–3 ..........</td>
<td>Air Pollution Warning</td>
<td>5/31/1972, 37 FR 10842..</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1–5–4 ..........</td>
<td>Air Pollution Emergency</td>
<td>5/31/1972, 37 FR 10842..</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1–5–5 ..........</td>
<td>Termination</td>
<td>5/31/1972, 37 FR 10842..</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Rule 6. Malfunctions

| 1–6–4 ..........  | Conditions under which malfunction not considered violation. | 3/15/1984 | 5/3/1990, 55 FR 18604.. |

#### Rule 7. Stack Height Provisions


#### Article 2. Permit Review Rules


| 2–1.1–1 ......... Definitions                              | 7/11/2012 | 10/29/2012, 77 FR 65478 (2) and (10) only. |

#### Rule 2. Prevention of Significant Deterioration (PSD) Requirements

| 2–2–1 ..........  | Definitions                                    | 7/11/2012 | 10/29/2012, 77 FR 65478 (dd)(1), (ff)(7), (ss)(1), (ww)(1)(f), and (ww)(1)(g) only. |
| 2–2–4 ..........  | Air quality analysis; requirements           | 7/11/2012 | 7/2/2014, 79 FR 37646 (b) only. |
| 2–2–5 ..........  | Air quality impact; requirements             | 7/11/2012 | 7/2/2014, 79 FR 37646 (b) only. |
| 2–2–6 ..........  | Increment consumption; requirements            | 7/11/2012 | 7/2/2014, 79 FR 37646 (b) only. |
| 2–2–14 ..........  Sources impacting federal Class I areas; additional requirements. | 7/11/2012 | 7/2/2014, 79 FR 37646. |

#### Rule 3. Emission Offset


#### Rule 3.4. Actual Plantwide Applicability Limitations in Nonattainment Areas

### EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

Rule 5.1. Construction of New Sources


Rule 6. Emission Reporting


Rule 7. Part 70 Permit Program


Rule 8. Federally Enforceable State Operating Permit Program


Rule 9. Source Specific Operating Agreement Program

| 2–9–1 .......... | General provisions.                                                  | 6/24/1994              | 4/2/1996, 61 FR 14487. | Sec. 2(a), 2(b), and 2(e) |

### Article 3. Monitoring Requirements

### EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Rule</th>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>3–6–5</td>
<td>356</td>
<td>Specific testing procedures; particulate matter; ( \text{PM}<em>{10} ); ( \text{PM}</em>{2.5} ); sulfur dioxide; nitrogen oxides; volatile organic compounds.</td>
<td>9/10/2011</td>
<td>10/23/13, 78 FR 63093.</td>
<td></td>
</tr>
<tr>
<td>4–1–0.5</td>
<td>356</td>
<td>Definitions</td>
<td>02/10/2001</td>
<td>12/9/2014, 79 FR 72979.</td>
<td></td>
</tr>
<tr>
<td>4–1–2</td>
<td>356</td>
<td>Prohibition against open burning</td>
<td>02/10/2001</td>
<td>12/9/2014, 79 FR 72979.</td>
<td></td>
</tr>
<tr>
<td>4–1–4.2</td>
<td>356</td>
<td>Open burning; approval revocation</td>
<td>02/10/2001</td>
<td>12/9/2014, 79 FR 72979.</td>
<td></td>
</tr>
<tr>
<td>4–1–4.3</td>
<td>356</td>
<td>Open burning approval; delegation of authority.</td>
<td>02/10/2001</td>
<td>12/9/2014, 79 FR 72979.</td>
<td></td>
</tr>
</tbody>
</table>
Environmental Protection Agency § 52.770

EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

Article 6. Particulate Rules

Rule 2. Particulate Emission Limitations for Sources of Indirect Heating


Rule 3. Particulate Emission Limitations for Manufacturing Processes

| 6–3–1            | Applicability | 6/12/2002 | 7/25/2005, 70 FR 42495 |
| 6–3–1.5          | Definitions | 4/20/2012 | 6/17/2014, 79 FR 34435 |

Rule 4. Fugitive Dust Emissions

| 6–4–1            | Applicability | 11/16/1973 | 10/28/1975, 40 FR 50032 |
| 6–4–7            | Compliance date | 11/16/1973 | 10/28/1975, 40 FR 50032 |

Rule 7. Particulate Matter Emission Limitations for Southern Indiana Gas and Electric Company

| 6–7–1            | Southern Indiana Gas and Electric Company (SIGEICO) | 8/30/2008 | 11/10/2009, 74 FR 57904 |

Article 6.5. Particulate Matter Limitations Except Lake County


<p>| 6.5–1–2          | Particulate emission limitations; modification by commissioner. | 4/20/2012 | 6/17/2014, 79 FR 34435. |</p>
<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

### Rule 2. Clark County

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

### Rule 3. Dearborn County

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.5–5–2 ..........</td>
<td>Chrysler, LLC-Kokomo Casting Plant and Kokomo Transmission Plant.</td>
<td>05/29/2015</td>
<td>02/22/2016, 81 FR 8650.</td>
<td></td>
</tr>
<tr>
<td>6.5–5–3 ..........</td>
<td>Detco Electronics Corporation</td>
<td>05/29/2015</td>
<td>02/22/2016, 81 FR 8650.</td>
<td></td>
</tr>
<tr>
<td>6.5–6–2 ..........</td>
<td>Allison Transmission</td>
<td>05/29/2015</td>
<td>02/22/2016, 81 FR 8650.</td>
<td></td>
</tr>
<tr>
<td>6.5–6–23.1 .........</td>
<td>Indianapolis Power and Light Company (IPL) Harding Street Station.</td>
<td>2/22/2008</td>
<td>4/30/2008, 73 FR 23356.</td>
<td></td>
</tr>
<tr>
<td>6.5–6–25 ..........</td>
<td>National Starch and Chemical Company</td>
<td>05/29/2015</td>
<td>02/22/2016, 81 FR 8650.</td>
<td></td>
</tr>
<tr>
<td>6.5–6–26 ..........</td>
<td>International Truck and Engine Corporation &amp; Indianapolis Casting Corporation.</td>
<td>05/29/2015</td>
<td>02/22/2016, 81 FR 8650.</td>
<td></td>
</tr>
<tr>
<td>Indiana citation</td>
<td>Subject</td>
<td>Indiana effective date</td>
<td>EPA approval date</td>
<td>Notes</td>
</tr>
<tr>
<td>------------------</td>
<td>---------</td>
<td>------------------------</td>
<td>------------------</td>
<td>-------</td>
</tr>
</tbody>
</table>

**Rule 7. St. Joseph County**

| Rule 7. St. Joseph County |  |
|---------------------------|------------------------|---------|-------|

**Rule 8. Vanderburgh County**

| Rule 8. Vanderburgh County |  |
|---------------------------|------------------------|---------|-------|

**Rule 9. Vigo County**

| Rule 9. Vigo County |  |
|-------------------|------------------------|---------|-------|

**Rule 10. Wayne County**

| Rule 10. Wayne County |  |
|---------------------|------------------------|---------|-------|

**Article 6.8. Particulate Matter Limitations for Lake County**

|---------------------------|------------------------|---------|-------|

**Rule 2. Lake County: PM<sub>10</sub> Emission Requirements**

| Rule 2. Lake County: PM<sub>10</sub> Emission Requirements |  |
|---------------------------------|------------------------|---------|-------|
### Table 1: EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.8–2–18 ......</td>
<td>Jupiter Aluminum Corporation</td>
<td>05/29/2015</td>
<td>02/22/2016, 81 FR 8650.</td>
<td></td>
</tr>
<tr>
<td>6.8–2–29 ......</td>
<td>Reed Minerals—Plant #14</td>
<td>05/29/2015</td>
<td>02/22/2016, 81 FR 8650.</td>
<td></td>
</tr>
<tr>
<td>6.8–2–34 ......</td>
<td>Huhtamaki Foodservice, Inc</td>
<td>05/29/2015</td>
<td>02/22/2016, 81 FR 8650.</td>
<td></td>
</tr>
</tbody>
</table>

#### Rule 4. Lake County: Opacity Limits; Test Methods


#### Rule 8. Lake County: Continuous Compliance Plan

| 6.8–8–7 ...... | Plan; particulate matter control equipment; recording; operation; inspection. | 9/9/2005 | 3/22/2006, 71 FR 14383. |       |

#### Rule 9. Lake County: PM Coke Battery Emission Requirements


#### Rule 10. Lake County: Fugitive Particulate Matter

### EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

#### Rule 11. Lake County: Particulate Matter Contingency Measures

<table>
<thead>
<tr>
<th>Rule</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

#### Article 7. Sulfur Dioxide Rules

### Rule 1. Sulfur Dioxide Emission Limitations

<table>
<thead>
<tr>
<th>Rule</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

### Rule 2. Compliance

<table>
<thead>
<tr>
<th>Rule</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>7–2–1</td>
<td>Reporting requirements; methods to determine compliance.</td>
<td>9/10/2011</td>
<td>10/23/13, 78 FR 63093.</td>
<td></td>
</tr>
</tbody>
</table>

### Rule 3. Ambient Monitoring

<table>
<thead>
<tr>
<th>Rule</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

### Rule 4. Emission Limitations and Requirements by County

<table>
<thead>
<tr>
<th>Rule</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>7–4–8</td>
<td>Vermillion County sulfur dioxide emission limitations.</td>
<td>4/10/1988</td>
<td>1/19/1989, 54 FR 2112.</td>
<td></td>
</tr>
<tr>
<td>7–4–10</td>
<td>Warrick County sulfur dioxide emission limitations.</td>
<td>8/30/2008</td>
<td>11/10/2009, 74 FR 57904.</td>
<td></td>
</tr>
</tbody>
</table>

### Rule 4.1. Lake County Sulfur Dioxide Emission Limitations

<table>
<thead>
<tr>
<th>Rule</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>7–4.1–1</td>
<td>Lake County sulfur dioxide emission limitations.</td>
<td>6/24/2005</td>
<td>9/26/2005, 70 FR 56129.</td>
<td></td>
</tr>
</tbody>
</table>

861
EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

Article 8. Volatile Organic Compound Rules

Rule 1. General Provisions:

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>8–1–0.5</td>
<td>Definitions</td>
<td>10/18/1995</td>
<td>11/3/1995, 64 FR 59642.</td>
<td></td>
</tr>
<tr>
<td>8–1–3</td>
<td>Compliance schedules</td>
<td>5/15/2010</td>
<td>4/14/2011, 76 FR 20850</td>
<td></td>
</tr>
<tr>
<td>8–1–5</td>
<td>Petition for site-specific reasonably available control technology (RACT)</td>
<td>11/10/1988</td>
<td>8/6/1990, 55 FR 36635</td>
<td></td>
</tr>
<tr>
<td>8–1–6</td>
<td>New facilities; general reduction requirements</td>
<td>6/24/2006</td>
<td>6/13/2007, 72 FR 32531</td>
<td></td>
</tr>
<tr>
<td>8–1–7</td>
<td>Military specifications</td>
<td></td>
<td>10/27/1982, 47 FR 20586</td>
<td></td>
</tr>
<tr>
<td>8–1–10</td>
<td>Compliance certification, recordkeeping, and reporting requirements for certain coating facilities using compliant coatings.</td>
<td>5/22/1997</td>
<td>6/29/1998, 63 FR 35141</td>
<td></td>
</tr>
<tr>
<td>8–1–11</td>
<td>Compliance certification, recordkeeping, and reporting requirements for certain coating facilities using daily-weighted averaging.</td>
<td>5/22/1997</td>
<td>6/29/1998, 63 FR 35141</td>
<td></td>
</tr>
<tr>
<td>8–1–12</td>
<td>Compliance certification, recordkeeping, and reporting requirements for certain coating facilities using control devices.</td>
<td>5/22/1997</td>
<td>6/29/1998, 63 FR 35141</td>
<td></td>
</tr>
</tbody>
</table>

Rule 2. Surface Coating Emission Limitations:

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>8–2–1</td>
<td>Applicability</td>
<td>11/19/2010</td>
<td>10/13/11, 76 FR 63549</td>
<td></td>
</tr>
<tr>
<td>8–2–2</td>
<td>Automobile and light duty truck coating operations.</td>
<td>1/2/2010</td>
<td>2/24/2010, 75 FR 8246</td>
<td></td>
</tr>
<tr>
<td>8–2–3</td>
<td>Can coating operations</td>
<td>2/10/1986</td>
<td>51 FR 4912.</td>
<td></td>
</tr>
<tr>
<td>8–2–4</td>
<td>Coil coating operations</td>
<td></td>
<td>10/27/1982, 47 FR 20586</td>
<td></td>
</tr>
</tbody>
</table>
### EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>8–2–9 ............</td>
<td>Miscellaneous metal and plastic parts coating operations.</td>
<td>11/19/2010, 76 FR 63549.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Rule 3. Organic Solvent Degreasing Operations

| 8–3–2 ............ | Cold cleaner degreaser control equipment and operating requirements. | 3/1/2013 | 7/25/2014, 79 FR 43260. | |

### Rule 4. Petroleum Sources:

| 8–4–5 ............ | Bulk gasoline plants | 1/18/1983, 48 FR 2127. | | |
| 8–4–6 ............ | Gasoline dispensing facilities | 5/15/2010, 76 FR 20850. | | |
| 8–4–8 ............ | Leaks from petroleum refineries; monitoring; reports. | 6/5/1991, 57 FR 8082. | | |
| 8–4–9 ............ | Leaks from transports and vapor collection systems; records. | 11/5/1999, 67 FR 38006. | | |

### Rule 5. Miscellaneous Operations:

| 8–5–3 ............ | Synthesized pharmaceutical manufacturing operations. | 5/18/1990, 57 FR 8082. | | |
| 8–5–5 ............ | Graphic arts operations | 5/22/1997, 63 FR 35141. | | |

### Rule 6. Organic Solvent Emission Limitations:

| 8–6–1 ............ | Applicability of rule | 1/18/1983, 48 FR 2124. | | |
| 8–6–2 ............ | Emission limits; exemptions | 1/18/1983, 48 FR 2124. | | |

### Rule 7. Specific VOC Reduction Requirements for Lake, Porter, Clark, and Floyd Counties:

| 8–7–1 ............ | Definitions | 1/21/1995 | 75 FR 1595, 60 FR 34856. | |
| 8–7–2 ............ | Applicability | 1/21/1995 | 75 FR 1595, 60 FR 34856. | |
| 8–7–4 ............ | Compliance methods | 1/21/1995 | 75 FR 1595, 60 FR 34856. | |
| 8–7–5 ............ | Compliance plan | 1/21/1995 | 75 FR 1595, 60 FR 34856. | |
### EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>8–7–9 ..</td>
<td>Control system operation, maintenance, and testing.</td>
<td>1/21/1995</td>
<td>7/5/1995, 60 FR 34856.</td>
<td></td>
</tr>
</tbody>
</table>

**Rule 8. Municipal Solid Waste Landfills Located in Clark, Floyd, Lake, and Porter Counties:**


**Rule 9. Volatile Organic Liquid Storage Vessels:**


**Rule 10. Automobile Refinishing:**


**Rule 11. Wood Furniture Coating:**

### EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

#### Rule 12. Shipbuilding or Ship Repair Operations in Clark, Floyd, Lake, and Porter Counties:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>8–12–6</td>
<td>Test methods and procedures ....</td>
<td>7/15/2001</td>
<td>4/1/2003, 68 FR 15664.</td>
</tr>
<tr>
<td>8–12–7</td>
<td>Recordkeeping, notification, and reporting requirements.</td>
<td>7/15/2001</td>
<td>4/1/2003, 68 FR 15664.</td>
</tr>
</tbody>
</table>

#### Rule 13. Sinter Plants:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>


<table>
<thead>
<tr>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>8–14–1</td>
<td>Applicability ...............</td>
<td>12/1/2010</td>
<td>8/30/2012, 77 FR 52606.</td>
</tr>
<tr>
<td>8–14–5</td>
<td>Recordkeeping and reporting requirements.</td>
<td>12/1/2010</td>
<td>8/30/2012, 77 FR 52606.</td>
</tr>
</tbody>
</table>

#### Rule 15. Standards for Consumer and Commercial Products

<table>
<thead>
<tr>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
</table>

#### Rule 17. Industrial Solvent Cleaning Operations

<table>
<thead>
<tr>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>8–17–1</td>
<td>Applicability ...............</td>
<td>1/2/2010</td>
<td>2/24/2010, 75 FR 8246 ...</td>
</tr>
<tr>
<td>8–17–2</td>
<td>Exemptions .......................</td>
<td>5/3/2012</td>
<td>12/27/2013, 78 FR 78726</td>
</tr>
<tr>
<td>8–17–3</td>
<td>“Composite partial vapor pressure” defined.</td>
<td>1/2/2010</td>
<td>2/24/2010, 75 FR 8246 ...</td>
</tr>
<tr>
<td>8–17–4</td>
<td>VOC emissions control requirements ..................................</td>
<td>5/3/2012</td>
<td>12/27/2013, 78 FR 78726</td>
</tr>
<tr>
<td>8–17–5</td>
<td>Compliance dates ..................................</td>
<td>1/2/2010</td>
<td>2/24/2010, 75 FR 8246 ...</td>
</tr>
<tr>
<td>8–17–6</td>
<td>Compliance test methods ..................................</td>
<td>1/2/2010</td>
<td>2/24/2010, 75 FR 8246 ...</td>
</tr>
<tr>
<td>8–17–7</td>
<td>Monitoring and recordkeeping ..................................</td>
<td>5/3/2012</td>
<td>12/27/2013, 78 FR 78726</td>
</tr>
<tr>
<td>8–17–8</td>
<td>Reporting requirements for monitoring and recordkeeping information.</td>
<td>1/2/2010</td>
<td>2/24/2010, 75 FR 8246 ...</td>
</tr>
</tbody>
</table>
## EPA-APPROVED INDIANA REGULATIONS—Continued

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>8–17–10 ........</td>
<td>Recordkeeping requirements for exempt sources.</td>
<td>1/2/2010</td>
<td>2/24/2010, 75 FR 8246</td>
<td></td>
</tr>
</tbody>
</table>

### Article 9. Carbon Monoxide Emission Rules


### Article 10. Nitrogen Oxides Rules

- 10–3 .......... Nitrogen Oxide Reduction Program for Specific Source Categories. | 02/25/2007 | 11/29/2010, 75 FR 72956, Sec. 1 |
- 10–4 .......... Nitrogen Oxides Budget Trading Program. | 02/25/2007 | 11/29/2010, 75 FR 72956, Sec. 16 |

### Article 11. Emission Limitations for Specific Types of Operations


### Article 13. Motor Vehicle Emission and Fuel Standards

- 13–3 .......... Control of Gasoline Reid Vapor Pressure. | 12/15/2002 | 7/21/2003, 68 FR 42978, Sec. 1 |

### Article 14. Emission Standards for Hazardous Air Pollutants


### Article 15. Lead Rules

- Rule 1. Lead Emission Limitations
  - 15–1–3 .......... Control of fugitive lead dust | 3/1/2013 | 7/17/2015, 80 FR 42393 |
  - 15–1–4 .......... Compliance | 3/1/2013 | 7/17/2015, 80 FR 42393 |

### Article 16. State Environmental Policy

- 16–3 .......... General Conformity | 7/6/1996 | 1/14/1998, 63 FR 2146, Sec. 1 |

### Article 19. Mobile Source Rules

### Article 20. Hazardous Air Pollutants

<table>
<thead>
<tr>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 10 Bulk Gasoline Distribution Facilities</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Rule 20–13.1 Secondary Lead Smelters

<table>
<thead>
<tr>
<th>Rule 20–13.1–1</th>
<th>Applicability</th>
<th>3/1/2013</th>
<th>7/17/2015, 80 FR 42393</th>
<th>Sections (a)–(c), (e), and (f)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20–13.1–5</td>
<td>Emission limitations and operating provisions.</td>
<td>3/1/2013</td>
<td>7/17/2015, 80 FR 42393.</td>
<td>Sections (a)–(c), (e), and (h)</td>
</tr>
<tr>
<td>20–13.1–9</td>
<td>Bag leak detection system requirements.</td>
<td>3/1/2013</td>
<td>7/17/2015, 80 FR 42393.</td>
<td></td>
</tr>
<tr>
<td>20–13.1–10</td>
<td>Other requirements</td>
<td>3/1/2013</td>
<td>7/17/2015, 80 FR 42393.</td>
<td>Sections (a)–(d), (f) and (g)</td>
</tr>
<tr>
<td>20–13.1–11</td>
<td>Compliance testing</td>
<td>3/1/2013</td>
<td>7/17/2015, 80 FR 42393.</td>
<td>Sections (a)–(c), and (f)</td>
</tr>
<tr>
<td>20–13.1–12</td>
<td>Compliance testing methods</td>
<td>3/1/2013</td>
<td>7/17/2015, 80 FR 42393.</td>
<td>Section (a)</td>
</tr>
<tr>
<td>20–13.1–13</td>
<td>Notification requirements</td>
<td>3/1/2013</td>
<td>7/17/2015, 80 FR 42393.</td>
<td>Sections (b)–(d)</td>
</tr>
<tr>
<td>20–13.1–14</td>
<td>Record keeping and reporting requirements.</td>
<td>3/1/2013</td>
<td>7/17/2015, 80 FR 42393.</td>
<td>Sections (a)–(d), (e)(1), and (e)(4)–(e)(14)</td>
</tr>
</tbody>
</table>

### Article 24. Trading Programs: Nitrogen Oxides (NOₓ) and Sulfur Dioxide (SO₂)

<table>
<thead>
<tr>
<th>Rule 24–1</th>
<th>Clean Air Interstate Rule Nitrogen Oxides Annual Trading Program.</th>
<th>02/25/2007</th>
<th>11/29/2010, 75 FR 72956</th>
<th>Sec. 1, 3, 4, 5, 6, 10, 11.</th>
</tr>
</thead>
<tbody>
<tr>
<td>24–2</td>
<td>Clean Air Interstate Rule (CAIR) Sulfur Dioxide Trading Program.</td>
<td>02/25/2007</td>
<td>11/29/2010, 75 FR 72956</td>
<td>Sec. 1, 3, 4, 5, 6, 9, 10.</td>
</tr>
<tr>
<td>24–3</td>
<td>Clean Air Interstate Rule (CAIR) NOₓ Ozone Season Trading Program.</td>
<td>02/25/2007</td>
<td>11/29/2010, 75 FR 72956</td>
<td>Sec. 1, 3, 4, 5, 6, 9, 10.</td>
</tr>
</tbody>
</table>

### Article 26. Regional Haze

<table>
<thead>
<tr>
<th>Rule 2. Best Available Retrofit Technology Emission Limitations</th>
</tr>
</thead>
</table>

### State Statutes

| IC 13–13–8 | Environmental Rules Board | 1/1/2013 | 12/24/2013, 78 FR 77599 | 1, 2(a), 2(b), 3, 4, and 11 only. |


(d) EPA approved State source-specific requirements.
### EPA-APPROVED INDIANA SOURCE-SPECIFIC PROVISIONS

<table>
<thead>
<tr>
<th>CO date</th>
<th>Title</th>
<th>SIP rule</th>
<th>EPA approval</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/1/1999</td>
<td>ALCOA-Warrick</td>
<td>5–1–2</td>
<td>7/5/2000, 65 FR 41352 (also see 64 FR 40287)</td>
<td>All opacity limits (permit).</td>
</tr>
<tr>
<td>12/10/1999</td>
<td>ALCOA-Warrick</td>
<td>5–1–2</td>
<td>7/5/2000, 65 FR 41352 (also see 64 FR 40287)</td>
<td>All opacity limits (permit).</td>
</tr>
<tr>
<td>2/1/2016</td>
<td>Clifty Creek Generating Station</td>
<td>N.A.</td>
<td>5/6/16, 81 FR 27330</td>
<td>Limitation intended to support attainment designation.</td>
</tr>
</tbody>
</table>

### EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

#### Allen County
- 1997 8-hour ozone maintenance plan
  - Title: Allen County 1997 8-hour ozone maintenance plan
  - CO date: 2/25/14
  - SIP rule: 79 FR 10385
  - EPA approval: 2/25/14
  - Explanation: Revision to motor vehicle emission budgets.

#### Carbon Monoxide
- Control Strategy—Lake and Porter Counties
  - Title: Carbon Monoxide Control Strategy—Lake and Porter Counties
  - CO date: 1/10/2003
  - SIP rule: 68 FR 1370
  - EPA approval: 1/10/2003
  - Explanation: Paragraph (r), also redesignation.

#### Chicago Hydrocarbon Control Strategy
- Title: Chicago Hydrocarbon Control Strategy
  - CO date: 8/26/2004
  - SIP rule: 69 FR 52427
  - EPA approval: 8/26/2004
  - Explanation: Paragraph (aa).

#### Cincinnati-Hamilton, OH–KY–IN 1997 8-hour ozone maintenance plan
- Title: Cincinnati-Hamilton, OH–KY–IN 1997 8-hour ozone maintenance plan
  - CO date: 1/29/12
  - SIP rule: 78 FR 15224
  - EPA approval: 1/29/12
  - Explanation: Removal from SIP, replaced by NESHAP.

#### Fluoride Emission Limitations for Existing Primary Aluminum Plants
- Title: Fluoride Emission Limitations for Existing Primary Aluminum Plants
  - CO date: 3/11/2003
  - SIP rule: 68 FR 11472
  - EPA approval: 3/11/2003
  - Explanation: Paragraph (ff).

#### Evansville Hydrocarbon Control Strategy
- Title: Evansville Hydrocarbon Control Strategy
  - CO date: 12/29/2005
  - SIP rule: 70 FR 77026
  - EPA approval: 12/29/2005
  - Explanation: Paragraph (ee).

#### Carbon Monoxide Control Strategy—Lake and Marion Cos.
- Title: Carbon Monoxide Control Strategy—Lake and Marion Cos.
  - CO date: 1/29/12
  - SIP rule: 78 FR 15224
  - EPA approval: 1/29/12
  - Explanation: Revision to motor vehicle emission budgets.

#### Control Strategy: Particulate Matter
- Title: Control Strategy: Particulate Matter
  - CO date: 11/27/2009
  - SIP rule: 74 FR 62243
  - EPA approval: 11/27/2009
  - Explanation: Paragraph (kk).

#### Fort Wayne Hydrocarbon Control Strategy
- Title: Fort Wayne Hydrocarbon Control Strategy
  - CO date: 11/14/2005
  - SIP rule: 70 FR 69885
  - EPA approval: 11/14/2005
  - Explanation: Paragraph (bb).

#### Greene County
- 1997 8-hour ozone maintenance plan
  - Title: Greene County 1997 8-hour ozone maintenance plan
  - CO date: 2/25/14
  - SIP rule: 79 FR 10385
  - EPA approval: 2/25/14
  - Explanation: Revision to motor vehicle emission budgets.

#### Indianapolis Hydrocarbon Control Strategy
- Title: Indianapolis Hydrocarbon Control Strategy
  - CO date: 10/19/2007
  - SIP rule: 72 FR 59210
  - EPA approval: 10/19/2007
  - Explanation: Paragraph (j).

#### Lake County sulfur dioxide maintenance plan
- Title: Lake County sulfur dioxide maintenance plan
  - CO date: 9/24/2009
  - SIP rule: 74 FR 62243
  - EPA approval: 9/24/2009
  - Explanation: Paragraph (bb).

#### Lake and Porter Counties 1997 8-hour ozone maintenance plan
- Title: Lake and Porter Counties 1997 8-hour ozone maintenance plan
  - CO date: 5/15/2013
  - SIP rule: 78 FR 28503
  - EPA approval: 5/15/2013
  - Explanation: Revision to motor vehicle emission budgets.

#### Lead Control Strategy—Marion County
- Title: Lead Control Strategy—Marion County
  - CO date: 9/24/2009
  - SIP rule: 74 FR 46509
  - EPA approval: 9/24/2009
  - Explanation: Paragraph (bb).

#### Louisville Hydrocarbon Control Strategy
- Title: Louisville Hydrocarbon Control Strategy
  - CO date: 7/19/2007
  - SIP rule: 72 FR 39571
  - EPA approval: 7/19/2007
  - Explanation: Paragraph (ii).

#### Muncie 1997 8-hour ozone maintenance plan
- Title: Muncie 1997 8-hour ozone maintenance plan
  - CO date: 12/20/12
  - SIP rule: 77 FR 75384
  - EPA approval: 12/20/12
  - Explanation: Revision to motor vehicle emission budgets.

#### Muncie Hydrocarbon Control Strategy
- Title: Muncie Hydrocarbon Control Strategy
  - CO date: 11/16/2005
  - SIP rule: 70 FR 69443
  - EPA approval: 11/16/2005
  - Explanation: Paragraph (cc).

#### Ozone Monitoring Season
- Title: Ozone Monitoring Season
  - CO date: 7/2007
  - SIP rule: 77 FR 34218
  - EPA approval: 7/2007
  - Explanation: This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

#### Regional Haze Plan
- Title: Regional Haze Plan
  - CO date: 1/14/2011
  - SIP rule: 76 FR 41075
  - EPA approval: 1/14/2011
  - Explanation: This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
### EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

<table>
<thead>
<tr>
<th>Title</th>
<th>Indiana date</th>
<th>EPA approval</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2006 24-Hour PM$_{2.5}$ NAAQS.</td>
<td>10/20/2009, 6/25/2012, 7/12/2012</td>
<td>7/10/2013, 78 FR 41311</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). We are finalizing approval of the PSD source impact analysis requirements of section 110(a)(2)(C), (D)(i)(III), and (J), but are not finalizing action on the visibility protection requirements of (D)(i)(II), and the state board requirements of (E)(ii). We will address these requirements in a separate action.</td>
</tr>
<tr>
<td></td>
<td>5/22/2013</td>
<td>4/7/2014, 79 FR 18999</td>
<td>This action addresses the following CAA elements: State board requirements of section 110(a)(2)(E)(ii).</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2008 Lead NAAQS.</td>
<td>12/12/2011</td>
<td>10/16/2014, 79 FR 62035</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS.</td>
<td>12/12/2011</td>
<td>4/29/2015, 80 FR 23713</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) except visibility, (D)(ii), (E), (F), (G), (H), (J) except visibility, (K), (L), and (M).</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2010 NO$_2$ NAAQS.</td>
<td>1/15/2013</td>
<td>8/14/2015, 80 FR 48733</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) except visibility, (D)(ii), (E), (F), (G), (H), (J) except visibility, (K), (L), and (M).</td>
</tr>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2010 SO$_2$ NAAQS.</td>
<td>5/22/2013</td>
<td>8/14/2015, 80 FR 48733</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) except visibility, (D)(ii), (E), (F), (G), (H), (J) except visibility, (K), (L), and (M).</td>
</tr>
<tr>
<td>South Bend-Elkhart 1997 8-hour ozone maintenance plan.</td>
<td>12/17/12, 77 FR 74590</td>
<td></td>
<td>Revision to motor vehicle emission budgets. Paragraph (h).</td>
</tr>
<tr>
<td>South Bend-Elkhart Hydrocarbon Control Strategy</td>
<td>7/19/2007, 72 FR 39577</td>
<td></td>
<td>Paragraph (f) and (g).</td>
</tr>
<tr>
<td>Sulfur Dioxide Control Strategy—LaPorte, Marion, Vigo, and Wayne Counties.</td>
<td>11/15/1996, 61 FR 58482</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vanderburgh and Warrick Counties 1997 8-hour ozone maintenance plan.</td>
<td>2/25/14, 79 FR 10385</td>
<td></td>
<td>Revision to motor vehicle emission budgets.</td>
</tr>
<tr>
<td>Vigo County 1997 8-hour ozone maintenance plan.</td>
<td>2/25/14, 79 FR 10385</td>
<td></td>
<td>Revision to motor vehicle emission budgets.</td>
</tr>
</tbody>
</table>

(75 FR 58307, Sept. 24, 2010)

**EDITORIAL NOTE:** For *Federal Register* citations affecting § 52.770, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.
§ 52.771  Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED INDIANA REGULATIONS

<table>
<thead>
<tr>
<th>Indiana citation</th>
<th>Subject</th>
<th>Indiana effective date</th>
<th>EPA approval date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Article 8: Volatile Organic Compound Rules

<table>
<thead>
<tr>
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</tbody>
</table>

* * * * *

2. At 81 FR 38962, June 15, 2016, §52.770 was amended in the table in paragraph (e) by revising the entry for “Section 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS”, effective July 15, 2016. For the convenience of the user, the revised text is set forth as follows:

§ 52.770  Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

<table>
<thead>
<tr>
<th>Title</th>
<th>Indiana date</th>
<th>EPA approval</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 110(a)(2) Infrastructure Requirements for the 2008 ozone NAAQS.</td>
<td>12/12/2011</td>
<td>6/15/2016, 81 FR 38957.</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
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<tr>
<td></td>
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</tr>
</tbody>
</table>

§ 52.771  Classification of regions.

(a) The Indiana plan was evaluated on the basis of the following classifications:

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Particulate matter</td>
</tr>
<tr>
<td>East Central Indiana Intrastate</td>
<td>II</td>
</tr>
<tr>
<td>Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate</td>
<td>II</td>
</tr>
</tbody>
</table>
Air quality control region

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisville Interstate</td>
<td>I</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>I</td>
</tr>
<tr>
<td>Metropolitan Chicago Interstate (Indiana-Illinois)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metropolitan Cincinnati Interstate</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Metropolitan Indianapolis Intrastrat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northeast Indiana Intrastrat</td>
<td></td>
<td></td>
<td>III</td>
<td>III</td>
<td>I</td>
</tr>
<tr>
<td>South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate</td>
<td></td>
<td></td>
<td>III</td>
<td>III</td>
<td>I</td>
</tr>
<tr>
<td>Southern Indiana Intrastrat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wabash Valley Intrastrat</td>
<td></td>
<td></td>
<td>III</td>
<td>III</td>
<td>I</td>
</tr>
</tbody>
</table>

(b) The requirements of §51.150 of this chapter are not met by the classification of counties in APC–22 for the purposes of attainment and maintenance of the total suspended particulate ambient air quality standards.

(c) The requirements of §51.150 of this chapter are not met by the classification of counties in APC–22 for the purposes of attainment and maintenance of the photochemical oxidant (hydrocarbon) ambient air quality standards.

(d) The requirements of §51.150 of this chapter are not met by the classification of Jefferson, LaPorte, Porter, Vigo and Warrick Counties in Indiana in Regulation APC–22 for the purposes of attainment and maintenance of the sulfur dioxide ambient air quality standards.

§52.772 [Reserved]

§52.773 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Indiana’s plan for attainment and maintenance of the National Ambient Air Quality Standards under section 110 of the Clean Air Act.

(b) [Reserved]

(c) The Administrator finds that Indiana’s new source review strategy satisfies all requirements of Part D, Title I of the Clean Air Act as amended in 1977.

(d)–(e) [Reserved]

(f) The Administrator finds ozone strategies for Clark, Elkhart, Floyd, Lake, Marion, Porter, and St. Joseph Counties satisfy all requirements of Part D, Title I of the Clean Air Act that are required to be submitted by January 1, 1981, except as noted below.

(g) The Administrator finds that the total suspended particulate strategies for Clark, Dearborn, Dubois, St. Joseph, Vanderburgh, and Vigo Counties satisfy all the requirements of Part D, Title I of the Clean Air Act except as noted below.

(h) The Administrator finds that the SO2 strategies for Lake, LaPorte, Marion, Vigo, and Wayne Counties satisfy all requirements of Part D, Title 1 of the Clean Air Act and, thus, is disapproved. See §§52.770(c)(67) and 52.770(d).

(i) The Administrator finds that Indiana’s ozone plan for Lake and Porter Counties, which was required to be submitted by July 1, 1992, does not satisfy all the requirements of part D, title 1 of the Clean Air Act and, thus, is disapproved. See §§52.770(c)(69) and 52.770(d). The disapproval does not affect USEPA’s approval (or conditional approval) of individual parts of Indiana’s ozone plan and they remain approved.

(j) The Administrator finds that the following portions of Indiana’s ozone and CO plans satisfy the related requirements of part D, title 1 of the Clean Air Act, as amended in 1977:


(3) The demonstration of attainment, submitted December 2, 1993, and the carbon monoxide plan as a whole for...
§ 52.774 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 Louisville, Kentucky-Indiana PM$_{2.5}$ nonattainment Area attained the 1997 annual PM$_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area’s air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Louisville PM$_{2.5}$ nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(b) Based upon EPA’s review of the air quality data for the 3-year period 2007–2009, EPA determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM$_{2.5}$ nonattainment Area attained the 1997 annual PM$_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area’s air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Cincinnati-Hamilton PM$_{2.5}$ nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

§ 52.775 Legal authority.

(a) The requirements of §51.232(b) of this chapter are not met since the following deficiencies exist in the local agency legal authority:

(1) East Chicago: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(2) Evansville: (i) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard is inadequate (§51.230(d) of this chapter).

(ii) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(iii) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(3) Gary: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(4) Hammond: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(5) Indianapolis: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(6) Michigan City: (i) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(7) Wayne County: (i) Authority to require recordkeeping and to make inspections and conduct tests of air pollution sources is inadequate (§51.230(e) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(iii) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard is inadequate (§51.230(d) of this chapter).

(8) Lake County: (i) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).
Environmental Protection Agency § 52.776

(ii) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard is inadequate (§51.230(d) of this chapter).

(9) St. Joseph County: (i) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard is inadequate (§51.230(d) of this chapter).

(ii) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

(iii) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(10) Vigo County: (i) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(iii) Authority to prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard is inadequate (§51.230(d) of this chapter).

(11) Anderson County: (i) Authority to require installation of monitoring devices is inadequate (§51.230(f) of this chapter).

(ii) Authority to require recordkeeping is inadequate (§51.230(e) of this chapter).

§ 52.776 Control strategy: Particulate matter

(a) The requirements of subpart G of this chapter are not met since the plan does not provide for attainment and maintenance of the secondary standards for particulate matter in the Metropolitan Indianapolis Intrastate Region.

(b) APC 4–R of Indiana’s “Air Pollution Control Regulations” (emission limitation for particulate matter from fuel combustion sources), which is part of the control strategy for the secondary standards for particulate matter, is disapproved for the Metropolitan Indianapolis Intrastate Region since it does not provide the degree of control needed to attain and maintain the secondary standards for particulate matter. APC 4–R is approved for attainment and maintenance of the primary standards for particulate matter in the Metropolitan Indianapolis Intrastate Region.

(c) APC–3 of Indiana’s Air Pollution Control Regulations (visible emission limitation) is disapproved insofar as the phrase “for more than a cumulative total of 15 minutes in a 24-hour period” will interfere with attainment and maintenance of particulate standards.

(d) [Reserved]

(e) Part D—Conditional Approval—The complete Indiana plan for Clark, Dearborn, Dubois, Marion (except for coke batteries), St. Joseph, Vanderburgh, and Vigo Counties is approved provided that the following condition is satisfied:

(1) The Part D Plan must contain Industrial Fugitive Dust Regulations. The State must submit these by July 31, 1982.

(2) Revised opacity limits for the boilers at Olin Corporation in Warren County are approved at §52.770(c)(51) as an EVEL to determine compliance with the 325 IAC 6-2 SIP limit of 0.80 lbs/MMBTU. This EVEL is approved for as long as the SIP mass emission limit for this source remains the same as determined by 325 IAC 6-2 (October 6, 1980, submittal). See §52.770(c)(6), (35), and (42).

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this source remains the same as determined by 325 IAC 6–2 (October 6, 1980 submittal). See §52.770(c)(6) and (35).

(i) 325 IAC 6–2.1 is approved with the State’s March 27, 1985, commitment that any “bubble” approved by the State under 325 IAC 6–2.1–2(b) and 3(b) will also be subject to the State’s general “bubble” regulation, 325 IAC 2–4. The State additionally committed that until such time as 325 IAC 2–4 is approved as a part of the SIP, all such limits approved under the bubbling provisions of 325 IAC 6–2.1–2(b) and 3(b) will be submitted as site specific revisions to the SIP. Unless and until these emission point specific limits are approved as a portion of the SIP, the SIP limit for each individual emission point will remain the general limit calculated by means of the formulae in 325 IAC 6–2.1–2(a) and 3(a), even though a revised emission point specific limit has been adopted by Indiana under 325 IAC 6–2.1–2(b) and 3(b). See §52.770(c)(50).

(j) [Reserved]

(k) On January 18, 1984, Indiana submitted a visible emission limit on coke oven battery doors and a limit on total dissolved solids content of coke quench makeup water for Battery Number One at Citizens Gas and Coke Utility in Marion County. These limits are disapproved because they are impermissible relaxations of requirements for each new major stationary source, as provided at §52.21(j)(2) and section 173 of the Clean Air Act. See §52.770(c)(60).

(l) The revised Porter County TSP plan, as submitted by Indiana on October 15, 1984, is disapproved, because the State did not demonstrate that it assures the attainment and maintenance of the primary TSP NAAQS in Porter County, Indiana. See §52.770(c)(61).

(m) The Indiana Part D TSP plan is disapproved insofar as it does not contain RACT level opacity limits for certain process fugitive sources in TSP nonattainment areas and, therefore, does not meet the requirements of section 172 of the Clean Air Act.

(n) Approval—On June 23, 1988, and July 17, 1989, the State of Indiana submitted committal SIPs for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers (PM_{10}) for the Group II areas within Marion and Vigo Counties and all of Porter County, respectively. The committal SIPs meet all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM_{10} at 52 FR 24681.

(o) Approval—On November 16, 1988 and September 10, 1992, Indiana submitted the following list of control measures for particulate matter (PM) already in its State Implementation Plan as a Group III Plan: 326 IAC 1–3–2, its air monitoring network, its list of possible additional sites for PM, its Prevention of Significant Deterioration rules and the following control measures which are part of 325 IAC: 2, Permit Review Rules; 5–1, Opacity Limitations; 6–1–1 to 6–1–6, Nonattainment Area Limitations; 6–1–8, Dearborn County; 6–1–9, Dubois County; 6–1–12, Marion County; 6–1–13, Vigo County; 6–1–14, Wayne County; 6–1–15, Howard County; 6–1–16, Vandenburgh County; 6–1–17, Clark County; 6–1–18, St. Joseph County; 6–2, Particulate Emissions Limitations for Sources of Indirect Heating; 6–3, Process Operations; 6–4, Fugitive Dust Emissions; 11–1, Existing Foundries; 11–4, Fiberglass Insulation Manufacturing; 11–5, Fluoride Emission Limitations for Existing Primary Aluminum Plants.

(p) Approval—On January 13, 1993, the State of Indiana submitted a particulate matter State Implementation Plan revision for the Vermillion County nonattainment area. Additional information was submitted on February 22, 1993, and April 8, 1993. These materials demonstrate that the plan will provide for attainment of the National Ambient Air Quality Standards for particulate matter by December 31, 1994, in accordance with section 189(a)(1)(B) of the Clean Air Act.

(q) Approval—On April 8, 1993, and supplemented on June 17, 1997, the State of Indiana submitted a maintenance plan and a request that sections 15, 16, 21, 22, 27, 28, 33 and 34 of Clinton Township in Vermillion County be redesignated to attainment of the National Ambient Air Quality Standard for particulate matter. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.
Rather than upload the full document, I can provide a summary of the content you're interested in. Here's a brief overview:

The Environmental Protection Agency is addressing various areas and counties in Indiana regarding their attainment status for the 1997 PM2.5 NAAQS. The document outlines several determinations and actions:

1. Approval of the Lake and Porter counties maintenance plan for the Evansville area, which has been approved as of September 25, 2002.
2. Approval of the Indiana portion of the Cincinnati-Hamilton nonattainment area, as submitted on December 9, 2010. The maintenance plan establishes 2015 motor vehicle emissions budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton area.
3. Approval of the Indianapolis area (Hamilton, Hendricks, Johnson, Marion and Morgan Counties) as submitted on October 20, 2009, and supplemented on May 31, 2011, January 17, 2013, and March 18, 2013. The maintenance plan establishes 2015 motor vehicle emissions budgets for the Indianapolis area of 853.76 tpy for primary PM2.5, 25,314.49 tpy for NOX, and 25,314.49 tpy for NOX.
4. Approval of the Evansville area, including Lake and Porter counties in IN, and the maintenance plan for Lake County, as submitted on October 9, 2009, and supplemented on May 31, 2009, that the Chicago-Gary-Lake County area, which includes Lake and Porter counties, has attained the 1997 PM2.5 NAAQS. These determinations, in accordance with 40 CFR 51.1004(c), suspend the requirements for these areas to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standard for as long as the area continues to meet the 1997 PM2.5 NAAQS.

The document also includes specific emission budgets and other details related to the attainment of the PM2.5 NAAQS for various areas and years.
(2) Indiana’s 2006 NOx, primary PM2.5, and SO2 emissions inventories and 2007/2008 VOC and ammonia emission inventories, as submitted on October 20, 2009 and supplemented on May 31, 2011 and March 18, 2013, satisfy the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Indianapolis area.

(3) Indiana’s 2005 NOx, directly emitted PM2.5, and SO2 emissions inventory satisfies the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Cincinnati-Hamilton area.

(4) Indiana’s 2005 NOx, primary PM2.5, and SO2 emissions inventory satisfies the emission inventory requirements of section 172(c)(3) of the Clean Air Act for Lake and Porter Counties.

(x) **Determination of Attainment.** EPA has determined, as of September 29, 2011, that based upon 2007–2009 air quality data, the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana, non-attainment Area has attained the 1997 annual PM2.5 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 PM2.5 NAAQS.

[37 FR 15084, July 27, 1972]

**Editorial Note:** For Federal Register citations affecting §52.776, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.777 Control strategy: photochemical oxidants (hydrocarbons).

(a) The requirements of subpart G of this chapter are not met as they do not provide for attainment and maintenance of the national standards for photochemical oxidants (hydrocarbons) in the Metropolitan Indianapolis Intrastate Region by May 31, 1975.

(b) The requirements of subpart G are not met by Revised APC–15 (November 8, 1974 submission) because it does not provide for attainment and maintenance of the photochemical oxidant (hydrocarbon) standards throughout Indiana.

(c) Part D—Conditional approval—
The 1979 Indiana plan for Clark, Floyd, Elkhart, Lake, Marion, Porter, and St. Joseph Counties is approved provided the following conditions are satisfied:

1. The plan for stationary source volatile organic compound control must contain the following:

   (1)–(iv) [Reserved]

   (v) For regulation 325 IAC 8–5, Section 6, perchloroethylene Dry Cleaning, the State must conduct a study to demonstrate that the 1,500 gallons exemption meets RACT requirements and submit the results to EPA within 6 months of the effective date of final rulemaking on 325 IAC 8 for VOC from Group II CTG source categories. If the demonstrated emissions resulting from the State’s exemption are not essentially equivalent to those resulting from the RACT requirements, then the State must submit to EPA by July 1, 1983, a rule which requires control of emissions from dry cleaning sources using less than 1,500 gallons of perchloroethylene per year.

   (2) The stationary source volatile organic control measures submitted by the State on October 23, 1990, and August 19, 1991, are approved as described in 40 CFR 52.770(c)(87) with the exception of 326 IAC 8–5–4 Pneumatic Rubber Tire Manufacturing, on which USEPA has taken no action. It should be noted that although the State’s control measures provide that equivalent test methods, alternative emission controls, and revisions in rule applicability must be submitted to the USEPA as proposed revisions to the State Implementation Plan (SIP), such proposed SIP revisions are not part of the SIP unless and until they are approved as such by the USEPA.

   (d) Part D—Disapproval. The 1982 Indiana plan for Lake and Porter County is disapproved because it does not assure the attainment and maintenance of the NAAQS there. See §§52.770(c)(69) and 52.773(1). The disapproval does not affect USEPA’s approval (or conditional approval) of individual parts of Indiana’s ozone plan and they remain approved.
(e) Approval—The Administrator approves the incorporation of the photochemical assessment ambient monitoring system submitted by Indiana on November 15, 1993, into the Indiana State Implementation Plan. This submittal satisfies 40 CFR 58.20(f), which requires the State to provide for the establishment and maintenance of photochemical assessment monitoring stations (PAMS) by November 12, 1993.

(f) Approval. The Indiana Department of Environmental Management submitted two ozone redesignation requests and maintenance plans requesting the ozone nonattainment areas to be redesignated to attainment for ozone: South Bend/Elkhart (St. Joseph and Elkhart Counties), submitted on September 22, 1993; Indianapolis (Marion County), submitted on November 12, 1993. The redesignation requests and maintenance plans meet the redesignation requirements in section 107(d)(3)(D) of the Act as amended in 1990. The redesignations meet the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Indiana Ozone State Implementation Plan for the above mentioned counties.

(g) The base year ozone precursor emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the following areas: Vanderburgh County in the Evansville Metropolitan Area; Marion County in the Indianapolis Metropolitan Area; and St. Joseph and Elkhart Counties in the South Bend Metropolitan Area.

(h) On November 17, 1993, Indiana submitted two of three elements required by section 182(d)(1)(A) of the Clean Air Amendments of 1990 to be incorporated as part of the vehicle miles traveled (VMT) State Implementation Plan intended to offset any growth in emissions from a growth in vehicle miles traveled. These elements are the offsetting of growth in emissions attributable to growth in VMT which was due November 15, 1992, and, any transportation control measures (TCMs) required as part of Indiana’s 15 percent reasonable further progress (RFP) plan which was due November 15, 1993. Indiana satisfied the first requirement by projecting emissions from mobile sources and demonstrating that no increase in emissions would take place. Indiana satisfied the second requirement by determining that no TCMs were required as part of Indiana’s 15 percent RFP plan.

(i) Approval—EPA is approving the section 182(f) oxides of nitrogen (NOX) reasonably available control technology (RACT), new source review (NSR), vehicle inspection/maintenance (I/M), and general conformity exemptions for the Indiana portion of the Chicago-Gary-Lake County severe ozone nonattainment area as requested by the States of Illinois, Indiana, Michigan, and Wisconsin in a July 13, 1994 submittal. This approval does not cover the exemption of NOX transportation conformity requirements of section 176(c) for this area. Approval of these exemptions is contingent on the results of the final ozone attainment demonstration expected to be submitted in mid-1997. The approval will be modified if the final attainment demonstration demonstrates that NOX emission controls are needed in the nonattainment area to attain the ozone standard in the Lake Michigan Ozone Study modeling domain.

(j) The base year ozone precursor emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for Lake and Porter Counties, Indiana.

(k) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rate-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary-Lake County ozone nonattainment area. This plan satisfies the counties’ requirements under section 182(b)(1) of the Clean Air Act, as amended in 1990.

(l) [Reserved]

(m) On July 12, 1995, Indiana submitted corrections to the 1990 base year emissions inventory for Clark and Floyd Counties. The July 12, 1995, corrections are recognized revisions to Indiana’s emissions inventory.
(o) On July 12, 1995, Indiana submitted as a revision to the Indiana State Implementation Plan a ride-sharing transportation control measure which affects commuters in Clark and Floyd Counties.

(p) On August 26, 1996, Indiana submitted a rule for the purpose of meeting oxides of nitrogen (NO\textsubscript{X}) reasonably available control technology (RACT) requirements under section 182(f) of the Clean Air Act (Act) for the Clark and Floyd Counties moderate ozone non-attainment area. The rule’s NO\textsubscript{X} control requirements meets RACT for major sources of portland cement kilns, electric utility boilers, and industrial, commercial, or institutional boilers. In addition, on April 30, 1997, Indiana certified to the satisfaction of the United States Environmental Protection Agency that, to the best of the State’s knowledge, there are no remaining major sources of NO\textsubscript{X} in Clark and Floyd Counties which need RACT rules. Indiana, therefore, has satisfied the NO\textsubscript{X} RACT requirements under section 182(f) of the Act for the Clark and Floyd Counties ozone nonattainment area.

(q) Approval—On February 5, 1997, Indiana submitted a transportation control measure under section 108(f)(1)(A) of the Clean Air Amendments of 1990 for Vanderburgh County, Indiana to aid in reducing emissions of precursors of ozone. The transportation control measure being approved as a revision to the ozone state implementation plan is the conversion of at least 40 vehicles from gasoline as a fuel to compressed natural gas.

(r) Indiana’s November 15, 1996, request for a 1-year attainment date extension for the Indiana portion of the Louisville moderate ozone nonattainment area which consists of Clark and Floyd Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1997.

(s) Approval—On November 4, 1993, the State of Indiana submitted a maintenance plan and a request that Vanderburgh County be redesignated to attainment of the 1-hour National Ambient Air Quality Standard for ozone. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) of the Clean Air Act as amended in 1990. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Indiana ozone State Implementation Plan.

(t) Approval—On May 24, 1996, the Indiana Department of Environmental Management submitted a revision to the ozone State Implementation Plan for Lake and Porter Counties. The submittal pertained to a plan for the implementation of the Federal transportation conformity requirements 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.

(u) On December 17, 1997, and January 22, 1998, Indiana submitted the Post-1996 rate-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary-Lake County ozone nonattainment area. This plan satisfies the counties’ requirements under section 182(c)(2)(B) of the Clean Air Act, as amended in 1990. The plan contains a 1999 mobile source vehicle emission budget for volatile organic compounds of 40,897 pounds per average summer day.

(v) Negative declarations—Aerospace coating operations, industrial clean up solvents, industrial wastewater processes, offset lithography operations, business plastics, automotive plastics, and synthetic organic chemical manufacturing industries (SOCMI) batch processes, reactors and distillation units categories. On November 8, 1999, the State of Indiana certified to the satisfaction of the Protection Agency that no major sources categorized as part of the nine categories listed above and have a potential to emit 100 tons or more of volatile organic compounds annually are located in Clark or Floyd Counties in southeast Indiana, adjacent to Louisville, Kentucky.

(w) Negative declarations—Aerospace coating operations, industrial clean up solvents, industrial wastewater processes, offset lithography operations, business plastics, automotive plastics, and synthetic organic chemical manufacturing industries (SOCMI) batch processes, reactors and distillation units categories. On November 8, 1999, the State of Indiana certified to the satisfaction of the Protection Agency that no major sources categorized as part of the nine categories listed above and have a potential to emit 100 tons or more of volatile organic compounds annually are located in Clark or Floyd Counties in southeast Indiana, adjacent to Louisville, Kentucky.
processes, reactors and distillation units categories. On November 8, 1999, and January 10, 2000, the State of Indiana certified to the satisfaction of the Environmental Protection Agency that no major sources categorized as part of the nine categories listed above and having a potential to emit 25 tons or more of volatile organic compounds annually are located in Lake or Porter Counties in northwest Indiana.

(x) The request submitted by Indiana on April 11, 2001 and supplemented on August 24, 2001, to redesignate the Indiana portion of the Louisville moderate interstate ozone nonattainment area from nonattainment to attainment was approved on October 23, 2001. The motor vehicle emissions budgets for VOC and NO\textsubscript{X} in the Indiana portion of the Louisville moderate interstate maintenance plan are adequate for conformity purposes and approvable as part of the maintenance plan. The 1-hour ozone standard maintenance plan motor vehicle emission budgets for the entire interstate Louisville area for the purposes of transportation conformity are now 48.17 tons per summer day of VOC and 92.93 tons per summer day of NO\textsubscript{X} for the year 2012.

(y) Lake and Porter Counties Attainment Demonstration Approval—On December 21, 2000, Indiana submitted a 1-hour ozone attainment demonstration plan as a requested revision to the Indiana State Implementation Plan. This approval includes: A modeled demonstration of attainment, a plan to reduce ozone precursor emissions by 3 percent per year from 2000 to 2007, and associated conformity budgets for 2002 and 2005, a revision to the NO\textsubscript{X} waiver, a contingency measures plan for both the ozone attainment demonstration and the post-1999 ROP plan, the conformity budgets for the 2007 attainment year, until such time that revised budgets are submitted and found adequate for conformity purposes as called for by the state in its commitment to recalculate and apply a revised budget for conformity within two years of the formal release of MOBILE6, the RACM analysis, the commitment to conduct a mid-course review of the attainment status of the Lake Michigan area, and an agreed order between U.S. Steel (currently USX Corporation) and the IDEM signed by IDEM on March 22, 1996, which requires U.S. Steel to establish a coke plant process water treatment plant at its Gary Works. Today’s action finalizes approval of Indiana's 1-hour ozone attainment demonstration SIP revision.

(aa) Approval—On August 24, 2001, to redesignate the Indiana portion of the Louisville area. The revised 2012 motor vehicle emission budgets (MVEBs) for the total Louisville area are 47.28 tons per day (tpd) for volatile organic compounds (VOC) and 111.13 tpd for oxides of nitrogen.

(bb)(1) Approval—On July 15, 2005, Indiana submitted requests to redesignate Greene and Jackson Counties to attainment of the 8-hour ozone National Ambient Air Quality Standard. These requests were supplemented with submittals dated September 6, 2005, September 7, 2005, October 6, 2005, and October 20, 2005. As part of the redesignation requests, the State submitted maintenance plans 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. Also included were motor vehicle emission budgets for use to determine transportation conformity in Greene and Jackson Counties. The 2015 motor vehicle emission budgets for Greene County are 1.46 tpd for VOC and 1.54 tpd for NO\textsubscript{X}. The 2015 motor vehicle emission
§ 52.777

budgets for Jackson County are 1.65 tpd for VOC and 3.18 tpd for NOX.

(2) Approval—On July 8, 2013, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Greene County, Indiana area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2015 budgets for Greene County, Indiana are 0.90 tons per day VOC and 2.31 tons per day NOX.

(cc)(1) Approval—On August 25, 2005, Indiana submitted a request to redesignate Delaware County to attainment of the 8-hour ozone National Ambient Air Quality Standard. This request was supplemented with a submittal dated October 20, 2005. 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. Also included were motor vehicle emission budgets for use to determine transportation conformity in Delaware County. The 2015 motor vehicle emission budgets for Delaware County are 3.50 tons per day for VOC and 4.82 tons per day for NOX.

(2) Approval—On August 17, 2012, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Delaware County (Muncie), Indiana area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2015 budgets for Delaware County, Indiana are 2.53 tons per day volatile organic compounds (VOCs) and 7.02 tons per day nitrogen oxides (NOX).

(dd)(1) Approval—On July 5, 2005, Indiana submitted a request to redesignate Vigo County to attainment of the 8-hour ozone National Ambient Air Quality Standard. This request was supplemented with submittals dated October 20, 2005 and November 4, 2005. 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. Also included were motor vehicle emission budgets for use to determine transportation conformity in Vigo County. The 2015 motor vehicle emission budgets are 2.84 tons per day for VOC and 3.67 tons per day for NOX.

(ee)(1) Approval—On June 2, 2005, Indiana submitted a request to redesignate Vanderburgh and Warrick Counties to attainment of the 8-hour ozone National Ambient Air Quality Standard. This request was supplemented with a submittal dated October 20, 2005. 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. Also included were motor vehicle emission budgets for use to determine transportation conformity in Vanderburgh and Warrick Counties. The 2015 motor vehicle emission budgets are 4.20 tons per day for VOC and 5.40 tons per day for NOX for both counties combined.

(2) Approval—On July 2, 2013, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Vanderburgh and Warrick Counties, Indiana area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2015 budgets for Vanderburgh and Warrick Counties, Indiana are 5.02 tons per day VOC and 12.61 tons per day NOX.

(ff)(1) Approval—On May 30, 2006, Indiana submitted a request to redesignate Allen County to attainment of the
8-hour ozone National Ambient Air Quality Standard. 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 eight years as required by the Clean Air Act. Also included were motor vehicle emission budgets to determine transportation conformity in Allen County. The 2020 motor vehicle emission budgets are 6.5 tons per day for VOC and 7.0 tons per day for NOX.

(2) Approval—On July 2, 2013, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Allen County, Indiana area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2020 budgets for Allen County, Indiana are 4.52 tons per day VOC and 9.72 tons per day NOX.

(gg) Approval—On May 30, 2006, Indiana submitted a request to redesignate LaPorte County to attainment of the 8-hour ozone National Ambient Air Quality Standard. 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 eight years as required by the Clean Air Act. The maintenance plan establishes 2020 motor vehicle emission budgets for LaPorte County of 3.40 tons per day for volatile organic compounds (VOC) and 6.50 tons per day for oxides of nitrogen (NOX).

(ii) Approval—On November 15, 2006, Indiana submitted a request to redesignate the Indiana portion of the Louisville 8-hour ozone nonattainment area (Clark and Floyd Counties) to attainment of the 8-hour ozone National Ambient Air Quality Standard. 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 eight years as required by the Clean Air Act. Also included were motor vehicle emission budgets to determine transportation conformity for the entire Louisville area. The 2003 and 2020 motor vehicle emission budgets are 40.97 tons per day for VOC and 95.51 tons per day for NOX, and 22.92 tons per day for VOC and 29.46 tons per day for NOX, respectively.

(jj)(1) Approval—On March 26, 2007, Indiana submitted a request to redesignate Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, and Shelby Counties (the Central Indiana Area) (Indianapolis ozone nonattainment area) to attainment of the 8-hour ozone National Ambient Air Quality Standard. As part of the redesignation request, the State submitted an ozone maintenance plan as required by section 175A of the Clean Air Act. Part of the section 175A maintenance plan includes a contingency plan. The
§ 52.777 40 CFR Ch. I (7–1–16 Edition)

ozone maintenance plan establishes 2006 motor vehicle emission budgets for the Central Indiana Area of 54.32 tons per day for volatile organic compounds (VOC) and 106.19 tons per day for nitrogen oxides (NOX) and 2020 motor vehicle emission budgets for the Central Indiana Area of 29.52 tons per day for VOC and 35.69 tons per day for NOX.

(2) Approval—On April 16, 2012, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Central Indiana area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2006 budgets for Central Indiana are 64.32 tons per day volatile organic compounds (VOCs) and 210.93 tons per day nitrogen oxides (NOX) and 2020 budgets are 25.47 tons per day VOCs and 69.00 tons per day of NOX.

(kk) Approval—On October 25, 2007, the Indiana Department of Environmental Management (IDEM) requested that EPA find that the Indiana portion of the Chicago-Gary-Lake County, IL-IN nonattainment area, has attained the revoked 1-hour ozone NAAQS. After review of this submission, EPA approves this finding.

(ll) Lake/Porter Co 8-hr Ozone NOX Waiver—On June 5, 2009, the Indiana Department of Environmental Management (IDEM) requested that EPA grant a waiver from the Clean Air Act requirement for Nitrogen Oxides (NOX) Reasonably Available Control Technology (RACT) in Lake and Porter Counties. After review of this submission, EPA approves and grants this NOX RACT waiver to Lake and Porter Counties.

(mm) Lake/Porter Co 8-hr Ozone Finding of Attainment—On June 5, 2009, the Indiana Department of Environmental Management (IDEM) requested that EPA find that the Indiana portion of the Chicago-Gary-Lake County, Illinois-Indiana (IL-IN) ozone nonattainment area has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). After review of this submission and 2006–2008 ozone air quality data for this ozone nonattainment area, EPA finds that Lake and Porter Counties and the entire Chicago-Gary-Lake County, IL-IN area have attained the 1997 8-hour ozone NAAQS.

(nn) Approval—Indiana’s 2002 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Indiana portion of the Cincinnati-Hamilton, OH-KY-IN area under the 1997 8-hour ozone standard.

(oo)(1) Approval—On January 21, 2010, the Indiana Department of Environmental Management submitted a request to redesignate the Indiana 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 NOX. 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 NOX.

(2) Approval—On December 11, 2012, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Indiana portion of the Cincinnati-Hamilton, OH-KY-IN maintenance 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 NOX. 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 NOX.

(pp)(1) Approval—On June 5, 2009, the Indiana Department of Environmental Management submitted a request to redesignate Lake and Porter Counties to attainment of the 1997 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 2010 motor vehicle emissions budgets for Lake and Porter Counties are 10.5 tpd for VOC and 40.6 tpd for NO\textsubscript{X}. The 2020 motor vehicle emissions budgets for Lake and Porter Counties are 6.0 tpd for VOC and 12.6 tpd for NO\textsubscript{X}.

(2) Approval—On February 1, 2013, Indiana submitted a request to revise the motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Lake and Porter County, Indiana maintenance area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2010 motor vehicle emissions budgets for Lake and Porter County, Indiana are 13.99 tpd VOC and 47.26 tpd NO\textsubscript{X}. The 2020 motor vehicle emissions budgets for the Lake and Porter County area are 5.99 tpd VOC and 16.69 tpd for NO\textsubscript{X}.

(qq) Approval—Indiana’s 2002 VOC and NO\textsubscript{X} emissions inventories satisfy the emission inventory requirements of section 182(a)(1) of the Clean Air Act for Lake and Porter Counties under the 1997 8-hour ozone NAAQS.

(rr) Approval—EPA is approving a request submitted by the State of Indiana on October 10, 2006, and supplemented on November 15, 2006, November 29, 2007, November 25, 2008, April 23, 2010 and November 19, 2010, to discontinue the vehicle inspection and maintenance (I/M) program in Clark and Floyd Counties. The submittal also includes Indiana’s demonstration that eliminating the I/M programs in Clark and Floyd Counties 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 Indiana’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 this area’s maintenance plan.

(tt) Disapproval. EPA is disapproving Indiana’s December 5, 2012, ozone redesignation request for Lake and Porter Counties for the 2008 ozone standard. EPA is also disapproving Indiana’s motor vehicle emission budgets and ozone maintenance plan submitted with the redesignation request.

§ 52.778 Compliance schedules.

(a) The requirements of §51.262(a) of this chapter are not met since the compliance schedules for sources of nitrogen oxides extend over a period of more than 18 months and periodic increments of progress are not included.

(b)–(c) [Reserved]

(d) The compliance schedule for the source identified below is disapproved as not meeting the requirements of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date schedule adopted</th>
</tr>
</thead>
</table>

§ 52.779  Review of new sources and modifications.

(a) The requirements of §51.160(a) of this chapter are not met in that the plan does not contain procedures to enable the State to determine whether construction or modification of coal burning equipment having a heat input of between 350,000 Btu per hour and 1,500,000 Btu per hour will result in violations of applicable portions of the control strategy and section 4(a)(2)(iii) of APC-19 is disapproved to the extent that it exempts coal burning equipment having a heat input of between 350,000 Btu per hour and 1,500,000 Btu per hour from pre-construction/modification review.

(b)–(c) [Reserved]

(d) Limited regulation for the review of new sources and modifications. (1) This requirement is applicable to any coal burning equipment other than smokehouse generators, having a heat input of between 350,000 Btu per hour (88.2 Mg-cal/h) and 1,500,000 Btu per hour (378.0 MG cal/h), the construction of which was commenced after May 14, 1973.

(2) No owner or operator shall commence construction or modification of any coal burning equipment subject to this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator,

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State, or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (d)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

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

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator’s preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this paragraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than
ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant’s response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (d)(4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,
(ii) Safe access to each port,
(iii) Instrumentation to monitor and record emission data, and
(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of a source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement of performance tests if the owner or operator of a source has demonstrated by other means to the Administrator’s satisfaction that the source is being operated in compliance with all local, State, and Federal regulations which are part of the applicable plan.

(9) [Reserved]

(10) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

(11) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(e) The requirements of subpart I of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(f) Regulation for review of new or modified indirect sources. The provisions of §52.22(b) are hereby incorporated by reference and made a part of the applicable implementation of the plan for the State of Indiana.
§ 52.781  Rules and regulations.

(a) [Reserved]

(b) A part of the second sentence in section 3, APC–17, which states “Where there is a violation or potential violation of ambient air quality standards, existing emission sources or any existing air pollution control equipment shall comply with th

(c)–(d) [Reserved]

(e) Section 2(d) of APC–20, Fugitive Dust Emissions, is disapproved because it is unenforceable within the terms of the regulation.

(f) Subsections 3(b)(3) and 3(b)(5) of APC–2 (May 18, 1977) are disapproved because they are unenforceable within the terms of the regulation.

(g) Disapproval. EPA is disapproving 326 IAC 25–2–1, 326 IAC 25–2–3 and 326 IAC 25–2–4 as revisions to the Indiana SIP.

(h) Disapproval. EPA is disapproving the December 10, 2009 submittal of 326 IAC 7–4–14 as a revision to the Indiana SIP.

§ 52.782  Request for 18-month extension.

(a) The requirements of §51.341 of this chapter are not met since the request
for an 18-month extension for submitting that portion of the plan that implements the secondary standards for particulate matter in the Metropolitan Indianapolis Intrastate Region does not show that attainment of the secondary standards will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology.


§ 52.783 [Reserved]

§ 52.784 Transportation and land use controls.

(a) To complete the requirements of subpart L and subpart G of this chapter, the Governor of Indiana must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Indiana’s presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Indianapolis Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.


§ 52.785 Control strategy: Carbon monoxide.

(a) The requirements of subpart G of this chapter are not met because the plan does not provide for attainment and maintenance of the national standards for carbon monoxide in the Metropolitan Indianapolis Intrastate Region by May 31, 1975.

(b) On December 21, 1999, the Indiana Department of Environmental Management submitted carbon monoxide maintenance plans for those portions of Lake and Marion Counties which they requested the Environmental Protection Agency redesignate to attainment of the carbon monoxide national ambient air quality standard.

(c) Approval—The Indiana Department of Environmental Management (IDEM) submitted Carbon Monoxide (CO) Limited Maintenance Plan Updates for Lake and Marion Counties on January 12, 2009. The updated Limited Maintenance Plans demonstrate attainment of the CO National Ambient Air Quality Standard (NAAQS) for Lake and Marion Counties for an additional ten years.


§ 52.786 Inspection and maintenance program.

(a) Definitions:

(1) Inspection and maintenance program means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) Light-duty vehicle means a motor vehicle rated at 6,000 lb. GVW (gross vehicle weight) or less.

(3) All other terms used in this section that are defined in part 51, subpart G of this chapter, are used herein with the meanings so defined.

(b) This regulation is applicable in the County of Marion, Indiana (including all cities, towns and municipal corporations therein).

(c) The State of Indiana shall establish and cause the implementation of an inspection and maintenance program applicable to all gasoline-powered light duty vehicles which are registered in Marion County. Such program shall conform with this § 52.786. The Consolidated City of Indianapolis,
the County of Marion, and other municipalities within the County of Marion, shall take all legislative, executive, or other action necessary to establish and implement the program required by this regulation.

(d) Not later than April 1, 1975, the State of Indiana, the County of Marion and the Consolidated City of Indianapolis shall jointly submit to the Administrator, for his approval, legally adopted legislation and/or regulations establishing the regulatory scheme for the inspection/maintenance program required by paragraph (c) of this section. The legislation and/or regulations shall include:

1. Provisions requiring inspection of all light-duty motor vehicles subject to the inspection program required by paragraph (c) of this section at periodic intervals no more than 1 year apart by means of an idle test. Any class or category of vehicles that are found to be rarely used on public streets and highways (such as classic or antique vehicles) may be exempted.

2. Provisions for regulatory criteria that are consistent with achieving an 11 percent reduction of hydrocarbon emissions from light-duty vehicles.

3. Provisions ensuring that failed vehicles receive, within 30 days, the maintenance necessary to achieve compliance with the inspection standards. These provisions shall impose sanctions against owners of non-complying vehicles, require retest of failed vehicles following maintenance, require a suitable distinctive tag or sticker for display on complying vehicles, and include such other measures as are necessary or appropriate.

4. Provisions establishing a certification program to ensure that testing stations performing the required tests have the necessary equipment and knowledgeable operators to perform the tests satisfactorily, imposing sanctions against non-complying testing stations, and containing such other measures as necessary or appropriate to a testing program.

5. Provisions prohibiting vehicles from being intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them no longer to comply with the inspection standards. These may include authorization of spot checks of idle adjustments or of a suitable type of physical seal or tag on vehicles. These provisions shall include appropriate penalties for violation by any person.

6. Designation of agency or agencies responsible for conducting, overseeing, and enforcing the inspection/maintenance program. Private parties may be designated to conduct parts of the program to certify compliance.

(e) After July 1, 1976, the State of Indiana, County of Marion, the Consolidated City of Indianapolis, and other municipalities in Marion County shall not allow the operation on streets, roads, or highways under their ownership or control of any light duty motor vehicle subject to the inspection program established pursuant to paragraph (c) of this section that does not comply with the applicable standards and procedures adopted in accordance with paragraph (d) of this section.

(f) After July 1, 1976, no person shall operate or allow the operation of any motor vehicle subject to the inspection program established pursuant to paragraph (c) of this section that does not comply with the applicable standards and procedures adopted in accordance with paragraph (d) of this section.

(g) No later than October 1, 1974, the State of Indiana, County of Marion, and the Consolidated City of Indianapolis shall jointly submit to the Administrator, for his approval, a detailed compliance schedule showing the steps they will take to establish, operate and enforce the inspection program required by paragraph (c) of this section including:

1. A detailed description of the inspection program required by paragraph (c) of this section (including a description of the way in which the program will be established, operated, and enforced and the respective responsibilities of the State, county, and municipalities for such tasks).

2. A description of the legal authority for establishing and enforcing the inspection/maintenance program, including the text of proposed or adopted legislation and regulations.
(3) Specific dates (day, month, and year) by which various steps to implement the inspection/maintenance system will be completed, such steps to include, at a minimum, the following: submitting final plans and specifications for the system to the Administrator for this approval (this date to be no later than February 1, 1975), ordering necessary equipment (this date to be no later than April 15, 1975), commencement of onsite construction and/or installation, and system operational (this date to be no later than July 1, 1975).

(4) An identification of the sources and amounts of funds necessary to implement the system together with written assurances from the chief executive officers of the State, city, and county that they will seek such necessary funding from the appropriate legislative bodies.

(5) Other provisions necessary or appropriate to carry out the program.

(h) The State’s December 2, 1992, commitment to timely adopt and implement enhanced inspection and maintenance (I/M) rules for Lake and Porter Counties is disapproved based on the failure of the State of Indiana to meet important milestones pertaining to the development and adoption of necessary authority for the I/M program. This disapproval initiates the sanction process of section 179(a) of the Act.

§ 52.787 Gasoline transfer vapor control.

(a) Gasoline means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the County of Marion, Indiana (including all cities, towns and municipal corporations therein).

(c) No person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary source container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a control system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary storage container location. The control system shall include one or more of the following:

(1) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container. If a “vapor-balance return” system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system or equivalent system connected to the stationary storage container.

(2) Refrigeration-condensation system or adsorption system connected to the stationary storage container.

(3) An equivalent system, approved by the Administrator or his designee, designed to recover or eliminate no less than 90 percent by weight of the organic compounds in the displaced vapor.

(d) No person shall own or operate a delivery vessel containing gasoline unless the delivery vessel is so designed and maintained as to be vapor-tight at all times. This paragraph (d) shall not apply to delivery vessels in transit through Marion County which neither are filled nor deliver gasoline therein, nor shall this paragraph (d) be construed to prohibit safety-valves on other devices required by governmental safety regulations. Delivery vessels which are filled in Marion County but do not deliver in Marion County may be controlled only for filling.

(e) No person shall own or operate a facility for the filling of delivery vessels with gasoline unless the facility is equipped with a control system, which can recover or eliminate at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling. Facilities which have a daily throughput of 20,000 gallons or less are required to
§ 52.787  40 CFR Ch. I (7–1–16 Edition)

have a vapor recovery system in operation no later than May 31, 1977. Delivery vessels and storage containers served exclusively by facilities required to have a vapor recovery system in operation no later than May 31, 1977, also will be required to meet the provisions of this section no later than May 31, 1977.

(f) After March 1, 1976, no person shall intentionally release gasoline vapors from a delivery vessel, except to a control system that can recover or eli

(g) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of farming equipment.

(2) Any stationary container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(4) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vessels in use on the promulgated date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1977.

(h) The operation of a source, otherwise subject to paragraph (c), (d), or (e) of this section, shall not be a violation of paragraph (c), (d), or (e), respectively, if the following acts shall be completed with respect to such source before the following dates:

(1) October 1, 1974. The owner of the source or his designee shall submit to the Administrator, a final control plan, which describes at a minimum the steps that will be taken by the source to achieve compliance with the applicable provisions of paragraphs (c), (d), and (e) of this section.

(2) March 1, 1975. Negotiate and sign all necessary contracts for control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) May 1, 1975. Initiate on-site construction or installation of control system equipment.

(4) February 1, 1976. Complete on-site construction or installation of control system equipment.

(5) March 1, 1976. Achieve final compliance with the applicable provisions of paragraphs (c), (d), and (e) of this section.

(6) Any owner of a source subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) As an alternative to compliance with the schedule under paragraph (h) of this section:

(1) The owner of a source which is in compliance with the provisions of paragraph (c), (d), or (e) of this section, shall certify such compliance to the Administrator by October 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator may operate in conformity with such compliance schedule.

(3) The owner of a source may submit to the Administrator, by October 1, 1974, a proposed alternative compliance schedule. No such schedule may provide for compliance after March 1, 1976. Until promulgated by the Administrator, such source shall conform with applicable portions of paragraph (c), (d), (e), or (h) of this section. Upon promulgation of the compliance schedule by the Administrator, no person shall own or operate the source except in conformity with the promulgated schedule.

(j) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (h) of this section fails to satisfy the requirements of §51.15 (b) and (c) of this chapter.

(k) Any new container, facility, or vessel subject to this regulation that is placed in operation after October 1,
§ 52.789 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 Indiana and for which requirements are set forth under the TR NOX 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 Indiana’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 Indiana’s SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NOX 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 make such allocations shall continue to apply, unless otherwise provided 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 Indiana and for which requirements are set forth under the TR NOX Ozone Season Trading Program in subpart 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 Indiana’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 Indiana’s SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NOX 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 make such allocations shall continue to apply, unless otherwise provided by such approval of the State’s SIP revision.
§ 52.790 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 Indiana and for which requirements are set forth under the TR SO₂ 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 Indiana’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 Indiana’s SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO₂ 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 SO₂ Group 1 allowances to units in the State for such control period shall continue to apply, unless provided otherwise by such approval of the State’s SIP revision.

[76 FR 48364, Aug. 8, 2011]

§ 52.791 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 Indiana on January 14, 2011, and supplemented on March 10, 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 NOₓ and SO₂ 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 SO₂. The deficiencies associated with SO₂ identified in EPA’s limited disapproval of the regional haze plan submitted by Indiana on January 14, 2011 and supplemented on March 10, 2011 are satisfied by § 52.790.

[77 FR 33657, June 7, 2012]

§ 52.792 [Reserved]

§ 52.793 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(a)(2) and (b) through (bb) are hereby incorporated and made a part of the applicable state plan for the State of Indiana.

(c) All applications and other information required pursuant to § 52.21 of this chapter from sources located in the State of Indiana shall be submitted to the state agency, Indiana Department of Environmental Management, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana 46204, rather than to EPA’s Region 5 office.


§ 52.794 Source surveillance.

(a) The requirements of 51.212 of this chapter are not met by the phrase “for more than a cumulative total of 15 minutes in a 24-hour period” contained in section 1 of APC–3 of the Indiana Air Pollution Control Regulations.

(b) [Reserved]

(c) 325 IAC 5–1 (October 6, 1980, submittal—§ 52.770(c)(53)) is disapproved for the Lake County sources specifically listed in Table 2 of 325 IAC 6–1–10.2 (§ 52.770(c)(57)); for pushing and quenching sources throughout the State (August 27, 1981, 325 IAC 11–3–2 (c) and (h)—§ 52.770(c)(42)); and for coke...
oven doors in Lake and Marion Counties (325 IAC 11–3–2(f)—§ 52.770(c)(42)). Applicability of this regulation to these sources is being disapproved because 325 IAC 5–1 does not meet the enforceability requirements of §51.22 as it applies to these sources. Opacity limits in 325 IAC 6–1–10.2 and certain opacity limits in 325 IAC 11–3 supersede those in 325 IAC 5–1, and USEPA has previously disapproved these superseding regulations (§52.776 (j), (g), and (f), respectively).


§52.795 Control strategy: Sulfur dioxide.

(a) Revised APC–13 (December 5, 1974 submission) of Indiana’s Air Pollution Control regulations (sulfur dioxide emission limitation) is disapproved insofar as the provisions identified below will interfere with the attainment and maintenance of the suffix dioxide ambient air quality standards:

(1) The phrase “equivalent full load” in section 1(b)(2).
(2) The formula “\( E_p = 17.0 \times Q_m^{0.67} \)” in section 2(a).
(3) The phrase “Direct fired process operations” in sections 2(a), 3(c), 4(b), and 4(c).
(4) The modification of \( Q_m \) for non-Indiana coal as expressed in Section 2(a).

(b) The requirements of §51.281 are not met by Warrick and Culley electrical generating stations enforcement orders which would revise the sulfur dioxide emission limitations for these two stations.

(c) The requirements of §51.110(e) are not met by Wayne, Dearborn, Jefferson, Porter, and Warrick Counties.

(d)–(e) [Reserved]

(f) Approval—On March 14, 1996, the State of Indiana submitted a maintenance plan for LaPorte, Vigo, and Wayne Counties and requested redesignation to attainment for the National Ambient Air Quality Standard for sulfur dioxide for each county in its entirety. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

(g) Approval—On June 17, 1996, the State of Indiana submitted a maintenance plan for LaPorte, Vigo, and Wayne Counties and requested redesignation to attainment for the National Ambient Air Quality Standard for sulfur dioxide for each county in its entirety. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

(h) Approval—On June 21, 2005, and as supplemented on August 11, 2005, the State of Indiana submitted a request to redesignate the Lake County sulfur dioxide (\( \text{SO}_2 \)) nonattainment area to attainment of the NAAQS through 2025. This maintenance plan update satisfies section 175A of the Act.

§52.796 Industrial continuous emission monitoring.

(a) APC-8, Appendix I 1.2.3, 3.3, and 6.0 are disapproved because they do not meet the requirements of 40 CFR 51.214.

(b)(1) The requirements of 40 CFR 51, Appendix P 3.3 are hereby incorporated and made a part of the applicable implementation plan for the State of Indiana.

(2) APC-8 does not apply to any source scheduled for retirement by October 6, 1980, or within five years after the promulgation of continuous emission monitoring requirements for that source category in 40 CFR part 51, Appendix P 1.1, provided that adequate evidence and guarantees are provided that clearly show that the source will
cease operations on or before such date.


§ 52.797 Control strategy: Lead.

(a)–(b) [Reserved]

(c) On January 12, 1988, Indiana’s Office of Air Management (OAM), Indiana Department of Environmental Management, agreed to review all relevant hood designs and performance guidance to determine which criteria to use in determining ongoing compliance with the capture efficiency provisions in 326 IAC 15–1 for Quemetco, Inc., and Refined Metals. Because these efficiencies are closely related to equipment design, OAM believes that a review of the process and control equipment designs and operating parameters should provide the necessary determination of compliance. OAM will work with the Indianapolis local agency, the Indianapolis Air Pollution Control Division, on viable alternatives and will keep USEPA up to date on its progress. OAM anticipates that specific criteria for determining compliance will be incorporated into the sources’ operation permits (and forwarded to USEPA for informational purposes), and, should the opportunity arise, 326 IAC 15–1 will be revised to similarly incorporate capture efficiency criteria.

(d) On March 2, 2000, Indiana submitted a maintenance plan for Marion County as part of its request to redesignate the County to attainment of the lead standard.

(e) On April 1, 2009, Indiana submitted an updated maintenance plan under section 175A of the CAA for Marion County for the continued attainment of the 1.5 μg/m³ lead standard.


§ 52.798 Small business stationary source technical and environmental compliance assistance program.

The Indiana program submitted on January 14, 1993, as a requested revision to the Indiana State Implementation Plan satisfies the requirements of section 507 of the Clean Air Act Amendments of 1990.

[58 FR 46544, Sept. 2, 1993]

§ 52.799 Transportation conformity.

On June 4, 2010, Indiana submitted the Transportation Conformity Consultation SIP consisting of Metropolitan Planning Organization resolutions and Memorandums of Understanding to address interagency consultation and enforceability of certain transportation related control measures and mitigation measures. EPA is approving the Transportation Conformity SIP from Indiana.

[75 FR 50710, Aug. 17, 2010]

§ 52.800 Original identification of plan section.

(a) This section identifies the original “Air Implementation Plan for the State of Indiana” and all revisions submitted by Indiana that were Federally approved prior to December 31, 2009.

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

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

(1) The State Air Pollution Control Board submitted a SO₂ control strategy for the City of Indianapolis on March 16, 1972.


(3) On May 1, 1972, the Governor’s office submitted an errata sheet and revised pages for the State plan.

(4) A request for a nine month extension to achieve secondary SO₂ standards in the Indianapolis Region was made by the Governor on May 16, 1972.

(5) The State Air Pollution Control Board submitted additional information on surveillance methodology (non-regulatory) on May 17, 1972.

(6) Regulation APC 4–R was transmitted by the Governor on June 30, 1972.

(7) Assurance that emission data for sources was available for public inspection was given on July 24, 1972, by the Technical Secretary to the Indiana Board.

(8) Clarification of a policy on availability of emission data to the public
sent August 17, 1972, by the Technical Secretary to the Indiana Board.

(9) On September 15, 1972, amendments to State control regulations 13, 15 and 16 were submitted to the Governor.

(10) On May 8, 1973, the Governor submitted a new regulation (APC–19) which replaced APC–1.

(11) The Governor submitted a transportation control plan for Marion County on October 19, 1973.

(12) On March 7, 1974, the Technical Secretary of the Air Pollution Control Board, acting for the Governor of Indiana, submitted new regulation APC–20.

(13) On October 3, 1974, the Technical Secretary submitted revised regulations APC–16 covering CO, APC–17 covering NO₂ and a new regulation APC–22 covering classification of counties for SO₂, oxidants, particulates, NO₂ and CO.

(14) On November 8, 1974, the Technical Secretary submitted revised regulation APC–1 covering visible emissions and revised regulation APC–15 covering hydrocarbons.

(15) On December 5, 1974, the Technical Secretary submitted revised regulation APC–13 covering SO₂. On July 18, 1975, an updated Technical Support Document on APC–13 was submitted by the Technical Secretary.

(16) On June 14, 1976, the Technical Secretary submitted enforcement orders varying the final sulfur dioxide emission limitations for the Warrick and Culley electrical generating stations in Warrick County.

(17) On March 16, 1977, the Technical Secretary submitted new regulation APC–8, Continuous Emission Monitoring; and revised regulations APC–7, Incinerators; and APC–14, Indiana Ambient Air Quality Standards.

(18) On May 18, 1977, the Technical Secretary submitted revised regulation APC–2, Open Burning.

(19) On June 26, 1979, the Governor submitted a revised sulfur dioxide strategy, including regulation APC 13 with appendix, which was promulgated by the State on June 19, 1979 for all areas of the State. This included the Part D sulfur dioxide regulations for Lake, LaPorte, and Marion Counties. On August 17, 1980 and July 16, 1981 the State committed itself to correct conditionally approved items within their strategy. On October 6, 1980, the State submitted a recodified version of APC 13 which was promulgated by the State on August 27, 1980. This included 325 IAC 7, 325 IAC 1.1–6, 325 IAC 1.1–7–2 and 4, 325 IAC 12–5–1 and 2(a), 325 IAC 12–9–1 and 4, and 325 IAC 12–18–1 and 2. EPA is not taking action on: (i) 325 IAC 7 as it applies to Floyd and Vigo Counties, (ii) the 30-day averaging compliance method contained in 325 IAC 7–1–3, and (iii) the stack height provision for NIPSCO’s Mitchell Station in the Lake County SO₂ strategy and (4) the stack height provisions for IPALCO’s Stout Generating Chemicals Company, and Detroit Diesel Allison’s Plant #8 in the Marion County SO₂ strategy.

(20) On June 26, 1979, the State of Indiana submitted to EPA revisions to the ozone and carbon monoxide portions (section 3.3.24) of its Marion County State Implementation Plan. On March 11, 1980, the state submitted revisions to the Marion County technical appendix to section 3.3.24. On May 19, 1980, the state submitted ozone and carbon monoxide attainment demonstrations for Marion County (section 1.5). On September 8, 1980 the state submitted its memoranda of understanding. On October 9 and October 15, 1980, the state submitted documentation concerning interagency coordination and the analysis of transportation control measures. On January 7, 1981, the state submitted corrections and clarifications in response to EPA’s notice of proposed rulemaking (45 FR 81079).

(21) On June 26, 1979 Indiana submitted a motor vehicle inspection and maintenance program for Clark, Floyd, Lake, and Porter Counties. Additional commitments were submitted on April 7, 1980; June 12, 1980; August 27, 1980; November 13, 1980 and November 24, 1980.

(22) On June 26, 1979, Indiana made submittals pertaining to section 121 Consultation, section 110(a)(2)(K)—Permit Fees, section 126—Interstate Pollution, section 127—Public Notification, section 128—State Boards and section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring Additional commitments were secured on April 17,

(23) On June 26, 1979, the State of Indiana submitted a revision to provide for modification of the existing air quality surveillance network.

(24) On June 26, 1979, the Governor submitted a revised new source review regulation, APC–19. Additional information and commitments were submitted on June 25, 1980 and May 19, 1981. EPA is not taking action on section 7 of APC–19, Prevention of Significant deterioration.

(25) On June 26, 1979 the Governor submitted revised emission limits for Knauf Fiberglass, Shelby County. Additional information was submitted by November 21, 1979. The emission limitations were recodified as 325 IAC 11–4 and 11–4 Appendix A and were resubmitted on October 6, 1980.

(26) On June 26, 1979 the Governor submitted Indiana's definition regulation, APC–1. The definitions were recodified as 325 IAC 1.1–1 and resubmitted on October 6, 1980. On January 21, 1981 Indiana submitted a revised definition for “positive net air quality benefit.” EPA is taking no action on 325 IAC 1.1–1–82, definition of “State Implementation Plan (SIP).”

(27) On October 6, 1980, Indiana submitted Regulation 325 IAC 1.1–2 (formerly APC 14) which includes the primary and secondary ambient air quality standards for ozone and lead.

(28) On February 26, 1981, Indiana submitted a revision to its plan waiving the State's sulfur dioxide air monitoring requirement of section 4(a) of Regulation 325 IAC 7–1 for the area around Public Service of Indiana's Noblesville Generating Station.


(31) On February 11, 1980, Indiana submitted a revised sulfur dioxide strategy for Vigo County. Technical information was submitted on December 10, 1979 and on May 30, 1980. On October 6, 1980, the State submitted a recodified version of the Vigo County Regulations, 325 IAC Article 7, which was promulgated by the State on August 27, 1980. EPA is not taking action on the 30-day averaging compliance method contained in 325 IAC 7–1–3 as it applies to Vigo County.

(32) On November 24, 1981, Indiana submitted site specific emission limitations for Tecumseh Pipe Line Company, Schererville; and Wayne Transportation Division, Richmond.

(33) On February 11, 1980, Indiana submitted APC 15. EPA is taking no action the “bubble” provisions contained in Section 8(a)(2) of revised APC 15.

(34) On June 26, 1979, the Governor of Indiana submitted general TSP RACT emission limits for nonattainment areas. These regulations were amended and recodified as 325 IAC 6–1 and resubmitted on October 6, 1980. On October 6, 1980, the State submitted a revised TSP regulation for process sources, 325 IAC 6–3; a source specific Dearborn County strategy (amendments were submitted on August 10, 1981), 325 IAC 6–1–8; a source specific Dubois County strategy, 325 IAC 6–1–9; and a source specific Wayne County strategy (amendments were submitted on January 29, 1981), 325 IAC 6–1–14. On February 11, 1980, Indiana submitted a source specific Marion County strategy (amendments were submitted on October 28, 1981), 325 IAC 6–1–12. EPA is deferring rulemaking at this time on the coke battery emission limitations in the Marion County strategy. On January 29, 1981, the State submitted a source specific Vigo County strategy (amendments were submitted on October 28, 1981 and May 7, 1982), 325 IAC 6–1–13; a source specific Howard County strategy, 325 IAC 6–1–15; and a source specific Vanderburgh County strategy (amendments were submitted on October 28, 1981), 325 IAC...
§ 52.800

Environmental Protection Agency

6–1–16. EPA is deferring rulemaking at this time on the coke battery emission limitations in the Vigo County strategy and on whether the Howard County strategy currently contains all the elements required by the Clean Air Act. On July 6, 1981, the State submitted a source specific Clark County strategy, 325 IAC 6–1–17, and a source specific St. Joseph County strategy, 325 IAC 6–1–18. On January 29, 1981 and May 7, 1982, the State submitted additional information and commitments.

(35) On October 6, 1980, Indiana submitted its regulations as recodified. Amendments were submitted on January 29, 1981 and March 18, 1981. EPA's approval is directed specifically to the codification numbering system change, not to the substance within each of the codified rules.

(36) [Reserved]

(37) On May 10, 1982, Indiana submitted source specific emission limits contained in operating permits for the Bunge Corporation, Globe Industries, Skyline Corporation, and Dubois County Farm Bureau Co-op Assn., Inc. as revisions to the Indiana SIP.


(39) On November 25, 1980, Indiana submitted 325 IAC Article 8, Volatile Organic Compound Regulations. This regulation adds Group II CTG requirements to Indiana's VOC plan and was State promulgated on October 15, 1980. EPA is not taking action on 325 IAC 8–11 Section 2(b), Bubble Approach.


(43) On February 26, 1981 and June 22, 1982, Indiana submitted a 9.57 lbs/MMBTU sulfur dioxide emission limit for IMEC's Breed Generating Station in Sullivan County. This limit supersedes that approved at paragraph (c)(19).


(47) On August 17, 1983, Indiana submitted emission limits of 1.8 lbs/hr and 2.4 tons/yr for the boilers at Jasper Cabinet Co., Dubois County. The 1.8 lbs/hr limit replaces the 7.6 lbs/hr limit approved for this source in subparagraph 34.

(48) [Reserved]

(49) On March 28, 1983, Indiana submitted a 20% 2-hour opacity limit as an "equivalent visible emission limit" (EVEL) for the underfire stack at Bethlehem Steel Corporation's Coke Battery No. 2 in Porter County. This EVEL is approved for as long as the SIP mass emission limit determined from 325 IAC 6–2 (October 6, 1980, submittal) for this source remains in the SIP See (c)(6), (35), and (42).

(50) On December 21, 1983, the Indiana Air Pollution Control Board submitted Indiana Rule 325 IAC 6–2.1, Particulate Emission Limitations for Sources of Indirect Heating. This rule repeals and replaces Indiana Rule 325 IAC 6–2. See §§ 52.77(c)(4) and (c)(35) and § 52.77b(1).

1. Incorporation by reference. (A) 325 IAC 6–2.1, revised regulation establishing Particulate Emission Limitations for Sources of Indirect Heating.
§ 52.800 40 CFR Ch. I (7–1–16 Edition)


(B) March 27, 1985, commitment letter from the State concerning the procedures the State will use in processing “bubbles” under 325 IAC 6–2.1–2(B) and 3(b). See § 52.776(i).

(51) On February 7, 1983, Indiana submitted revised opacity limits for existing boilers at Olin Corporation, located in Covington, Indiana. These “equivalent visible emission limits” (EVEL) are approved for as long as the SIP mass emission limit determined from 325 IAC 6–2 (October 6, 1980 submittal) for this source remains in the SIP. See § 52.776(c)(6) and (35) and § 52.776(b)(2).

(i) Incorporation by reference. (A) EVELs for Olin Corporation contained in Operating Permits issued by IAPCB, dated October 6, 1981.


(B) April 5, 1984, letter from IAPCD’s E. Stresno transmitting original petition, including Method 9 opacity data.

(52) On February 23, 1984, the Indiana Air Pollution Control Board submitted a revision to Indiana’s SO2 SIP waiving the self-monitoring requirement for Public Service Indiana’s Edwardsport Generating Station, as set forth in section 4(a) of Rule 325 IAC 7–1. See (c)(19). This revision becomes effective once the Edwardsport Station achieves an annual operating capacity of no greater than 10%.

(53) On October 6, 1980, Indiana submitted revised opacity regulation 325 IAC 5–1. It replaces 1972 APC 3 for process sources, approved at paragraph (b), and SIP 1974 APC 3 for combustion sources, approved in part at subparagraph (c)(14). Indiana does not intend 325 IAC 5–1 to regulate the emission points in Lake County listed in Table 2 of 325 IAC 6–1–110.2 (subparagraph (c)(57)). USEPA is disapproving 325 IAC 5–1 for these sources. Indiana does not intend 325 IAC 5–1 to regulate certain coke battery emission sources listed in 325 IAC 11–3 (subparagraph (c)(42)). USEPA is disapproving 325 IAC 5–1 as it applies to the provisions of 325 IAC 11–3 which USEPA disapproved at (c)(42), i.e., pushing and quenching sources throughout the State and coke oven doors in Lake and Marion Counties. Additionally, Indiana has modified 325 IAC 5–1 as it applies to the stack emission points in Porter County listed at 325 IAC 6–6–4. USEPA disapproved 325 IAC 5–1 as it applies to these Porter County sources on February 5, 1987 (52 FR 3640). For those source categories where USEPA is disapproving 325 IAC 5–1, they remain regulated by the previously approved opacity SIP which consists of SIP 1974 APC 3 for combustion sources and 1972 APC 3 for process sources. Additionally, as long as the Bethlehem Steel Corporation No. 2 Coke Oven Battery Underfire Stack EVEL (subparagraph (c)(49)) remains approved, it replaces 325 IAC 5–1.

(i) Incorporation by reference. (A) A letter dated October 6, 1980 from the State of Indiana Air Pollution Control Board and 325 IAC 5–1, Visible Emission Limitations, State promulgated on August 26, 1983.


(B) April 5, 1984, letter from IAPCD’s E. Stresno transmitting original petition, including Method 9 opacity data.

(54) On March 28, 1984, Indiana submitted a revised TSP emission limitation for Richmond State Hospital, Wayne County, Indiana. This limitation replaces the one in 325 IAC 6–1–14 which was previously approved at (c)(34). This revision becomes effective once the Edwardsport Station achieves an annual operating capacity of no greater than 10%.

Environmental Protection Agency

§ 52.800

Perchloroethylene Dry Cleaning, because these exempt the compound perchloroethylene from control without the State justifying that such exemption is consistent with the Part D reasonably available control technology (RACT) requirements.

**Note:** If Indiana allows use of a non-USEPA test method in the future, its use must be submitted to USEPA as a SIP revision.

(i) **Incorporation by reference.** (A) Indiana’s Volatile Organic Compounds (VOC) RACT I and II regulations, Title 325 Air Pollution Control Board:


(56) On September 2, 1983, the Indiana Air Pollution Control Board (Board) submitted revised emission limitations for Occidental Chemical Corporation (OCC), located in Clark County, Indiana. Amendments to these operating permits were submitted by the State on December 21, 1983. These emission limits replace those approved for OCC (under its former name, Hooker Chemical) at (c)(34).

(ii) **Additional material.** (A) OCC corrected emissions dated September 13, 1984.

(B) OCC’s new modeled data, dated November 6, 1984.

(C) State’s modeling for OCC and surrounding area, dated July 2, 1984 and August 7, 1984.

(57) On October 11, 1983, October 24, 1983, and April 16, 1984, Indiana submitted a revised Lake County Total Suspended Particulates (TSP) Plan, including regulations 325 IAC 6–1–10.2 and 6–1–11.1. This plan is disapproved. See §52.776(j).


(i) **Incorporation by reference.** (A) Indiana Rule 325 IAC 13–2, promulgated by the State on September 24, 1984.

(59) On March 24, 1986, the State of Indiana submitted a negative declaration for synthetic organic chemical manufacturing industry (SOCCI) source leaks and oxidation, and for natural gas/gasoline processing plants. On April 14, 1986, the State of Indiana submitted a negative declaration for manufacturers of high-density polyethylene, polypropylene, and polystyrene resins, and for large petroleum dry cleaners.

(i) **Incorporation by reference.** (A) Letter dated March 24, 1986, from Harry D. Williams, Director, Air Pollution Control Division, Indiana State Board of Health. Letter dated April 14, 1986, from Walter J. Kulakowski, Assistant Commissioner for Air Management, Department of Environmental Management.

(60) On January 18, 1984, Indiana submitted as a revision to the TSP SIP certain operating conditions and limits for three coke oven batteries at Citizens Gas and Coke Utility in Marion County. The operating permits included conditions and limits for Batteries E, H and Number One with respect to visible emissions from coke oven doors and pushing operations and allowable content of total dissolved solids in quench makeup water. EPA disapproves the limit on coke oven door visible emissions and total dissolved solids content for quench makeup water on Battery Number One, because the limits are inconsistent with
that battery's Part C Prevention of Significant Deterioration requirements and Part D Lowest Achievable Emission Rate requirements. See subparagraphs (c)(34) and (c)(42) for further background on actions concerning coke oven batteries.


(ii) Additional information. (A) September 7, 1983, letter from the City of Indianapolis to the State concerning quarterly analysis of coke quenching makeup water.

(61) On October 15, 1984, Indiana submitted a revision to the Porter County total suspended particulate (TSP) plan, including regulation 325 IAC 6–6, which was promulgated by Indiana on November 7, 1984. This plan is disapproved. See §52.776(l).

(62) On March 4, 1985, Indiana submitted a revision to the Marion County carbon monoxide (CO) plan. USEPA approved this plan based on monitoring and modeling data and a commitment to implement a one-way street pair in the Indianapolis central business district. These elements demonstrate attainment of the CO National Ambient Air Quality Standards by December 31, 1987.

(i) Incorporation by reference. (A) Marion County CO plan for attainment and maintenance of the CO NAAQS from Indianapolis Air Pollution Control Division, Sections 1.0, 3.4, 4.1, 4.2, 4.3.1, 4.3.2, 4.4, 5.1, 5.5.4, 6.1, 6.2.1, 6.2.2, 6.3, and 6.4, dated November 12, 1984.

(B) Letter from Indiana forwarding Marion County CO plan to USEPA, dated March 4, 1985.

(ii) Additional material. (A) Portion of additional technical information from Indianapolis Air Pollution Control Division, including Section 1.0, dated August 28, 1985.

(B) Letter from Indiana forwarding additional technical information, dated October 7, 1985.

(63) On January 23, 1986, the State submitted revisions to its Stage I Gasoline Dispensing regulations, which replace those conditionally approved at (c)(33), (c)(35)—Codification only, and (c)(55).

(i) Incorporation by reference. (A) Letter of January 23, 1986 to EPA from the State of Indiana, and Title 325 Air Pollution Control Board Rule 325 IAC 8–4–6, Gasoline Dispensing Facilities, which was promulgated on January 14, 1986.

(B) Title 325 Air Pollution Control Board Rule 8–1.1–3, Compliance Schedules, subsections (f), (g), and (h), which was promulgated on January 14, 1986.

(64) On January 23, 1986, the State of Indiana submitted to USEPA a revision to the Indiana Lead State Implementation Plan in order to satisfy the requirements of 40 CFR 51.160 through 51.163 and 51.165(b) (formerly 40 CFR 51.18 (a) through (i) and 51.18(k)) for a new source review program, USEPA approved this revision for lead new source review only.

(i) Incorporation by reference. (A) Construction and Operating Permit Requirements, 325 IAC 2–1.1 promulgated on January 8, 1986.

(B) Letter of November 17, 1987, to EPA from the Indiana Department of Environmental Management.


(i) Incorporation by reference. (A) 325 IAC 15–1. Lead Emission Limitations, effective February 27, 1987.

(B) Letter of February 18, from the State of Indiana to EPA.

(ii) Additional material. (A) A November 30, 1981, letter from Harry Williams, Technical Secretary, Indiana Air Pollution Control Board establishing Indiana's air quality surveillance network for lead.

(B) A November 21, 1983, letter from Harry Williams, Technical Secretary, confirming that the Corning Glass facility in Wells County was permanently shut down and had been taken out of the State's emission inventory.
(C) A June 9, 1987, letter from Timothy Method, Acting Assistant Commissioner, submitting a general strategy and additional increments of progress required of Hammond Lead.

(66) On October 21, 1987, the State of Indiana submitted 325 IAC 7-1-3.1, Reporting Requirements and Methods to Determine Compliance, as a revision to its SO\textsubscript{2} plan. At paragraph (c)(19) of this section, USEPA approved conditionally approved Indiana’s SO\textsubscript{2} plan, 325 IAC 7-1, for most areas of the State. However, the emission limits in this plan were set aside by the Court of Appeals for the Seventh Circuit because USEPA took no action on the State’s 30-day averaging compliance method in 325 IAC 7-1-3. New compliance method 325 IAC 7-1-3.1 replaces former 325 IAC 7-1-3. Therefore, with EPA’s approval of 325 IAC 7-1-3.1, USEPA is reinstating its March 12, 1982, approval of Indiana’s October 6, 1980, SO\textsubscript{2} rule, 325 IAC 7-1-7-1-2, except for any emission limits in the below named counties, 7-1-4, 7-1-5, 7-1-6, and 7-1-7. Other than these general provisions and 325 IAC 7-1-3.1, USEPA is not acting on or approving today Indiana’s SO\textsubscript{2} plan for Dearborn, Floyd, Gibson, Jefferson, Lake, LaPorte, Marion, Morgan, Porter, Sullivan, Vermillion, Vigo, Warrick, and Wayne Counties. Indiana recodified 325 IAC 7-1 approved or reinstated for these counties at paragraph (c)(66)(i)(C), and the site-specific SO\textsubscript{2} emission limits and other requirements in 326 IAC 7-1-13 (Jefferson County), 326 IAC 7-1-12 (LaPorte County), 326 IAC 7-1-9 (Marion County), 326 IAC 7-1-14 (Sullivan County), 326 IAC 7-1-15 (Vermillion County), 326 IAC 7-1-10.1 (Vigo County), and 326 IAC 7-1-11 (Wayne County).

(i) Incorporation by reference. (A) 326 IAC 7-1-13, Jefferson County Sulfur Dioxide Emission Limitations, as published in the April 1, 1988, Indiana Register (IR) at 11 IR 2526.

(B) 326 IAC 7-1-12, LaPorte County Sulfur Dioxide Emission Limitations, as published on April 1, 1988, at 11 IR 2518.

(C) 326 IAC 7-1-9, Marion County Sulfur Dioxide Emission Limitations, as published on April 1, 1988, at 11 IR 2528.

(D) 326 IAC 7-1-14, Sullivan County Sulfur Dioxide Emission Limitations, as published on April 1, 1988, at 11 IR 2526.

(E) 326 IAC 7-1-15, Vermillion County Sulfur Dioxide Emission Limitations, as published on March 1, 1988, at 11 IR 1735.

(F) 326 IAC 7-1-10.1, Vigo County Sulfur Dioxide Emission Limitations, as published on August 1, 1988, at 11 IR 3785.

(G) 325 IAC 7-1-11, Wayne County Sulfur Dioxide Emission Limitations, as published on April 1, 1988, at 11 IR 2525.


(B) [Reserved]
(69) On December 2, 1983, Indiana submitted its ozone plan for Lake and Porter Counties, as adopted by the Indiana Air Pollution Control Board on November 2, 1983. On March 2, 1984, Indiana submitted as its attainment demonstration for Lake and Porter Counties, Illinois’ attainment demonstration for the greater Chicago area. The greater Chicago attainment demonstration, as submitted by Indiana, and Indiana’s overall ozone plan for Lake and Porter Counties is disapproved. See §§ 52.773(i) and 52.777(d). The disapproval does not affect USEPA’s approval (or conditional approval) of individual parts of Indiana’s ozone plan, and they remain approved. See § 52.770(c) (20), (21), (29), (33), (38), (39), (55), (58), and (59).

(70) On February 3, 1988, and August 23, 1988, Indiana submitted its lead plans for Quemetco, Inc., in Indianapolis; Exide Corporation in Logansport; C and D Power System in Attica; and General Battery Corporation in Frankfort. This included a recodification of its former lead rule, 325 IAC 15-1 (40 CFR 52.770(c)(65)), to 326 IAC 15-1 and revisions to this rule.

(i) Incorporation by reference. (A) Title 326—Air Pollution Control Board—Indiana Administrative Code (326 IAC) 15-1, Lead Emission Limitations, as published in the Indiana Register (IR) on April 1, 1988, at 11 IR 2564.

(B) Corrections of typographical, clerical, or spelling errors to the document printed at 11 IR 2368 (Indiana’s recodified air rules, including 326 IAC 15-1), as published on August 1, 1988, at 11 IR 3921.

(71) On March 23, 1988, Indiana submitted its SO2 plan for Morgan County; on July 12, 1988, it submitted its SO2 plan for Floyd County, and on November 16, 1988, it submitted its SO2 plan for Warrick County. On December 6, 1988, it submitted its Warrick County rule as published in the Indiana Register. These plans consist of the provisions and requirements in 326 IAC approved or reinstated for these counties at paragraph (c)(66), any SO2 emission limits in 326 IAC applicable in these counties (as incorporated by reference at paragraph (c)(66)(i)(C) of this section, and the site-specific SO2 emission limits and other requirements in 326 IAC 7-1-16 (Floyd County), 326 IAC 7-1-18 (Morgan County), and 326 IAC 7-1-17 (Warrick County).

(i) Incorporation by reference. (A) 326 IAC 7-1-16, Floyd County Sulfur Dioxide Emission Limitations, as published in the March 1, 1988, Indiana Register (IR) at 11 IR 1797.

(B) 326 IAC 7-1-18, Morgan County Sulfur Dioxide Emission Limitations, as published on June 1, 1988, at 11 IR 3018.

(C) 326 IAC 7-1-17, Warrick County Sulfur Dioxide Emission Limitations, as published on December 1, 1988, at 12 IR 553.

(72) On November 16, 1988, Indiana submitted its SO2 plan for Dearborn County; on July 12, 1988, it submitted its SO2 plan for Gibson County; on November 16, 1988, and December 6, 1988, it submitted its SO2 plan for Lake County, and on November 16, 1988, and December 6, 1988, it submitted its SO2 plan for Porter County. These plans consist of the provisions and requirements in 326 IAC 7-1 approved or reinstated for these counties at paragraph (c)(66), any SO2 emission limits in 326 IAC 7-1-2 applicable in these counties (as incorporated by reference at paragraph (c)(66)(i)(C) of this section, and the site-specific SO2 emission limits and other requirements in 326 IAC 7-1-20 (Dearborn County), 326 IAC 7-1-8.1 (Lake County), 326 IAC 7-1-19 (Gibson County), and 326 IAC 7-1-21 (Porter County).

(i) Incorporation by reference. (A) 326 IAC 7-1-20, Dearborn County Sulfur Dioxide Emission Limitations, as published in the August 1, 1988, Indiana Register (IR) at 11 IR 3784.

(B) 326 IAC 7-1-19, Gibson County Sulfur Dioxide Emission Limitations, as published on June 1, 1988, at 11 IR 3019.

(C) 326 IAC 7-1-8.1, Lake County Sulfur Dioxide Emission Limitations, as published on November 1, 1988, at 12 IR 262, and corrected on December 1, 1988, at 12 IR 597.

(D) 326 IAC 7-1-21, Porter County Sulfur Dioxide Emission Limitations, as published on November 1, 1988, at 12 IR 259, and corrected on December 1, 1988, at 12 IR 597.

(E) 326 IAC 7-1-1, Applicability, as published on December 1, 1988, at 12 IR 552.
On July 23, 1987, the Indiana Department of Environmental Management submitted to USEPA a request for a site-specific revision to Indiana’s ozone SIP. This revision consists of compliance date extensions until November 7, 1987, for Uniroyal’s two fabric coaters and four vinyl printers at its Mishawaka plant, located in St. Joseph County, Indiana.


On October 21, 1987, the State submitted 325 IAC 8–1, Petition for alternative controls, which gives the provisions and requirements for petitioning for reasonably available control technology volatile organic compound plans. On November 16, 1988, the State submitted this rule recodified as 326 IAC 8–1, Petition for site-specific reasonably available control technology (RACT) plan.

(i) Incorporation by reference. (A) Title 326 Air Pollution Control Board, Indiana Administrative Code (IAC) 8–1, Applicability of rule; and 326 IAC 8–2–12, Wood furniture and cabinet coating, as published in the April 1, 1988, “Indiana Register” (IR), at 11 IR 2536 and corrected on March 1, 1989, at 12 IR 1394. Filed with the Secretary of State on March 10, 1988.

On January 18, 1989, and June 23, 1989, Indiana submitted its revised lead plan for the HLP-Lead Plant of Hammond Lead Products, Inc. in Hammond Indiana. Additionally, minor changes were made to Indiana’s overall lead rule, 326 IAC 15–1, Lead Emission Limitations.

(i) Incorporation by reference. (A) Title 326 Air Pollution Control Board—Indiana Administrative Code (IAC) 15–1, as published in the Indiana Register (IR) on July 1, 1989, at 1580. This rule was effective for State purposes on July 14, 1989.

On October 15, 1987, the State submitted 325 IAC 8–2–13, Wood Furniture and Cabinet Coating, as a portion of its 1982 ozone plan, which gives provisions and requirements for controlling volatile organic compound (VOC) emissions from sources located in Clark, Floyd, Lake and Porter Counties. On November 16, 1988, the State submitted this rule recodified as 326 IAC 8–2–12, Wood Furniture and Cabinet Coating.

(i) Incorporation by reference. (A) Title 326 Air Pollution Control Board, Indiana Administrative Code (IAC) 8–2–1, Applicability of rule; and 326 IAC 8–2–12, Wood furniture and cabinet coating, as published in the April 1, 1988, “Indiana Register” (IR), at 11 IR 2536 and corrected on March 1, 1989, at 12 IR 1394. Filed with the Secretary of State on March 10, 1988.
(ii) Additional materials. (A) On July 2, 1982, the State submitted clarifications of its intent for 325 IAC 1.1–5.


(i) Incorporation by reference. (A) Title 326, Air Pollution Control Board, of the Indiana Administrative Code (IAC), Rule 13–1, Motor Vehicle Inspection and Maintenance Requirements, Adopted at 13 Indiana Register 500, effective January 1, 1990.

(85) On December 2, 1983, Indiana submitted its transportation control plan for Clark and Floyd Counties as one element in its ozone plan for the area. Additional material was submitted on May 14, 1986.

(i) Incorporation by reference. (A) Chapter 7, Mobile Source Strategies and Reductions, sections A.1.b and exhibits 7–2 and 7–4, as adopted by the Indiana Air Pollution Control Board at its November 2, 1983, meeting.


(i) Incorporation by reference. (A) Title 326, Air Pollution Control Board, Indiana Administrative Code (IAC) 1–1–3, References to the Code of Federal Regulations, as published in the February 1, 1990, Indiana Register (IR), Volume 13 at IR 867. Filed with the Secretary of State on December 14, 1989.

(87) On October 23, 1990, and August 19, 1991, the Indiana Department of Environmental Management submitted regulations adopted by the Indiana Air Pollution Control Board as part of title 326 of the Indiana Administrative Code and intended incorporation to the Indiana ozone plan as part of the stationary source control strategy.

(i) Incorporation by reference. (A) The following volatile organic compound rules adopted by the Indiana Air Pollution Control Board as part of title 326 of the Indiana Administrative Code (326 IAC) and intended to partially satisfy the requirements of the Clean Air Act.

(1) Effective October 23, 1988: 326 IAC 8–1–.05 Coating Definition; 326 IAC 8–2–11 Fabric and Vinyl Coating.


(3) Effective May 18, 1990: 326 IAC 1–2–10.5 Cold Cleaner Degreaser Defined; 326 IAC 1–2–21.5 Conveyored Degreaser Defined; 326 IAC 1–2–29.5 Freeboard Height Defined; 326 IAC 1–2–29.6 Freeboard Ratio Defined; 326 IAC 1–2–49.5 Open Top Vapor Degreaser Defined; 326 IAC 8–2–9 Miscellaneous Metal Coating Operations; 326 IAC 8–3–1 Organic Solvent Degreasing Operations; 326 IAC 8–5–3 Synthesized Pharmaceutical Manufacturing Operations; 326 IAC 8–5–5 Graphic Arts Operations.


(5) Effective June 5, 1991: 326 IAC 1–2–14 Coating Line Definition; 326 IAC 8–1–1 Applicability of Rule; 326 IAC 8–1–2 Compliance Methods; 326 IAC 8–1–4 Testing Procedures; 326 IAC 8–2–1 Applicability; 326 IAC 8–3–5 Cold Cleaner Degreaser Operation and Control; 326 IAC 8–3–6 Open Top Vapor Degreaser Operation and Control Requirements; 326 IAC 8–3–7 Conveyored Degreaser Operation and Control; 326 IAC 8–4–8 Leaks from Petroleum Refineries, Monitoring, Reports; 326 IAC 8–5–5 Graphic Arts Operations.

(88) On February 15, 1990, the Indiana Department of Environmental Management submitted a request to revise the Indiana State Implementation Plan by adding a site specific particulate matter revision for Navistar International Transportation Corporation (Navistar) gray iron foundry and engine plant in Indianapolis, Indiana.

(i) Incorporation by reference. (A) Title 326 Air Pollution Control Board, Indiana Administrative Code (IAC) 6–1–12 as amended, effective January 13, 1990. 

(89) On July 22, 1991, as supplemented on April 18, 1994, the State submitted
regulations adopted by the Indiana Air Pollution Control Board as part of Title 326 of the Indiana Administrative Code for incorporation into the Indiana sulfur dioxide State Implementation Plan.

(i) Incorporation by reference. (A) 326 Indiana Administrative Code 7–4–12.1: Gibson County sulfur dioxide emission limitations; effective December 5, 1990. Published in the Indiana Register, Volume 14, Number 3, December 1, 1990.

(90) On March 3, 1989, the Indiana Department of Environmental Management submitted a request to revise the Indiana State Implementation Plan (SIP) by adding an emission trade or bubble for Joseph E. Seagram and Sons which is located in Lawrenceburg, Indiana. This requested SIP revision repeals rule 326 Indiana Administrative Code (IAC) 6–1–8, adds a new Section, 326 IAC 6–1–8.1, and amends 326 IAC 6–1–7 to include a reference for the new Section and a recodification of the applicable rule.

(i) Incorporation by reference. (A) Title 326 IAC 6–1–7 as published in the Indiana Register Volume 12, Number 6, March 1, 1989, effective April 9, 1989.

(B) Title 326, IAC 6–1–8.1, repeal of 326 IAC 6–1–8 as published in the Indiana Register, Volume 12, Number 6, March 1, 1989, effective March 1, 1989.

(91) [Reserved]

(92) On February 25, 1994, Indiana submitted an employee commute option rule intended to satisfy the requirements of section 182(d)(1)(B) of the Clean Air Act Amendments of 1990.

(i) Incorporation by reference. (A) Title 326 of the Indiana Administrative Code, Article 19 MOBILE SOURCE RULES, Rule 1, Employee Commute Options. Filed with the Secretary of State, October 28, 1993, effective November 29, 1993. Published at Indiana Register, Volume 17, Number 3, December 1, 1993.

(93) On February 25, 1994, the Indiana Department of Environmental Management requested a revision to the Indiana State Implementation Plan in the form of Stage II Vapor Recovery Rules as amendments to Title 326 of the Indiana Administrative Code (326 IAC) 8–1–0.5 and 8–4–6.

(i) Incorporation by reference. (A) 326 IAC 8–1–0.5 Definitions and 8–4–6 Gasoline dispensing facilities. Filed with the Secretary of State October 28, 1993, effective November 29, 1993. Published at Indiana Register, Volume 17, Number 3, December 1, 1993.

(94) On February 25, 1994, Indiana requested a revision to the State Implementation Plan (SIP) in the form of amendments to Title 326: Air Pollution Control Board of the Indiana Administrative Code (326 IAC) 2–1–1 and 2–1–3 which were intended to satisfy the additional new source review requirements of the Clean Air Act Amendments of 1990. The USEPA, at this time, is also approving the incorporation of permitting rules Recodified as Article 2. Permit Review Rules of 326 IAC into the SIP to replace APC 19 which was incorporated into the Indiana SIP at 40 CFR 52.770 (c)(24).

(i) Incorporation by reference. (A) Amendments to Title 326 IAC 2–1–1, 2–1–2, 2–1–3, 2–3–1, 2–3–2, 2–3–3, and 2–3–5. Filed with the Secretary of State November 12, 1993, effective December 13, 1993.

(B) Amendments to Title 326 IAC 2–1–4, 2–1–5, 2–1–6, 2–1–7, 2–1–9, 2–1–10, 2–1–11, 2–1–12, 2–1–13, 2–3–4. Filed with the Secretary of State March 10, 1988, effective April 9, 1988.

(95) On May 22, 1994, the Indiana Department of Environmental Management submitted a request to revise the Indiana State Implementation Plan by adding a lead plan for Marion County which consists of a source specific revision to Title 326 of the Indiana Administrative Code (326 IAC) for Refined Metals.

(i) Incorporation by reference. (A) Amendments to 326 IAC 15–1–2 Source-specific provisions. Filed with the Secretary of State March 25, 1994. Effective April 24, 1994. Published at Indiana Register, Volume 17, Number 8, May 1, 1994.

(96) On August 3, 1994 and February 6, 1995, the Indiana Department of Environmental Management submitted a requested SIP revision to the ozone plan for ozone nonattainment areas.

(i) Incorporation by reference. (A) Indiana Administrative Code, Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 2: Definitions, Section 22.5 “Department” definition. Section 28.5 “Federally enforceable”
definition, and Section 64.1 "Reasonably available control technology" or "RACT" definition. Added at 18 Indiana Register 1223-4, effective January 21, 1995.

(B) Indiana Administrative Code, Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 7: Specific VOC Reduction Requirements for Lake, Porter, Clark, and Floyd Counties. Added at 18 Indiana Register 1224-9, effective January 21, 1995.

(97) On October 25, 1994, the Indiana Department of Environmental Management requested a revision to the Indiana State Implementation Plan in the form of revisions to State Operating Permit Rules intended to satisfy Federal requirements for issuing federally enforceable State operating permits (FESOP) and thereby exempt certain small emission sources from review under the State’s title V operating permit program. This FESOP rule is also approved for the purpose of providing federally enforceable emissions limits on hazardous air pollutants listed under section 112(b) of the Clean Air Act. This revision took the form of an amendment to Title 326: Air Pollution Control Board of the Indiana Administrative Code (326 IAC) 2–8 Federally Enforceable State Operating Permit Program.

(i) Incorporation by reference. 326 IAC 2–8 Federally Enforceable State Operating Permit Program. Sections 1 through 17. Filed with the Secretary of State May 25, 1994. Effective June 24, 1994. Published at Indiana Register, Volume 17, Number 10, July 1, 1994.

(98) On October 25, 1994, the Indiana Department of Environmental Management requested a revision to the Indiana State Implementation Plan in the form of revisions to State Operating Permit Rules intended to satisfy Federal requirements for issuing federally enforceable State operating permits (FESOP) and thereby exempt certain small emission sources from review under the State’s title V operating permit program. This FESOP rule is also approved for the purpose of providing federally enforceable emissions limits on hazardous air pollutants listed under section 112(b) of the Clean Air Act. This revision took the form of an amendment to Title 326: Air Pollution Control Board of the Indiana Administrative Code (326 IAC) 2–8 Federally Enforceable State Operating Permit Program.

(i) Incorporation by reference. 326 IAC 2–8 Federally Enforceable State Operating Permit Program. Sections 1 through 17. Filed with the Secretary of State May 25, 1994. Effective June 24, 1994. Published at Indiana Register, Volume 17, Number 10, July 1, 1994.


(100) On August 25, 1995, Indiana submitted a regulation which bans residential open burning in Clark, Floyd,
Lake, and Porter Counties in Indiana. The regulation allows residential open burning, with certain restrictions, in other parts of the State, and describes other types of open burning which are allowed in Indiana.


(101) On August 25, 1995, Indiana submitted a regulation which reduced the maximum allowable volatility for gasoline sold in Clark and Floyd Counties to 7.8 psi during the summer control period. The summer control period is June 1, to September 15, for retail outlets and wholesale customers, and May 1, to September 15, for all others.


(102) On June 6, 1995, and on September 28, 1995 the Indiana Department of Environmental Management submitted State Implementation Plan (SIP) revisions establishing an enhanced inspection and maintenance (I/M) program in Lake, Porter, Clark, and Floyd Counties. The Air Pollution Control Board adopted new rule 326 IAC 13-1.1 and repealed existing 326 IAC 13-1, thereby putting in place a revised I/M program.


(ii) Other material. (A) June 6, 1995 letter and enclosures from the Indiana Department of Environmental Management (IDEM) Commissioner to the Regional Administrator of the United States Environmental Protection Agency (USEPA) submitting Indiana's revision to the ozone State Implementation Plan (SIP).

(B) September 28, 1995 letter and enclosures from the IDEM Assistant Commissioner to the Regional Administrator of USEPA submitting supplemental vehicle inspection and maintenance SIP revision information and documentation.

(103) On August 25, 1995, the State submitted regulations adopted by the Indiana Air Pollution Control Board as part of title 326 of the Indiana Administrative Code for incorporation into the Indiana sulfur dioxide State Implementation Plan.

(i) Incorporation by reference. (A) 326 Indiana Administrative Code 7-4-13(3); Dearborn County sulfur dioxide emission limitations; effective May 18, 1995. Published in the Indiana Register, Volume 18, Number 9, June 1, 1995.


(105) On October 25, 1994, the Indiana Department of Environmental Management submitted a requested revision to the Indiana State Implementation Plan in the form of Source Specific Operating Agreement (SSOA) regulations. The SSOA regulations are intended to limit the potential to emit for a source to below the threshold level of Title V of the Clean Air Act. This revision took the form of an amendment to title 326: Air Pollution Control Board of the Indiana Administrative Code (326 IAC) 2-9-1, 2-9-2(a), 2-9-2(b), and 2-9-2(e) Source Specific Operating Agreement Program.

(i) Incorporation by reference. 326 Indiana Administrative Code 2-9. Sections 1, 2(a), 2(b), and 2(e). Adopted by the Indiana Air Pollution Control Board March 10, 1994. Signed by the Secretary of State May 25, 1994. Effective June 24,
(106) On September 19, 1995, and November 8, 1995, Indiana submitted automobile and mobile equipment refinishing rules for Clark, Floyd, Lake, and Porter Counties as a revision to the State Implementation Plan. This rule requires suppliers and refinishers to meet volatile organic compound content limits or equivalent control measures for coatings used in automobile and mobile equipment refinishing operations in the four counties, as well as establishing certain coating applicator and equipment cleaning requirements.

(i) Incorporation by reference. 326 Indiana Administrative Code 8-10: Automobile refinishing, Section 1: Applicability, Section 2: Definitions, Section 3: Requirements, Section 4: Means to limit volatile organic compound emissions, Section 5: Work practice standards, Section 6: Compliance procedures, Section 7: Test procedures, Section 8: Control system operation, maintenance, and monitoring, and Section 9: Record keeping and reporting. Adopted by the Indiana Air Pollution Control Board June 7, 1995. Filed with the Secretary of State October 3, 1995. Published at Indiana Register, Volume 19, Number 2, November 1, 1995. Effective November 2, 1995.

(107) On August 8, 1995, Indiana submitted a site specific SIP revision request for Richmond Power and Light in Wayne County Indiana. The submitted revisions provide for revised particulate matter and opacity limitations on the number 1 and number 2 coal fired boilers at Richmond Power and Light's Whitewater Generating Station. The revisions also allow for time weighted averaging of stack test results at Richmond Power and Light to account for soot blowing. Indiana is making revisions to 326 IAC 3-2-1, which currently allows Indiana to authorize alternative emission test methods for Richmond Power and Light. Until the rule is revised to remove this authority, and approved by the United States Environmental Protection Agency, no alternate emission test method, changes in test procedures or alternate operating load levels during testing is to be granted to Richmond Power and Light.


(ii) Additional information. (A) August 8, 1995 letter from the Indiana Department of Environmental Management to USEPA Region 5 regarding submittal of a state implementation plan revision for Richmond Power and Light.

(108) On August 29, 1995, Indiana submitted a site specific SIP revision request for Allison Engine Company in Marion County, Indiana. The revision provides limits of 0 tons per year for boilers 2 and 11, which have shut down. The hourly mass limits remain unchanged at 0.337 pounds per million British Thermal Units (lbs/MMBTU) for boilers 1–4 of plant 5, 0.15 lbs/MMBTU for boilers 3–6 of plant 8, and 0.15 lbs/MMBTU for boilers 7–10 of plant 8. The rule provides for a combined limit of 130.0 tons per year for the boilers mentioned above, as well as new limits on the types and amounts of fuel which may be burned at the boilers, and a recordkeeping requirement to document compliance.


(109) On October 25, 1994, and April 29, 1997, the Indiana Department of Environmental Management requested a revision to the Indiana State Implementation Plan in the form of revisions to the General Provisions and Permit Review Rules intended to update and add regulations which have been effected by recent SIP revisions, and to change regulations for streamlining purposes. This revision took the form of an amendment to Title 326: Air Pollution...
Environmental Protection Agency

§ 52.800

Control Board of the Indiana Administrative Code (326 IAC) 1–1 Provisions Applicable Throughout Title 326, 1–2 Definitions, 1–6 Malfunctions, 2–1 Construction and Operating Permit Requirements.

(1) Incorporation by reference. 326 IAC 1–1–2 and 1–1–3. 326 IAC 1–2–2, 1–2–4, 1–2–12, 1–2–33.1, and 1–2–33.2. 326 IAC 1–6–1. 326 IAC 2–1–1, 2–1–3, and 2–1–10. Adopted by the Indiana Air Pollution Control Board March 10, 1994. Filed with the Secretary of State May 25, 1994. Effective June 24, 1994. Published at Indiana Register, Volume 17, Number 10, July 1, 1994.

(110) On November 21, 1995, and February 14, 1996, Indiana submitted Municipal Solid Waste (MSW) Landfill rules for Clark, Floyd, Lake, and Porter Counties as a revision to the State Implementation Plan. This rule requires MSW landfills that emit greater than fifty-five tons per day of non-methane organic compound, or that have a minimum design capacity of one hundred eleven thousand tons (one hundred thousand megagrams) of solid waste, to install a landfill gas collection and control system that either incinerates the gas or recovers the gas for energy use.

(i) Incorporation by reference. 326 Indiana Administrative Code 8–8 Municipal Solid Waste Landfills, Section 1 Applicability, Section 2 Definitions, Section 3 Requirements; incorporation by reference of federal standards, Section 4 Compliance deadlines. Adopted by the Indiana Air Pollution Control Board July 12, 1995. Filed with the Secretary of State December 19, 1995. Published at Indiana Register, Volume 19, Number 5, February 1, 1996. Effective January 18, 1996.

(112) [Reserved]


(i) Incorporation by reference. 326 Indiana Administrative Code 8–12: Shipbuilding or Ship Repair Operations in Clark, Floyd, Lake, and Porter Counties, Section 1: Applicability, Section 2: Exemptions, Section 3: Definitions, Section 4: Volatile organic compound emissions limiting requirements, Section 5: Compliance requirements, Section 6: Test methods and procedures, and Section 7: Record keeping, notification, and reporting requirements. Adopted by the Indiana Air Pollution Control Board September 6, 1995. Filed with the Secretary of State April 1, 1996. Published at Indiana Register, Volume 19, Number 8, May 1, 1996. Effective May 1, 1996.


(i) Incorporation by reference. 326 Indiana Administrative Code 8–11 Wood Furniture Coatings, Section 1 Applicability, Section 2 Definitions, Section 3 Emission limits, Section 4 Work practice standards, Section 5 Continuous compliance plan, Section 6 Compliance procedures and monitoring requirements, Section 7 Test procedures, Section 8 Recordkeeping requirements, Section 9 Reporting requirements, Section 10 Provisions for sources electing to use emission averaging. Adopted by the Indiana Air Pollution Control Board May 3, 1995. Filed with the Secretary of State December 5, 1995. Published at Indiana Register, Volume 19, Number 5, February 1, 1996. Effective January 4, 1996.

(115) [Reserved]
(116) On September 20, 1996 the Indiana Department of Environmental Management submitted a request to revise the Indiana State Implementation Plan by adding parachlorobenzotrifluoride (PCBTF), cyclic, branched or linear completely methylated siloxanes and acetone to the definition of “nonphotochemically reactive hydrocarbon,” and by deleting “vegetable oil” from a list of compounds not considered to be volatile organic compounds (VOC) from the definition of VOC (thus including “vegetable oil” as a “VOC”).


(117) [Reserved]


(119) Approval—On October 2, 1996, the State of Indiana submitted a State Implementation Plan revision request to eliminate references to total suspended particulates (TSP) while maintaining the existing opacity requirements. The SIP revision became effective July 19, 1996. The SIP revision request satisfies all applicable requirements of the Clean Air Act.


(121) On January 23, 1997, the Indiana Department of Environmental Management submitted a revision to the State Implementation Plan (SIP) for the general conformity rules. The general conformity SIP revision enables the State of Indiana to implement and enforce the Federal general conformity requirements in the nonattainment and maintenance areas at the State and local level in accordance with 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.


(122) On July 24, 1997, Indiana submitted rules requiring record keeping and reporting requirements for graphic arts sources of volatile organic compounds and amended source applicability requirements for graphic arts sources located in Lake and Porter Counties as a revision to the State Implementation Plan.


(126) On August 18, 1999, Indiana submitted amendments to the State’s automobile refinishing rule for Lake, Porter, Clark, and Floyd Counties.


(127) On August 18, 1999, Indiana submitted rules for controlling Volatile Organic Compound (VOC) emissions in Vanderburgh County. The rules contain control requirements for Stage I gasoline vapor recovery equipment,
§ 52.800

and a requirement for automobile refinishers to use special coating application equipment (automobile refinishing spray guns) to reduce VOC.

(i) Incorporation by reference. (A) 326 Indiana Administrative Code 8–4: Petroleum Sources, Section 1: Applicability, Subsection (c). Adopted by the Indiana Air Pollution Control Board November 4, 1998. Filed with the Secretary of State April 23, 1999. Published at Indiana Register, Volume 22, Number 9, June 1, 1999. Effective May 23, 1999.

(B) 326 Indiana Administrative Code 8–10: Automobile Refinishing, Section 1: Applicability, Section 3: Requirements. Adopted by the Indiana Air Pollution Control Board November 4, 1998. Filed with the Secretary of State April 23, 1999. Published at Indiana Register, Volume 22, Number 9, June 1, 1999. Effective May 23, 1999.

(ii) [Reserved]

(iii) On May 18, 1999, the Indiana Department of Environmental Management submitted revised site-specific lead emission limits for Hammond Group—Halstab Division located in Hammond (Lake County), Indiana. The revised emission limits are expressed as pounds-per-hour limits ranging from 0.04 to 0.07 applicable to sixteen separate emission points. The revised emission limits will result in the reduction of total allowable lead emissions from 31,546 pounds per year as provided for in the current federal-approved State Implementation Plan to 6,832.8 pounds per year.

(iv) Incorporation by reference. (A) Indiana Administrative Code 326: Air Pollution Control Board, Article 15 Lead, Rule 1 Lead Emissions Limitations, Section 2—Source Specific Provisions, subsection (a), subdivision 7, clauses (A) through (G). Amended at 22 Indiana Register 1427, effective February 5, 1999.

(v) [Reserved]

(vi) On February 3, 1999, Indiana submitted revised particulate matter emissions regulations for Dubois County, Indiana. The submitted revision amends 326 IAC 6–1–9, and includes relaxation of some PM limits, the elimination of limits for boilers which are no longer operating, updated facility names, and changes to boiler fuel types.


(vii) On November 22, 1999, Indiana submitted revised particulate matter emissions regulations for Indianapolis Power and Light Company in Marion County, Indiana. The submittal amends 326 IAC 6–1–12, and includes relaxation of some PM limits, tightening of other limits, and the elimination of limits for several boilers which are no longer operating. The revisions also include the combination of annual emission limits for several boilers, and correction of a typographical error in one limit.

(i) Incorporation by reference. Emissions limits for Indianapolis Power and
Environmental Protection Agency § 52.800

Light in Marion County contained in Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Nonattainment Area Limitations, Section 12: Marion County, subsection (a). Added at 22 In. Reg. 2857. Effective May 27, 1999.

(134) On February 3, 1999, the State of Indiana submitted a revision to particulate matter limitations for the Lever Brothers facility in Lake County. On December 28, 1999, Indiana submitted revisions to particulate matter and sulfur dioxide limitations for NIPSCo’s Dean Mitchell Station.

(i) Incorporation by reference. (A) Title 326 of the Indiana Administrative Code (326 IAC) 6–1–10.1 (d)(28) and (d)(33), filed with the Secretary of State on May 13, 1999, effective June 12, 1999. Published at Indiana Register Volume 22, Number 10, July 1, 1999 (22 IR 3047).

(B) Title 326 of the Indiana Administrative Code (326 IAC) 7–4–1.1 (c)(17), filed with the Secretary of State on May 13, 1999, effective June 12, 1999. Published at Indiana Register Volume 22, Number 10, July 1, 1999 (22 IR 3070).

(135) On January 1, 2000, Indiana submitted revised opacity limits for three processes at ALCOA Warrick Operations. The revised limits allow higher opacity emissions during fluxing operations at three casting complexes. This action does not change mass emissions limits for these sources.


(136) On August 30, 1999, and May 17, 2000, Indiana submitted revised particulate matter and sulfur dioxide emissions regulations for National Starch in Marion County, Indiana. The submittal amends 326 IAC 6–1–12. It includes elimination of shut down sources from the rules, increases in some limits, and a decrease in one limit.


(b) Emissions limits for National Starch in Marion County contained in Indiana Administrative Code Title 326: Air Pollution Control Board, Article 7: Sulfur Dioxide Rules, Rule 4: Emission Limitations and Requirements by County, Section 2: Marion County Sulfur Dioxide Emission Limitations. Added at 22 In. Reg. 1953. Effective March 11, 1999.

(138) On August 2, 2000, Indiana submitted revised total suspended particulate emissions regulations for Illinois Cereal Mills, Incorporated in Marion County, Indiana. The submittal amends 326 IAC 6–1–12(a). It includes an increase in the annual particulate matter limit from 0.7 tons per year (TPY) to 1.0 TPY for a boiler and a decrease in the annual limit from 6.3 TPY to 6.0 TPY for a grain elevator.

(i) Incorporation by reference. Emissions limits for Illinois Cereal Mills, Incorporated in Marion County contained in Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, Section 12: Marion County, subsection (a). Filed with the Secretary of State on May 26, 2000 and effective on June 25, 2000. Published in 23 Indiana Register 2414 on July 1, 2000.

(139) On December 30, 1999, Indiana submitted revised total suspended particulate emissions regulations for Johns Manville Corporation in Wayne County. The submittal amends 326 IAC 6–1–14. It includes raising seven long-term emissions limits, lowering one short-term limit, removing one emissions source, and a name change for the company. The long-term limits are being raised to allow to facility to operate 8760 hours annually. Switching fuel for a boiler allows its short-term limit to be decreased. One emissions source was removed from this facility. The Johns Manville, Wayne County, facility was formerly known as Schuller International, Incorporated.
Incorporation by reference.

Emissions limits for Johns Manville Corporation in Wayne County contained in Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, Section 14: Wayne County. Filed with the Secretary of State on September 24, 1999, and effective on October 24, 1999. Published in 23 Indiana Register 301 on November 1, 1999.

On August 31, 2000, Indiana submitted revised particulate matter emissions regulations for Rolls-Royce Allison in Marion County, Indiana. The submittal amends 326 IAC 6–1–12(a). It includes a name change for the company from the Allison Engine Company to Rolls-Royce Allison and the addition of an alternate fuel, landfill gas. Landfill gas can be used in boilers 1 through 4 of plant 5 and boilers 3, 4, and 7 through 10 of plant 8. These state implementation plan revisions do not change the particulate matter emissions limits.

Incorporation by reference. Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, Section 12: Marion County, subsection (a). Filed with the Secretary of State on May 26, 2000 and effective on June 25, 2000. Published in 23 Indiana Register 2419 on July 1, 2000.

On February 16, 2001 Indiana submitted revised particulate matter emissions regulations for Cerestar USA, Inc. The submittal amends 326 IAC 6–1–10.1, and includes the elimination of 18 emission points, the addition of 39 new emission points, and a change in the way the short-term emission limits are expressed (from pounds of particulate matter per ton of product to grains per dry standard cubic foot). The revision also changes the name of the facility listed in the rules from American Maize Products (Amaizo) to Cerestar USA, Inc.

On November 15, 2000, the State submitted rules to reduce volatile organic compound emissions from cold cleaning degreasers.

(14) On August 20, 2001 and September 19, 2001, Indiana submitted a plan in response to Phase I of the NO\textsubscript{X} SIP Call. The plan includes Indiana’s Phase I NO\textsubscript{X} Budget Demonstration and supporting documentation including initial unit allocations and two new rules: 326 IAC 10–3 and 326 IAC 10–4.


(145) Indiana submitted on December 17, 1997, as part of the 9% Rate of Progress Plan, an agreed order between U.S. Steel and the Indiana Department of Environmental Management. Section 3 of Exhibit E requires U.S. Steel to establish a coke plant process water treatment plant at its Gary Works.

(i) Incorporation by reference. (A) Section 3 of Exhibit E of the March 22, 1996, Agreed Order between U.S. Steel (currently USX Corporation) and the Indiana Department of Environmental Management.

(146) On October 21, 1999, Indiana submitted revised state opacity regulations. The submittal amends 326 IAC 5–1–1, 5–1–2, 5–1–3, 5–1–4(b), and 5–1–5(b). The revisions address provisions concerning the startup and shutdown of operations, averaging period terminology, temporary exemptions, alternative opacity limits, and conflicts between continuous opacity monitor and visual readings.

(i) Incorporation by reference. Opacity limits for Indiana contained in Indiana Administrative Code Title 326: Air Pollution Control Board, Article 5: Opacity Regulations. Filed with the Secretary of State on October 9, 1998 and effective on November 8, 1998. Published in 22 Indiana Register 426 on November 1, 1998.


(147) On February 1, 2002, Indiana submitted its Prevention of Significant Deterioration rules as a revision to the State implementation plan.


(C) Title 326 of the Indiana Administrative Code, Rules 2–1.1–6 and 2–1.1–8. Filed with the Secretary of State on November 25, 1996, effective December 25, 1996. Errata filed with the Secretary of State on May 12, 1999, effective June 26, 1999.


(i) Incorporation by reference. Title 326: Air Pollution Control Board; Article 8: Volatile Organic Compound Rules; Rule 1: General Provisions; Section 4: Testing procedures. Filed with the Secretary of State on June 15, 2001 and effective on July 15, 2001. Published in 24 Indiana Register 3619 on August 1, 2001.

(149) [Reserved]

(150) On July 18, 2000 the Indiana Department of Environmental Management submitted a State Implementation Plan (SIP) revision amending certain provisions of Indiana’s gasoline transport testing requirements with additional material submitted on January 11, 2002 and March 13, 2002. The Air Pollution Control Board amended
326 IAC 8–4–7 and 326 IAC 8–4–9 and added 326 IAC 20–10.

(i) Incorporation by reference. (A) 326 Indiana Administrative Code 8–4–7; 8–4–9; and 20–10–01 adopted May 5, 1999, effective November 5, 1999.

(ii) Additional materials. (A) July 18, 2000 letter and enclosures from the Indiana Department of Environmental Management (IDEM) Commissioner to the Regional Administrator of the United States Environmental Protection Agency (EPA) submitting Indiana’s revision to the ozone SIP.

(B) January 11, 2002 letter and enclosures from IDEM to EPA submitted as an addendum to the July 18, 2000 revision to the ozone SIP.

(C) March 13, 2002 letter and enclosures from IDEM to EPA submitted as an addendum to the July 18, 2000 revision to the ozone SIP.

(151) On March 5, 2002, the Indiana Department of Environmental Management requested a revision to the Indiana State Implementation Plan in the form of revisions to the Permit Review Rules intended to add regulations to assure that construction permit conditions exist independently of title V permits. This revision took the form of an amendment to Title 326: Air Pollution Control Board of the Indiana Administrative Code (326 IAC) 2–1.1–9.5 General Provisions; Term of Permit.


(152) On December 19, 2001, Indiana submitted revised Particulate Matter (PM) control requirements. A March 17, 2003 letter from Indiana clarified what portions of the original submission the State was seeking revisions for. EPA is approving revisions for certain natural gas combustion sources in Indiana and various cleanup revisions to Indiana’s PM rules. One revision eliminates PM emissions limits on specified natural gas combustion sources and replaces the limits with a requirement that such sources may only burn natural gas. The submission also contains many cleanup provisions such as eliminating limits for sources which have shut down and updating names of sources.

(i) Incorporation by reference. (A) Indiana Administrative Code (IAC) Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, IAC 6–1–1.5: Definitions; IAC 6–1–2: Particulate emission limitations; fuel combustion steam generators, asphalt concrete plant, grain elevators, foundries, mineral aggregate operations; modification by commissioner; IAC 6–1–3: Non-attainment area particulate limitations; compliance determination; IAC 6–1–4: Compliance schedules; IAC 6–1–5: Control strategies; IAC 6–1–6: State Implementation Plan revisions; IAC 6–1–6.1: Dearborn County particulate matter emissions limitations; IAC 6–1–9: Dubois County; IAC 6–1–10.1: Lake County PM_{10} emission requirements, Subsections (a) through (k); IAC 6–1–11.1: Lake County fugitive particulate matter control requirements; IAC 6–1–12: Marion County; IAC 6–1–13: Vigo County; IAC 6–1–14: Wayne County; IAC 6–1–15: Howard County; IAC 6–1–16: Vanderburgh County; IAC 6–1–17: Clark County; and, IAC 6–1–18: St. Joseph County. Adopted by the Indiana Air Pollution Control Board August 1, 2001. Filed with the Secretary of State November 8, 2001. Published in the Indiana Register, Volume 25, Number 3, December 1, 2001 at 709. State effective December 8, 2001.

(153) On April 30, 2002 and September 6, 2002, Indiana submitted revised particulate matter regulations for Union Tank Car's railcar manufacturing facility in Lake County, Indiana. The submittal amends 326 IAC 6–1–10.1. The revisions consist of relaxing the limits for the grit blaster. The new limits are 0.01 grains per dry standard cubic foot and 9.9 pounds per hour.

(i) Incorporation by reference.
Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, Section 10.1: Lake County PM$_{10}$ emission requirements. Filed with the Secretary of State on July 26, 2002 and effective on August 25, 2002. Published in 25 Indiana Register 4076 on September 1, 2002.

(154) On August 08, 2001, Indiana submitted revised volatile organic Compound control requirements for certain facilities in the Indiana shipbuilding and ship repair industry. This submittal changes the individual and plantwide coating exemption levels and makes revisions to the compliance requirements, test methods and recordkeeping requirements. On October 1, 2002, Indiana submitted a letter providing its interpretation of certain of the above requirements.


(B) An October 1, 2002, letter from the Indiana Department of Environmental Management which provides background information on its shipbuilding and ship repair rule revisions and its interpretation of certain of these requirements.

(155) On October 17, 2002, the State submitted revised particulate matter emission limits for the Knauf Fiber Glass in Shelby County for incorporation into the Indiana SIP.

(i) Incorporation by reference. (A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 11 Emission Limitations for Specific Types of Operations, Rule 4 Fiberglass Insulation Manufacturing, Paragraph 5 Shelby County (326 IAC 11–4–5). Adopted by the Indiana Air Pollution Control Board on May 1, 2002. Filed with the Secretary of State on August 28, 2002. Published in the Indiana Register, Volume 26, Number 1, October 1, 2002, effective September 27, 2002.

(156) On April 3, 2000 the State submitted a revision to Indiana’s State Implementation Plan to allow the Department of the Navy use of military specification coatings containing volatile organic compound (VOC) control requirements with content up to 5.45 pounds of VOC per gallon of coating less water for the projectile renovations operations in Building 2728 at the Naval Surface Warfare Center, Crane Division.

(i) Incorporation by reference. (A) Part 70 Significant Source Modification No.: 101–11153–00005 as issued by the Indiana Air Pollution Control Board on October 12, 1999.

(157) On December 19, 2001, and February 11, 2004, Indiana submitted revised volatile organic compound (VOC) emissions regulations for Eli Lilly and Company in Marion County. The submission provides alternate VOC control requirements for reactors, vacuum dryers, centrifuges, and filters in the pilot plant. The alternate control requirements are being approved under sitespecific Reasonably Available Control Technology standards.


(158) On October 21, 2002 and January 10, 2003, Indiana submitted revised volatile organic compound regulations for dip and flow coating operations. The revisions include replacing daily compliance with a rolling thirty day
average and adding new equivalent emission limits.

(i) Incorporation by reference. Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, Section 14: Wayne County PM emission requirements. Filed with the Secretary of State on March 10, 2003 and effective on April 9, 2003. Published in 26 Indiana Register 1073–79 on June 18, 2003.

(ii) Additional materials. A January 7, 2003 letter and enclosures from IDEM Commissioner to the Regional Administrator of the United States Environmental Protection Agency (EPA) submitting Indiana’s revisions to the ozone SIP.
Environmental Protection Agency § 52.800


(164) On June 13, 2003, and as supplemented on October 3, 2003, Indiana submitted a State Implementation Plan (SIP) revision for the control of emissions of particulate matter (PM$_{10}$) in the state of Indiana. Revisions to 326 IAC 6–1–10.1 and 326 IAC 6–1–10.2 amend the PM$_{10}$ emission limits at U.S. Steel-Gary Works and U.S. Steel-Gary Coke Operations, located in Lake County, Indiana, and should result in decreased PM$_{10}$ emissions of approximately 350 tons per year.

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

(A) Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, Section 10.1: Lake County PM$_{10}$ emission requirements. Filed with the Secretary of State on August 6, 2003 and effective on September 5, 2003. Published at Indiana Register, Volume 27, Number 1, October 1, 2003 (27 IR 61).

(B) Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, Section 10.2: Lake County PM$_{10}$ coke battery emission requirements. Filed with the Secretary of State on August 6, 2003 and effective on September 5, 2003. Published at Indiana Register, Volume 27, Number 1, October 1, 2003 (27 IR 85).


(i) Incorporation by reference. (A) Amendments to the Indiana Administrative Code, Title 326: Air Pollution Control Board, Article 2: Permit Review Rules; Rule 2: Prevention of Significant Deterioration (PSD) Requirements: Section 2–2–1 Definitions; Section 2–2–6 Increment consumption; requirements; and Section 2–2–12 Permit rescission. Filed with the Secretary of State on March 9, 2004, effective April 8, 2004. Published at 27 Indiana Register 2216; April 1, 2004.

(166)–(167) [Reserved]

(168) On October 7, 2004, Indiana submitted a request revision to particulate matter and sulfur dioxide emission limits as an amendment to its State Implementation Plan. The particulate matter and sulfur dioxide emission limits were deleted for the five boilers removed from the Pfizer, Incorporated facility in Vigo County, Indiana. These limits were listed in 326 Indiana Administrative Code (IAC) 6–1–13 and 326 IAC 7–4–3.

(i) Incorporation by reference. Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: County Specific Particulate Limitations, Section 13: Vigo County and Title 326: Air Pollution Control Board, Article 7: Sulfur Dioxide Rules, Rule 4: Emission Limitations and Requirements by County, Section 3: Vigo County Sulfur Dioxide Emission Limitations. Filed with the Secretary of State on August 31, 2004 and effective September 30, 2004. Published in 28 Indiana Register 115–18 on October 1, 2004.

(169) On December 22, 2004, Indiana submitted a request to revise the volatile organic compound requirements for Transwheel Corporation of Huntington County, Indiana. EPA is approving the oil cover as an equivalent control device under 326 Indiana Administrative Code 8–3–5 (a)(5)(C).


(170) The Indiana Department of Environmental Management submitted revisions to Indiana’s State Implementation plan on February 18, 2005, February 21, 2005, and April 8, 2005. Revisions to 326 IAC 1–2–52, 326 IAC 1–2–82.5, and 326 IAC 1–3–4 amend the definition of “particulate matter” to include the
definition of PM$_{2.5}$ and amends the section that specifies the national ambient air quality standards. Revisions to 326 IAC 1–1–3 and 326 IAC 1–1–6 update the references to the Code of Federal Regulations (CFR) from the 2000 edition to the 2002 edition and add "credible evidence provisions" into state rules consistent with federal requirements, respectively.

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

(A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 2: Definitions, Section 52: "Particulate matter" defined, Section 52.2: "PM$_{2.5}$" defined, Section 52.4: "PM$_{10}$" defined, Section 82.5: "Total suspended particulate" or "TSP" defined.

Indiana Administrative Code Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 3: Ambient Air Quality Standards, Section 4: "Ambient air quality standards." Filed with the Secretary of State on December 20, 2004 and effective on January 19, 2005. Published at Indiana Register, Volume 28, Number 5, February 1, 2005 (28 IR 1471–1473).

(B) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 1: Provisions Applicable Throughout Title 326, Section 3: "References to the Code of Federal Regulations." Filed with the Secretary of State on August 26, 2004 and effective on September 25, 2004. Published at Indiana Register, Volume 28, Number 1, October 1, 2004 (28 IR 17).

(C) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 1: Provisions Applicable Throughout Title 326, Section 6: "Credible evidence." Filed with the Secretary of State on February 14, 2005 and effective on March 16, 2005. Published at Indiana Register, Volume 28, Number 7, April 1, 2005 (28 IR 2045).

(171) On April 8, 2005, Indiana submitted final adopted revisions for the Dearborn County sulfur dioxide emission limitations in 326 IAC 7–4–13 as a requested revision to the Indiana state implementation plan. EPA is approving these revisions, which remove obsolete rule language for Indiana Michigan Tanners Creek Station and update information for other companies listed in the rule.

(i) Incorporation by reference. (A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 7: Sulfur Dioxide Rules, Rule 4: Emission Limitations and Requirements by County, Section 13: Dearborn County Sulfur Dioxide Emission Limitations. Filed with the Secretary of State on February 14, 2005, and effective March 16, 2005. Published in the Indiana Register on April 1, 2005 (28 IR 2021).

(172) On April 8, 2005, and as supplemented on July 6, 2005, Indiana submitted a State Implementation Plan (SIP) revision for the control of sulfur dioxide (SO$_2$) emissions in Lake County, Indiana. The SIP revision submitted by the Indiana Department of Environmental Management (IDEM) amends 326 Indiana Administrative Code (IAC) Article 7. Indiana’s revised SO$_2$ rule consists of changes to 326 IAC 7–4 which sets forth facility-specific SO$_2$ emission limitations and recordkeeping requirements for Lake County. The rule revision also reflects updates to company names, updates to emission limits currently in permits, deletion of facilities that are already covered by natural gas limits, and other corrections and updates. Due to changes in section numbers, references to citations in other parts of the rule have also been updated.

(i) Incorporation by reference. (A) Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 7: SULFUR DIOXIDE RULES, Rule 1.1 Sulfur Dioxide Emission Limitations, sections 326 IAC 7–1.1–1, “Applicability”, 326 IAC 7–1.1–2 “Sulfur Dioxide Emission Limitations”, and 326 IAC 7–2–1 “Reporting Requirements: Methods to Determine Compliance”; newly created 326 IAC 7–4.1 “Lake County Sulfur Dioxide Emission Limitations”, adopted by the Indiana Air Pollution Control Board on March 2, 2005. Filed with the Secretary of State May 25, 2005, effective June 24, 2005.

(173) The Indiana Department of Environmental Management submitted
amendments to Indiana’s State Implementation Plan on September 1, 2005. The amendments include the repeal of 326 IAC 6–1, which is replaced with new articles 326 IAC 6.5, “Particulate Matter Limitations for all Counties Except Lake County” and 326 IAC 6.6, “Particulate Matter Limitations for Lake County.”

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

(A) Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.5 Particulate Matter Limitations Except Lake County, and Article 6.6 Particulate Matter Limitations For Lake County. Adopted by the Indiana Air Pollution Control Board on May 4, 2005. Filed with the Secretary of State on August 10, 2005 and effective on September 9, 2005. Published in Indiana Register, Volume 28, Number 12, September 1, 2005 (3454).

(174) [Reserved]

(175) On December 15, 2005, Indiana submitted revised particulate matter (PM$_{10}$) regulations for ASF Keystone, Inc. in Lake County. The emission limit for the small coil manufacturing unit is increased while the limits for the medium and large coil manufacturing units are decreased. The result of these revisions is a net decrease in PM$_{10}$ emission limits. The emission limits for miscellaneous coil manufacturing are removed because the unit no longer operates. EPA also removed the process weight rate emission limits for the four units.

(i) Incorporation by reference.

(A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations For Lake County, Rule 2: Lake County: PM$_{10}$ Emission Requirements, Section 4: ASF Keystone, Inc.-Hammond. Filed with the Secretary of State on October 20, 2005 and effective November 19, 2005. Published in Indiana Register 794 on December 1, 2005.

(176) On December 21, 2005, Indiana submitted revised regulations to the EPA. As a result, the compounds, 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane, 3-ethoxy-1,1,1,2,3,4,5,5,6,6-dodecafluoro-2-(trifluoromethyl)hexane, 1,1,1,2,3,3,3-heptafluoropropane, and methyl formate, are added to the list of “nonphotochemically reactive hydrocarbons” or “negligibly photochemically reactive compounds” in 326 IAC 1–2–48 and these compounds are deleted from the list of VOCs in 326 IAC 1–2–90. Companies producing or using the four compounds will no longer need to follow the VOC rules for these compounds. The requirements in 326 IAC 1–2–48 and 1–2–90 were also modified for the compound t-butyl acetate. It is not considered a VOC for emission limits and content requirements. T-butyl acetate will still be considered a VOC for the recordkeeping, emissions reporting, and inventory requirements.

(i) Incorporation by reference.

(A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 2: Definitions, Section 48: “Nonphotochemically reactive hydrocarbon’ or ‘negligibly photochemically reactive compounds’ defined”, and Section 90: ‘‘Volatile organic compound’ or ‘VOC’ defined”. Filed with the Secretary of State on October 20, 2005 and effective November 19, 2005. Published in 29 Indiana Register 795–797 on December 1, 2005.

(177) The Indiana Department of Environmental Management submitted revisions to Indiana’s State Implementation plan on December 21, 2005, and June 27, 2006. Revisions to 326 IAC 1–3–4 provide consistency between State (326 IAC 1–3–4) and Federal (40 CFR 50.3) reference conditions for measurements of particulate matter air quality; and amendments to 326 IAC 1–1–3 update the references to the Code of Federal Regulations (CFR) from the 2002 edition to the 2004 edition.

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

(A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 1: Provisions Applicable Throughout Title 326, Section 3: References to the Code of Federal Regulations. Filed with the Secretary of State on October 14, 2005 and effective on November 13, 2005. Published at Indiana Register,
40 CFR Ch. I (7–1–16 Edition)

§ 52.800

Volume 29, Number 3, December 1, 2005 (29 IR 795).

(B) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 3: Ambient Air Quality Standards, Section 4: Ambient Air Quality Standards. Filed with the Secretary of State on March 6, 2006 and effective on April 5, 2006. Published at Indiana Register, Volume 29, Number 7, April 1, 2006 (29 IR 2179).


(179) On July 17, 2006, Indiana submitted final adopted revisions, which add 326 IAC 8–1–6 (3)(B) and (C), to its VOC rules for new facilities in 326 IAC 8–1–6 as a requested revision to the Indiana state implementation plan. EPA is approving these revisions, which exempt boat manufacturers subject to NESHAPS for boat manufacturing, or reinforced plastics composites manufacturers subject to NESHAPS for reinforced composites production facilities, from the requirement to do a best available control technology analysis provided they comply with the applicable NESHAPS.


(180) On November 1, 2005, and supplemented on March 20, 2007, the State of Indiana submitted a source specific revision to its state implementation plan for control of particulate matter in Title 326 of the Indiana Administrative Code (IAC), Rule 6.5–7, Section 13, which contains particulate matter emission limits for Holy Cross Services Corporation, to reflect current operating conditions of the boilers at St. Mary’s College, located in Notre Dame, Indiana. The revision in 326 IAC 6.5–7–13 also changes the source name from St. Mary’s to Holy Cross Services Corporation (Saint Mary’s Campus).


(i) Incorporation by reference. Indiana Administrative Code Rules 2–1.1–7, 2–2–1(a) through (l), 2–2–1(n) through (k), 2–2–1(mm) through (tt), 2–2–1(uu)(1) through (4), 2–2–1(vv) through (aaa), 2–2–2(a) through (d)(4), 2–2–2(d)(6) through (e), 2–2–2(g) through (i), 2–2–3–(a) through (1), 2–2–3–(1)(k) through (ff), 2–3–1(hh) through (uu), 2–3–2(a) through (c)(4), 2–3–2(c)(6) through (k), 2–3–2(m), 2–3–3(a) through (b)(11), 2–3–3(b)(14), 2–3–4, 2–3–1–4. Filed with the Secretary of State on August 10, 2004, effective September 10, 2004. Published in the Indiana Register on September 1, 2004 (27 IR 3887).
(182) On March 30, 2007, Indiana submitted final adopted revisions, which amend 326 IAC 8–5–1, concerning rule applicability, and add 326 IAC 8–5–6, fuel grade ethanol production at dry mills, to its VOC rules as a requested revision to the Indiana state implementation plan. By letter of December 19, 2007, Indiana stated that it would be acceptable to measure the concentration limits in 326 IAC 8–5–6 using EPA Method 25(a) expressed as equivalent alcohol with the calibration gas being a mixture of ethanol in air. EPA is approving these revisions, authorizing Indiana to establish an industry-specific BACT standard for fuel grade ethanol production at dry mill facilities that emit 25 tons or more of VOC per year.

(i) Incorporation by reference. The following sections of the Indiana Administrative Code (IAC) are incorporated by reference:

(A) 326 IAC 15–1–2(c) “Source-specific provisions” and 326 IAC 15–1–3 “Control of fugitive lead dust”. Filed with the Secretary of State on December 1, 2000, effective December 30, 2000. Published in the Indiana Register on January 1, 2001 (24 IR 958).

(B) 326 IAC 20–13–1(c) “Applicability; incorporation by reference of federal standards”, 326 IAC 20–13–2(a) “Emission limitations lead standards for Quemetco, Incorporated”, and 326 IAC 20–13–6 “Compliance testing”. Filed with the Secretary of State on December 1, 2000, effective December 30, 2000. Published in the Indiana Register on January 1, 2001 (24 IR 958).

(183) On February 7, 2002, Indiana submitted revisions to its State Implementation Plan (SIP) for lead (Pb) as part of the State’s incorporation of a Federal standard for secondary lead smelters. On October 3, 2006, and November 27, 2007, Indiana supplemented its request as it pertained to Quemetco, Incorporated, in Marion County. This revision removes from the Indiana SIP the source-specific provisions for Quemetco found in article 326 IAC 15, previously approved in paragraph (c)(95) of this section, and replaces them with the corresponding provisions of article 326 IAC 20–13.

(i) Incorporation by reference. The following sections of Title 326 of the Indiana Administrative Code (IAC) are incorporated by reference:

(A) 326 IAC 15–1–2(c) “Source-specific provisions” and 326 IAC 15–1–3 “Control of fugitive lead dust”. Filed with the Secretary of State on December 1, 2000, effective December 30, 2000. Published in the Indiana Register on January 1, 2001 (24 IR 958).

(B) 326 IAC 20–13–1(c) “Applicability; incorporation by reference of federal standards”, 326 IAC 20–13–2(a) “Emission limitations lead standards for Quemetco, Incorporated”, and 326 IAC 20–13–6 “Compliance testing”. Filed with the Secretary of State on December 1, 2000, effective December 30, 2000. Published in the Indiana Register on January 1, 2001 (24 IR 958).


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

(A) Title 326: Air Pollution Control Board, Article 10: Nitrogen Oxides Rules, Rule 3: Nitrogen Oxide Reduction Program for Specific Source Categories, Section 3: Emissions limits. Filed with the Secretary of State on January 27, 2006, effective February 26, 2006. Published in the Indiana Register on March 1, 2006 (29 IR 1876).

(B) Title 326: Air Pollution Control Board, Article 10: Nitrogen Oxides Rules, Rule 4: Nitrogen Oxides Budget Trading Program, Section 1: Applicability, Section 2: Definitions, Section 3: Retired unit exemption, Section 9: NOx allowance allocations, Section 13: Individual opt-ins, Section 14: NOx allowance banking, and Section 15: Compliance supplement pool. Filed with the Secretary of State on January 27, 2006, effective February 26, 2006. Published in the Indiana Register on March 1, 2006 (29 IR 1877).
(C) Title 326: Air Pollution Control Board, Article 10: Nitrogen Oxides Rules, Rule 5: Nitrogen Oxide Reduction Program for Internal Combustion Engines (ICE). Filed with the Secretary of State on January 27, 2006, effective February 26, 2006. Published in the Indiana Register on March 1, 2006 (29 IR 1899).

(185) The Indiana Department of Environmental Management submitted amendments on September 20, 2007 to the State Implementation Plan to Control Emissions from electric generating units (EGU) and non-EGUs. Rules affecting these units include: 326 Indiana Administrative Code (IAC) 24–1–2, 326 IAC 24–1–8, 326 IAC 24–1–12, 326 IAC 24–2–11, 326 IAC 24–3–1, 326 IAC 24–3–2, 326 IAC 24–3–8 and 326 IAC 24–3–12 respectively.

(i) Incorporation by reference. The following sections of the Indiana Administrative Code (IAC) are incorporated by reference:


(B) 326 IAC 1–2–48, “nonphotochemically reactive hydrocarbons” or “negligibly photochemically reactive compounds” defined; and 326 IAC 1–2–90, “volatile organic compound” or “VOC” defined. Filed with the Secretary of State on April 26, 2007, and effective on May 26, 2007. Published in the Indiana Register, on May 23, 2007 (DIN: 20070523–IR–326060412FRA).

(ii) Additional Materials. A December 19, 2007, letter from Daniel Murray, Assistant Commissioner of the Indiana Department of Environmental Management, Office of Air Quality, which limits the July 20, 2007, SIP revision request to the following definitions: 326 IAC 1–1–3, “References to the CFR”; 326 IAC 1–2–48, “nonphotochemically reactive hydrocarbons” or “negligibly photochemically reactive compounds” defined; and 326 IAC 1–2–90, “volatile organic compound” or “VOC” defined.

(187) On February 21, 2008, Indiana submitted revisions to its particulate matter SIP. On March 27, 2008, Indiana submitted a corrected copy of its rules. The submittal revises 326 IAC 6.5: Particulate Matter Limitations Except Lake County and 326 IAC 6.8: Particulate Matter Limitations for Lake County. This SIP revision updates facility names, revises formatting, removes sources no longer in operation, and revises some emission limits.

(i) Incorporation by reference. The following sections of Title 326 of the Indiana Administrative Code (IAC) are incorporated by reference:

Environmental Protection Agency § 52.800

(A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.5: Particulate Matter Limitations Except Lake County, Rule 1, General Provisions, sections 326 IAC 6.5–1 through 326 IAC 6.5–7, filed August 10, 2005, effective on September 9, 2005 and previously incorporated by reference (see paragraph (c)(173)(i)(A) of this section).


(C) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.5: Particulate Matter Limitations Except Lake County, Rule 3, Dearborn County, sections 326 IAC 6.5–3–1 through 326 IAC 6.5–3–9, filed January 23, 2008, effective on February 22, 2008.

(D) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.5: Particulate Matter Limitations Except Lake County, Rule 4, Dubois County, sections 326 IAC 6.5–4–1 through 326 IAC 6.5–4–24, filed January 23, 2008, effective on February 22, 2008.


(K) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations For Lake County, Rule 1, General Provisions, sections 326 IAC 6.8–1–1–1, Applicability, 6.8–1–5, Control strategies, and 6.8–1–7, Scope, filed January 23, 2008, effective on February 22, 2008; and Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations For Lake County, Rule 1, General Provisions, sections 326 IAC 6.8–1–1.5, Definitions, 6.8–1–2. Particulate emission limitations; fuel combustion steam generators, asphalt concrete plant, grain elevators, foundries, mineral aggregate operations; modification by commission, 6.8–1–3. Compliance Determination, 6.8–1–4. Compliance schedules, and 6.8–6–6, State implementation plan revisions, filed August 10, 2005, effective on September 9, 2005 and previously incorporated by reference (see paragraph (c)(173)(1)(A) of this section).

(L) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 2, Lake

(M) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 3, Lake County: Opacity Limits; Exceptions to 326 IAC 5–1–2, sections 326 IAC 6.8–3–1 through 326 IAC 6.8–3–4, filed January 23, 2008, effective on February 22, 2008.

(N) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 4, Lake County: Opacity Limits; Test Methods, filed January 23, 2008, effective on February 22, 2008.


(P) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 6, Lake County: Combustion Sources; Natural Gas, sections 326 IAC 6.8–6–1 through 326 IAC 6.8–6–20), filed January 23, 2008, effective on February 22, 2008.

(Q) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 7, Lake County: Site-Specific Control Requirements, sections 326 IAC 6.8–7–1 through 326 IAC 6.8–7–8, filed January 23, 2008, effective on February 22, 2008.

(R) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 8, Lake County: Continuous Compliance Plan, sections 326 IAC 6.8–8–1 Applicability, filed January 23, 2008, effective on February 22, 2008; and Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 8, Lake County: Continuous Compliance Plan, sections 326 IAC 6.8–8–2 Documentation; operation and maintenance procedures, 326 IAC 6.8–8–3 Plan requirements, 326 IAC 6.8–8–4 Plan; schedule for complying with 326 IAC 6.8–7, 326 IAC 6.8–8–5 Plan; source categories, 326 IAC 6.8–8–6 Plan; particulate matter control equipment; operation and maintenance, 326 IAC 6.8–8–7 Plan; particulate matter control equipment; recording; operation; inspection, 326 IAC 6.8–8–8 Plan; department review, filed August 10, 2005, effective on September 9, 2005 and previously incorporated by reference (see paragraph (c)(173)(i)(A) of this section).

(S) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 9, Lake County: PM10 Coke Battery Emission Requirements, section 326 IAC 6.8–9–3 Emission limitations, filed January 23, 2008, effective on February 22, 2008; and Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 9, Lake County: PM10 Coke Battery Emission Requirements, sections 326 IAC 6.8–9–1 Applicability, and 326 IAC 6.8–9–2 Definitions, filed August 10, 2005, effective on September 9, 2005 and previously incorporated by reference (see paragraph (c)(173)(i)(A) of this section).

(T) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 10, Lake County: Fugitive Particulate Matter, section 326 IAC 6.8–10–1 Applicability, filed January 23, 2008, effective on February 22, 2008; and Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6.8: Particulate Matter Limitations for Lake County, Rule 10, Lake County: Fugitive Particulate Matter, sections 326 IAC 6.8–10–2 Definitions, 326 IAC 6.8–10–3 Particulate matter emission limitations, and 326 IAC 6.8–10–4 Compliance requirements; control plans, filed August 10, 2005, effective on September 9, 2005 and previously incorporated by reference (see paragraph (c)(173)(i)(A) of this section).

(U) Indiana Administrative Code Title 326: Air Pollution Control Board,
Article 6.8: Particulate Matter Limitations for Lake County, Rule 11, Lake County: Particulate Matter Contingency Measures, sections 326 IAC 6.8–11–1 through 326 IAC 6.8–11–6, filed August 10, 2005, effective on September 9, 2005 and previously incorporated by reference (see paragraph (c)(173)(i)(A) of this section).

(ii) Additional material.

(A) Certificate of Authenticity, Indiana Administrative Code, (As Updated Through March 26, 2008), signed by John M. Ross, Executive Director, Legislative Services Agency.


(i) Incorporation by reference. Title 326 of the Indiana Administrative Code (IAC), section 1–1–3, “References to the Code of Federal Regulations” is incorporated by reference. The rule was filed with the Publisher of the Indiana Register on April 1, 2008, and became effective on May 1, 2008. Published in the Indiana Register, on April 30, 2008 (DIN: 20080430–IR–32607037FRA).

(189) On December 19, 2007, Indiana submitted modifications to its Federally Enforceable State Operating Permits rules as a revision to the state implementation plan on September 25, 2009, to amend 326 IAC 1–1–3, “References to the Code of Federal Regulations”. The revision extends the maximum permit term for renewals of Federally Enforceable State Operating Permits from five years to ten years. EPA has determined that this revision is approvable under the Clean Air Act.


(190) On September 11, 2008, Indiana submitted a revision to its SIP. The revisions add particulate matter, sulfur dioxide, and nitrogen oxides control and emission limitations on the Southern Indiana Gas and Electric Company’s F.B. Culley Generating Station, a power plant located in Warrick County, Indiana.


Filed with the Secretary of State on July 31, 2008 and effective on August 30, 2008. Published in Indiana Register 326070359 on August 28, 2008, LSA Document #07–309(F).

(191) On April 25, 2008, Indiana submitted regulations that incorporate its continuous emission monitoring requirements into its SIP. Indiana also submitted Commissioner’s Orders that provide an alternative monitoring plan for a Warrick County source. The alternative monitoring requirements allow
the use of a particulate matter continuous emissions monitoring system in place of a continuous opacity monitor.

(i) Incorporation by reference. (A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 3: Monitoring Requirements, Rule 5: Continuous Monitoring of Emissions, Section 1: Applicability; monitoring requirements for applicable pollutants. Filed with the Secretary of State on January 30, 1998, and effective on March 1, 1998. Published in 21 Indiana Register 2062–2079 on March 1, 1998. (B) Commissioner’s Order #2008–01 as issued by the Indiana Department of Environmental Management on February 11, 2008.

(193) On December 10, 2009, the Indiana Department of Environmental Management submitted several volatile organic compound rules for approval into the Indiana State Implementation Plan for the Lake and Porter County portion of the Chicago-Gary-Lake County, IL-IN, 8-hour ozone nonattainment area. This includes both revisions to existing rules and also new rules. Also submitted were subsequent technical corrections to typographical, clerical, or spelling errors for some of these rules.

(i) Incorporation by reference. (A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 1: General provisions, Section 0.5: Definitions, Section 2: Compliance Methods, and Section 4: Testing procedures, filed with the Publisher of the Indiana Register on November 3, 2009, and became effective on December 3, 2009. Published in the Indiana Register on December 2, 2009 (DIN: 20091202–IR–326090220FRA).

(B) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 2: Surface Coating Emission Limitations, Section 1: Applicability, Section 2: Automobile and light duty truck coating regulations, Section 5: Paper coating operations, Section 6: Metal furniture coating operations, Section 7: Large appliance coating operations, Section 9: Miscellaneous metal and plastic parts coating operations, and Section 10: Flat wood panels; manufacturing operations, filed with the Publisher of the Indiana Register on November 3, 2009, and became effective on December 3, 2009. Published in the Indiana Register on December 2, 2009 (DIN: 20091202–IR–326090221FRA).

(C) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 5: Miscellaneous Operations, Section 5: Graphic arts operations, filed with the Publisher of the Indiana Register on November 3, 2009, and became effective on December 3, 2009. Published in the Indiana Register on December 2, 2009 (DIN: 20091202–IR–326090222FRA).

(D) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 16: Offset Lithographic Printing and Letterpress Printing, filed with the Publisher of the Indiana Register on November 3, 2009, and became effective on December 3, 2009. Published in the Indiana Register on December 2, 2009 (DIN: 20091202–IR–326090221FRA).

(E) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 17: Industrial Solvent Cleaning Operations, filed with the Publisher of the Indiana Register on November 3, 2009, and became effective on December 3, 2009. Published in the Indiana Register on December 2, 2009 (DIN: 20091202–IR–326090221FRA).

(F) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 18: Synthetic Organic Chemical Manufacturing Industry Air Oxidation, Distillation, and Reactor Processes, filed with the Publisher of the Indiana Register on November 3, 2009, and became effective on December 3, 2009. Published in the Indiana Register on December 2, 2009 (DIN: 20091202–IR–326090222FRA).

effective on December 3, 2009. Published in the Indiana Register on December 2, 2009 (DIN: 20091202-IR-326090222FRA).

(H) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 20: Industrial Wastewater, filed with the Publisher of the Indiana Register on November 3, 2009, and became effective on December 3, 2009. Published in the Indiana Register on December 2, 2009 (DIN: 20091202-IR-326090222FRA).

(I) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 21: Aerospace Manufacturing and Rework Operations, filed with the Publisher of the Indiana Register on November 3, 2009, and became effective on December 3, 2009. Published in the Indiana Register on December 2, 2009 (DIN: 20091202-IR-326090222FRA).

(K) Corrections to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 1: General provisions, Section 2: Compliance Methods and Section 4: Testing procedures, filed with the Publisher of the Indiana Register on November 18, 2009, and became effective on January 2, 2010. Published in the Indiana Register on December 16, 2009 (DIN: 20091216-IR-326090221ACA).

(L) Corrections to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 2: Surface Coating Emission Limitations, Section 2: Automobile and light duty truck coating operations, filed with the Publisher of the Indiana Register on November 18, 2009, and became effective on January 2, 2010. Published in the Indiana Register on December 16, 2009 (DIN: 20091216-IR-326090220ACA).

(M) Corrections to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 16: Synthetic Organic Chemical Manufacturing Industry Air Oxidation, Distillation, and Reactor Processes, filed with the Publisher of the Indiana Register on November 19, 2009, and became effective on January 3, 2010. Published in the Indiana Register on December 16, 2009 (DIN: 20091216-IR-326090222ACA).

(N) Corrections to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 17: Industrial Solvent Cleaning Operations, filed with the Publisher of the Indiana Register on November 18, 2009, and became effective on January 2, 2010. Published in the Indiana Register on December 16, 2009 (DIN: 20091216-IR-326090222ACA).


Subpart Q—Iowa

§ 52.820 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable SIP for Iowa under section 110 of the CAA, 42 U.S.C. 7401, and 40 CFR part 51 to meet NAAQS.

(b) Incorporation by reference. (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 31, 2014, 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 December 31, 2014, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 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 SIP as of December 31, 2014.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; and the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551–7089. For information on the availability of this material at NARA, call (202) 741–6030, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

(c) EPA-approved regulations.
### Iowa Department of Natural Resources Environmental Protection Commission [567]

<table>
<thead>
<tr>
<th>Iowa citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>567–20.1</td>
<td>Scope of Title</td>
<td>1/15/14</td>
<td>5/15/14, 79 FR 27763</td>
<td>This rule is a non-substantive description of the Chapters contained in the Iowa rules. EPA has not approved all of the Chapters to which this rule refers.</td>
</tr>
<tr>
<td>567–20.2</td>
<td>Definitions</td>
<td>04/22/15</td>
<td>8/10/15, 80 FR 33192</td>
<td></td>
</tr>
<tr>
<td>567–20.3</td>
<td>Air Quality Forms Generally</td>
<td>04/22/15</td>
<td>8/10/15, 80 FR 33192</td>
<td></td>
</tr>
<tr>
<td>567–21.1</td>
<td>Compliance Schedule</td>
<td>10/15/08</td>
<td>02/16/16, 81 FR 7710</td>
<td></td>
</tr>
<tr>
<td>567–21.2</td>
<td>Variances</td>
<td>4/4/07</td>
<td>10/16/07, 72 FR 58535</td>
<td></td>
</tr>
<tr>
<td>567–21.3</td>
<td>Emission Reduction Program</td>
<td>3/14/90</td>
<td>6/29/90, 55 FR 26690</td>
<td></td>
</tr>
<tr>
<td>567–21.4</td>
<td>Circumvention of Rules</td>
<td>3/14/90</td>
<td>6/29/90, 55 FR 26690</td>
<td></td>
</tr>
<tr>
<td>567–21.5</td>
<td>Evidence Used in Establishing That a Violation Has or Is Occurring</td>
<td>11/16/94</td>
<td>10/30/95, 60 FR 55198</td>
<td></td>
</tr>
<tr>
<td>567–21.6</td>
<td>Temporary Electricity Generation for Disaster Situations</td>
<td>10/15/08</td>
<td>12/29/09, 74 FR 68692</td>
<td></td>
</tr>
<tr>
<td>567–22.1</td>
<td>Permits Required for New or Existing Stationary Sources</td>
<td>4/22/15</td>
<td>8/10/15, 80 FR 33192</td>
<td>In 22.1(3) the following sentence regarding electronic submission is not SIP approved. The sentence is “Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal format specified by the department”.</td>
</tr>
<tr>
<td>567–22.2</td>
<td>Processing Permit Applications</td>
<td>4/22/15</td>
<td>8/10/15, 80 FR 33192</td>
<td></td>
</tr>
<tr>
<td>567–22.3</td>
<td>Issuing Permits</td>
<td>10/24/12</td>
<td>1/16/14, 79 FR 2787</td>
<td>Subrule 22.3(6) has not been approved as part of the SIP. Subrule 22.3(6), Limits on Hazardous Air Pollutants, has been approved under Title V and section 112(i). The remainder of the rule has not been approved pursuant to Title V and section 112(i).</td>
</tr>
<tr>
<td>567–22.4</td>
<td>Special Requirements for Major Stationary Sources Located in Areas Designated Attainment or Unclassified (PSD)</td>
<td>6/11/08</td>
<td>12/29/09, 74 FR 68692</td>
<td></td>
</tr>
<tr>
<td>567–22.5</td>
<td>Special Requirements for Nonattainment Areas</td>
<td>1/15/14</td>
<td>5/15/14, 79 FR 27763</td>
<td>Rescinded and moved to 567–31.20.</td>
</tr>
<tr>
<td>567–22.8</td>
<td>Permits by Rule</td>
<td>10/23/13</td>
<td>5/14/14, 79 FR 27490</td>
<td></td>
</tr>
<tr>
<td>567–22.9</td>
<td>Special Requirements for Visibility Protection</td>
<td>11/11/09</td>
<td>10/25/13, 78 FR 63887</td>
<td></td>
</tr>
<tr>
<td>567–22.10</td>
<td>Permitting Requirements for Country Grain Elevators, Country Grain Terminal Elevators, Grain Terminal Elevators and Feed Mill Equipment</td>
<td>9/10/14</td>
<td>8/10/15, 80 FR 33192</td>
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<td>Title</td>
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<tr>
<td>567–22.105</td>
<td>Title V Permit Applications</td>
<td>11/11/09</td>
<td>10/25/13, 78 FR 63887</td>
<td>Only subparagraph (2)(5) is approved as part of the SIP. In 22.105(1) &quot;Duty to apply the last sentence &quot;Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.&quot; is not approved. In 22.105(1) &quot;a&quot; new subparagraph (9) is not approved.</td>
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<tr>
<td>567–22.204</td>
<td>Voluntary Operating Permit Fees</td>
<td>12/14/94</td>
<td>4/30/96, 61 FR 18958.</td>
<td></td>
</tr>
<tr>
<td>567–22.207</td>
<td>Relation to Construction Permits</td>
<td>10/15/08</td>
<td>12/29/08, 74 FR 68692.</td>
<td></td>
</tr>
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</table>

**Chapter 23—Emission Standards for Contaminants**

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<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>567–23.1</td>
<td>Emission Standards</td>
<td>11/24/10</td>
<td>10/25/13, 78 FR 63887</td>
<td>Sections 23.1(2)–(5) are not approved in the SIP. Section 23.1(5) is approved as part of the 111(d) plan. Subrule 23.2(3)(g)(2) was not submitted for approval. Variances from open burning rule 23.2(2) are subject to EPA approval. Subrule 23.3(3) &quot;(d)&quot; is not SIP approved.</td>
</tr>
<tr>
<td>567–23.2</td>
<td>Open Burning</td>
<td>1/14/04</td>
<td>11/3/04, 69 FR 63945</td>
<td>...</td>
</tr>
<tr>
<td>567–23.3</td>
<td>Specific Contaminants</td>
<td>6/11/08</td>
<td>12/29/09, 74 FR 68692</td>
<td>Subrule 23.4(10) is not SIP approved.</td>
</tr>
<tr>
<td>567–23.4</td>
<td>Specific Processes</td>
<td>6/11/08</td>
<td>12/29/09, 74 FR 68692</td>
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</tbody>
</table>

**Chapter 24—Excess Emissions**

<table>
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<th>Title</th>
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<th>EPA approval date</th>
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<tr>
<td>567–24.2</td>
<td>Maintenance and Repair Requirements</td>
<td>3/14/90</td>
<td>6/29/90, 55 FR 26690.</td>
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</tbody>
</table>

**Chapter 25—Measurement of Emissions**

<table>
<thead>
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<th>Title</th>
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<th>EPA approval date</th>
</tr>
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<tbody>
<tr>
<td>567–25.1</td>
<td>Testing and Sampling of New and Existing Equipment.</td>
<td>10/24/12</td>
<td>1/16/14, 79 FR 2787.</td>
</tr>
</tbody>
</table>

**Chapter 26—Prevention of Air Pollution Emergency Episodes**

<table>
<thead>
<tr>
<th>Iowa citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
</tr>
</thead>
</table>

**Chapter 27—Certificate of Acceptance**

<table>
<thead>
<tr>
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<th>Title</th>
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<th>EPA approval date</th>
</tr>
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<td>567–27.3 ...</td>
<td>Ordinance or Regulations</td>
<td>3/14/90 6/29/90</td>
<td>55 FR 26690.</td>
</tr>
<tr>
<td>567–27.4 ...</td>
<td>Administrative Organization</td>
<td>3/14/90 6/29/90</td>
<td>55 FR 26690.</td>
</tr>
<tr>
<td>567–27.5 ...</td>
<td>Program Activities</td>
<td>3/14/90 6/29/90</td>
<td>55 FR 26690.</td>
</tr>
</tbody>
</table>

Chapter 28—Ambient Air Quality Standards

<table>
<thead>
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<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
</table>

Chapter 29—Qualification in Visual Determination of the Opacity of Emissions

<table>
<thead>
<tr>
<th>Iowa citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>567–29.1 ...</td>
<td>Methodology and Qualified Observer</td>
<td>5/13/98</td>
<td>5/22/00, 65 FR 32030.</td>
<td></td>
</tr>
</tbody>
</table>

Chapter 31—Nonattainment Areas

<table>
<thead>
<tr>
<th>Iowa citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>567–31.1 ...</td>
<td>Permit Requirements Relating to Nonattainment Areas</td>
<td>1/15/14</td>
<td>5/15/14, 79 FR 27763.</td>
<td></td>
</tr>
<tr>
<td>567–31.2 ...</td>
<td>Conformity of General Federal Actions to the Iowa SIP or Federal Implementation Plan.</td>
<td>1/15/14</td>
<td>5/15/14, 79 FR 27763.</td>
<td></td>
</tr>
<tr>
<td>567–31.3 ...</td>
<td>Nonattainment new source requirements for areas designated nonattainment on or after May 18, 1998.</td>
<td>1/15/14</td>
<td>5/15/14, 79 FR 27763.</td>
<td></td>
</tr>
<tr>
<td>567–31.4 ...</td>
<td>Preconstruction review permit program</td>
<td>1/15/14</td>
<td>5/15/14, 79 FR 27763.</td>
<td></td>
</tr>
<tr>
<td>567–31.9 ...</td>
<td>Actual PALs</td>
<td>1/15/14</td>
<td>5/15/14, 79 FR 27763.</td>
<td></td>
</tr>
<tr>
<td>567–31.10 ...</td>
<td>Validity of Rules</td>
<td>1/15/14</td>
<td>5/15/14, 79 FR 27763.</td>
<td></td>
</tr>
<tr>
<td>567–31.20 ...</td>
<td>Special requirements for nonattainment areas designated before May 18, 1998 (originally adopted in 567–22.5(455B)).</td>
<td>4/22/15</td>
<td>8/10/15, 80 FR 33192.</td>
<td></td>
</tr>
</tbody>
</table>

Chapter 33—Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality

<table>
<thead>
<tr>
<th>Iowa citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>567–33.1 ...</td>
<td>Purpose</td>
<td>1/15/14</td>
<td>5/15/14, 79 FR 27763.</td>
<td></td>
</tr>
<tr>
<td>567–33.3 ...</td>
<td>Special construction permit requirements for major stationary sources in areas designated attainment or unclassified (PSD).</td>
<td>4/22/14</td>
<td>8/10/15, 80 FR 33192.</td>
<td></td>
</tr>
<tr>
<td>567–33.39 ...</td>
<td>Plantwide applicability limitations (PALs)</td>
<td>11/1/06</td>
<td>5/14/07, 72 FR 27056.</td>
<td></td>
</tr>
<tr>
<td>567–33.310 ...</td>
<td>Exceptions to adoption by reference</td>
<td>11/1/06</td>
<td>5/14/07, 72 FR 27056.</td>
<td></td>
</tr>
</tbody>
</table>

Chapter 34—Provisions for Air Quality Emissions Trading Programs

<table>
<thead>
<tr>
<th>Iowa citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>567–34.1 ...</td>
<td>Purpose</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
<td></td>
</tr>
<tr>
<td>567–34.201 ...</td>
<td>CAIR NOx annual trading program provisions</td>
<td>11/28/07</td>
<td>4/15/08, 73 FR 20177.</td>
<td></td>
</tr>
<tr>
<td>567–34.202 ...</td>
<td>CAIR designated representative for CAIR NOx sources.</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
<td></td>
</tr>
<tr>
<td>567–34.203 ...</td>
<td>Permits</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
<td></td>
</tr>
<tr>
<td>567–34.205 ...</td>
<td>CAIR NOx allowance allocations</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
<td></td>
</tr>
<tr>
<td>567–34.206 ...</td>
<td>CAIR NOx allowance tracking system</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
<td></td>
</tr>
<tr>
<td>567–34.207 ...</td>
<td>CAIR NOx allowance transfers</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
<td></td>
</tr>
<tr>
<td>567–34.208 ...</td>
<td>Monitoring and reporting</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
<td></td>
</tr>
<tr>
<td>567–34.209 ...</td>
<td>CAIR NOx opt-in units</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
<td></td>
</tr>
<tr>
<td>567–34.210 ...</td>
<td>CAIR SO2 trading program</td>
<td>11/28/07</td>
<td>4/15/08, 73 FR 20177.</td>
<td></td>
</tr>
<tr>
<td>567–34.220 ...</td>
<td>CAIR NOx ozone season trading program</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
<td></td>
</tr>
<tr>
<td>567–34.221 ...</td>
<td>CAIR NOx ozone season trading program general.</td>
<td>11/28/07</td>
<td>4/15/08, 73 FR 20177.</td>
<td></td>
</tr>
<tr>
<td>567–34.222 ...</td>
<td>CAIR designated representative for CAIR NOx ozone season sources.</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
<td></td>
</tr>
<tr>
<td>567–34.223 ...</td>
<td>CAIR NOx ozone season permits</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
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<td>567–34.225 ...</td>
<td>CAIR NOx ozone season allowance allocations</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
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<td>567–34.226 ...</td>
<td>CAIR NOx ozone season allowance tracking system.</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
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<td>567–34.227 ...</td>
<td>CAIR NOx ozone season allowance transfers</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
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<td>567–34.228 ...</td>
<td>CAIR NOx ozone season monitoring and reporting</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
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<td>567–34.229 ...</td>
<td>CAIR NOx ozone season opt-in units</td>
<td>7/12/06</td>
<td>8/6/07, 72 FR 43539.</td>
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<td>Iowa citation</td>
<td>Title</td>
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<tr>
<td>Chapter 10</td>
<td>Linn County Air Quality Ordinance, Chapter 10</td>
<td>1/30/15</td>
<td>7/28/15, 80 FR 44870</td>
<td>The following definitions are not SIP-approved in Chapter 10.2: Anaerobic lagoon, Biomass, Chemical processing plants (ethanol production facilities that produce ethanol by natural fermentation included in NAICS code 325193 or 312140 are not included in this definition); Federally Enforceable; Greenhouse gases; Maximum Achievable Control Technology (MACT); MACT floor. The following sections are not SIP approved: 10.4(1), Title V Permits; 10.5(9)&quot;b&quot; Locally Required Permits; Exemptions from the Authorization to Install Permit to Operate Requirements; 10.5(9) &quot;II&quot;, Exemption for production painting, adhesive or coating units; 10.8(2)&quot;b&quot; Emissions From Fuel-Burning Equipment; Emission Limitation; 10.8(3) Emissions From Fuel-Burning Equipment; Exemptions for Residential Heaters Burning Solid Fuels; 10.8(4) Emissions from Fuel-Burning Equipment; Nuisance Conditions for Fuel Burning Equipment; 10.9(2), NSPS; 10.9(3), Emission Standards for HAPs; 10.9(4), Emission Standards for HAPs for Source Categories; 10.10(4) Variance from rules; 10.11, Emission of Objectionable Odors; 10.15, Variances, 10.17(13) Continuous Emissions Monitoring from Acid Rain Program, and 10.24, Penalty.</td>
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### EPA-APPROVED IOWA REGULATIONS—Continued

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<tr>
<td>Chapter V ... Polk County Board of Health Rules and Regulations Air Pollution Chapter V.</td>
<td>08/06/09</td>
<td>7/06/10, 75 FR 38745</td>
<td></td>
<td>Article I, Section 5-2; definition of “vari-ance”; Article VI, Sections 5–16(n), (o) and (p); Article VIII, Article IX, Sections 5–27(3) and (4); Article X, Section 5–28 subsections (a) through (c); Article XIII, and Article XVI, Section 5–75 are not a part of the SIP.</td>
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(d) EPA-approved State source-specific permits.

### EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS

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<tr>
<th>Name of source</th>
<th>Order/Permit No.</th>
<th>State Effective Date</th>
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<tr>
<td>(2) Interstate Power Company</td>
<td>89-AQ-04 .........................</td>
<td>2/21/90</td>
<td>11/1/91, 56 FR 56158</td>
<td>SO\textsubscript{2} Control Plan for Cedar Rapids.</td>
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<td>(3) Grain Processing Corporation</td>
<td>74-A-015-S</td>
<td>9/18/95</td>
<td>12/1/97, 62 FR 63454</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<td>(4) Grain Processing Corporation</td>
<td>79-A-194-S</td>
<td>9/18/95</td>
<td>12/1/97, 62 FR 63454</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<tr>
<td>(5) Grain Processing Corporation</td>
<td>95-A-374</td>
<td>9/18/95</td>
<td>12/1/97, 62 FR 63454</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<tr>
<td>(6) Grain Processing Corporation</td>
<td>74-A-175-S</td>
<td>9/14/95</td>
<td>12/1/97, 62 FR 63454</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<td>(7) Muscatine Power and Water</td>
<td>76-A-161S3</td>
<td>7/18/95</td>
<td>12/1/97, 62 FR 63454</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<td>(9) Monsanto Corporation</td>
<td>10-A-373</td>
<td>9/14/95</td>
<td>12/1/97, 62 FR 63454</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<td>(10) Monsanto Corporation</td>
<td>97-A-265S3</td>
<td>7/18/96</td>
<td>12/1/97, 62 FR 63454</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<td>(11) IES Utilities, Inc</td>
<td>97-AQ-20</td>
<td>11/20/98</td>
<td>3/11/99, 64 FR 12087</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<td>(12) Archer-Daniels-Midland Corporation.</td>
<td>1999-AQ-32</td>
<td>9/2/99</td>
<td>7/06/02, 67 FR 67563</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<tr>
<td>(14) Lafarge Corporation</td>
<td>98-AQ-08</td>
<td>3/13/98</td>
<td>3/18/99, 64 FR 13343</td>
<td>PM\textsubscript{10} control plan for Buffalo.</td>
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<td>(16) Holnam, Inc</td>
<td>Consent Amendment to A.C.O. 1999-AQ–31</td>
<td>5/16/01</td>
<td>11/6/02, 67 FR 67563</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<td>(17) Holnam, Inc</td>
<td>Permits for 17-01-009, Project Nos. 99–511 and 00–468</td>
<td>7/24/01</td>
<td>11/6/02, 67 FR 67563</td>
<td>SO\textsubscript{2} Emission Control Plan</td>
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<tr>
<td>Lehigh Portland Cement Company.</td>
<td>Permits for plant No. 17–01–005, Project Nos. 59–631 and 02–037.</td>
<td>2/18/02</td>
<td>11/6/02, 67 FR 67563 ... For a list of the 41 permits issued for individual emission points see IDNR letters to Lehigh dated 7/24/01 and 2/18/02.</td>
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<tr>
<td>Blackhawk Foundry and Machine Company.</td>
<td>A.C.O. 03–AQ–51</td>
<td>12/4/03</td>
<td>6/10/04, 69 FR 32454 ... Together with the permits listed below this order comprises the PM&lt;sub&gt;10&lt;/sub&gt; control strategy for Davenport, Iowa.</td>
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<tr>
<td>Blackhawk Foundry and Machine Company.</td>
<td>Permit No. 02–A–116 (Cold Box Core Machine).</td>
<td>8/19/02</td>
<td>6/10/04, 69 FR 32454 ... Provisions of the permit that relate to pollutants other than PM&lt;sub&gt;10&lt;/sub&gt; are not approved by EPA as part of this SIP.</td>
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<tr>
<td>Blackhawk Foundry and Machine Company.</td>
<td>Permit No. 02–A–290 (Wheelabrator #2 and Casting Sorting).</td>
<td>8/19/02</td>
<td>6/10/04, 69 FR 32454 ... Provisions of the permit that relate to pollutants other than PM&lt;sub&gt;10&lt;/sub&gt; are not approved by EPA as part of this SIP.</td>
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<tr>
<td>Blackhawk Foundry and Machine Company.</td>
<td>Permit No. 02–A–291 (Mold Sand Silo).</td>
<td>8/19/02</td>
<td>6/10/04, 69 FR 32454 ... Provisions of the permit that relate to pollutants other than PM&lt;sub&gt;10&lt;/sub&gt; are not approved by EPA as part of this SIP.</td>
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<tr>
<td>Blackhawk Foundry and Machine Company.</td>
<td>Permit No. 02–A–292 (Bond Storage).</td>
<td>8/19/02</td>
<td>6/10/04, 69 FR 32454 ... Provisions of the permit that relate to pollutants other than PM&lt;sub&gt;10&lt;/sub&gt; are not approved by EPA as part of this SIP.</td>
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<tr>
<td>Blackhawk Foundry and Machine Company.</td>
<td>Permit No. 02–A–293 (In-duction Furnace and Aluminum Sweat Furnace).</td>
<td>8/19/02</td>
<td>6/10/04, 69 FR 32454 ... Provisions of the permit that relate to pollutants other than PM&lt;sub&gt;10&lt;/sub&gt; are not approved by EPA as part of this SIP.</td>
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<tr>
<td>Blackhawk Foundry and Machine Company.</td>
<td>Permit No. 77–A–114–S1 (Wheelabrator #1 &amp; Grinding).</td>
<td>8/19/02</td>
<td>6/10/04, 69 FR 32454 ... Provisions of the permit that relate to pollutants other than PM&lt;sub&gt;10&lt;/sub&gt; are not approved by EPA as part of this SIP.</td>
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<tr>
<td>Blackhawk Foundry and Machine Company.</td>
<td>Permit No. 84–A–055–S1 (Cupola ladle, Pour deck ladle, Sand shakeout, Muller, Return sand #1, Sand cooler, Sand screen, and Return sand #2).</td>
<td>8/19/02</td>
<td>6/10/04, 69 FR 32454 ... Provisions of the permit that relate to pollutants other than PM&lt;sub&gt;10&lt;/sub&gt; are not approved by EPA as part of this SIP.</td>
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<tr>
<td>Blackhawk Foundry and Machine Company.</td>
<td>Permit No. 72–A–060–S5 (Cupola).</td>
<td>8/19/02</td>
<td>6/10/04, 69 FR 32454 ... Provisions of the permit that relate to pollutants other than PM&lt;sub&gt;10&lt;/sub&gt; are not approved by EPA as part of this SIP.</td>
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<tr>
<td>Grain Processing Corporation</td>
<td>Administrative Consent Order NO.2014–AQ–A1.</td>
<td>2/14/14</td>
<td>12/1/14, 79 FR 71025 ... The last sentence of Paragraph 6, Section III and Section VI are not approved by EPA as part of the SIP.</td>
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<tr>
<td>Muscatine Power and Water.</td>
<td>Permit No. 74–A–175–S3</td>
<td>7/22/13</td>
<td>12/1/14, 79 FR 71025.</td>
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Environmental Protection Agency

§ 52.820

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

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Name of source

State effective
date

Order/Permit No.

(32) Muscatine Power and Water ..
(33) Muscatine Power and Water ..
(34) Muscatine Power and Water ..
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80–A–007–S3
80–A–191–P2
80–A–193–S3
80–A–194–S3
80–A–197–S2
80–A–200–S1
80–A–201–S1
80–A–202–S2
93–A–283–S2
93–A–288–S3
93–A–289–S3
93–A–290–S3
93–A–373–P2
00–A–638–S3
00–A–639–S1
00–A–689–S1
00–A–684–S1
00–A–686–S1
00–A–687–S1
01–A–193–S2
01–A–218–S1
01–A–456–S1
01–A–617–S1
04–A–618–S1
04–A–619–S1
11–A–562–S1
13–A–139 ........
13–A–140 ........
13–A–141 ........
13–A–142 ........
13–A–143 ........
13–A–146 ........
13–A–147 ........
13–A–148 ........
13–A–150 ........
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13–A–155 ........
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13–A–158 ........
13–A–159 ........
13–A–161 ........
80–A–196–S3
93–A–286–S4
01–A–457–S4
06–A–650–S2
13–A–160 ........
93–A–251–S5
93–A–252–S5
93–A–253–S5
93–A–254–S3
00–A–1086–S2
00–A–1087–S2
00–A–1088–S2
93–A–255–S7
96–A–629–S3
96–A–630–S5
96–A–631–S3
96–A–636–S3
00–A–529–S2
00–A–530–S2
00–A–531–S2
00–A–532–S2
00–A–533–S2
93–A–256–S6
96–A–632–S5
96–A–633–S5
96–A–634–S5

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### EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Order/Permit No.</th>
<th>State effective date</th>
<th>EPA Approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union Tank Car Company</td>
<td>Permit No. 96-A-635-S5</td>
<td>4/08/13</td>
<td>12/1/14, 79 FR 71025.</td>
<td></td>
</tr>
<tr>
<td>Union Tank Car Company</td>
<td>Permit No. 00-A-1089-S2</td>
<td>4/08/13</td>
<td>12/1/14, 79 FR 71025.</td>
<td></td>
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<tr>
<td>Union Tank Car Company</td>
<td>Permit No. 00-A-1090-S2</td>
<td>4/08/13</td>
<td>12/1/14, 79 FR 71025.</td>
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</tr>
<tr>
<td>Union Tank Car Company</td>
<td>Permit No. 00-A-1091-S2</td>
<td>4/08/13</td>
<td>12/1/14, 79 FR 71025.</td>
<td></td>
</tr>
<tr>
<td>Griffin Pipe Products Co., LLC.</td>
<td>Administrative Consent Order No. 2015-AQ-02</td>
<td>1/29/15</td>
<td>2/26/16, 81 FR 9770.</td>
<td></td>
</tr>
</tbody>
</table>

(e) The EPA approved nonregulatory provisions and quasi-regulatory measures.

### EPA-APPROVED IOWA NONREGULATORY PROVISIONS

<table>
<thead>
<tr>
<th>Name of nonregulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA Approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Pollution Control Implementation Plan</td>
<td>Statewide</td>
<td>1/27/72</td>
<td>5/31/72, 37 FR 10842.</td>
<td></td>
</tr>
<tr>
<td>Request for a Two Year Extension to Meet the NAAQS</td>
<td>Council Bluffs</td>
<td>1/27/72</td>
<td>5/31/72, 37 FR 10842</td>
<td>Correction notice published 3/2/76.</td>
</tr>
<tr>
<td>Revisions to Appendices D and G</td>
<td>Statewide</td>
<td>2/2/72</td>
<td>5/31/72, 37 FR 10842</td>
<td>Correction notice published 3/2/76.</td>
</tr>
<tr>
<td>Source Surveillance and Record Maintenance Statements</td>
<td>Statewide</td>
<td>4/14/72</td>
<td>3/2/76, 41 FR 8956</td>
<td>[FRL 484-4].</td>
</tr>
<tr>
<td>Statement Regarding Public Availability of Emissions Data</td>
<td>Statewide</td>
<td>5/2/72</td>
<td>3/2/76, 41 FR 8956</td>
<td>[FRL 484-4].</td>
</tr>
<tr>
<td>Letter Describing the Certificates of Acceptance for Local Air Pollution Control Programs</td>
<td>Linn County, Polk County</td>
<td>12/14/72</td>
<td>10/1/76, 41 FR 43406</td>
<td>[FRL 616-1].</td>
</tr>
<tr>
<td>High Air Pollution Episode Continency Plan</td>
<td>Statewide</td>
<td>6/20/73</td>
<td>10/1/76, 41 FR 43406</td>
<td>[FRL 616-1].</td>
</tr>
<tr>
<td>Nonattainment Plans</td>
<td>Mason City, Davenport, Cedar Rapids, Des Moines.</td>
<td>6/22/79</td>
<td>3/6/80, 45 FR 14561</td>
<td>[FRL 1427-5].</td>
</tr>
<tr>
<td>Information on VOC Sources to Support the Nonattainment Plan</td>
<td>Linn County</td>
<td>10/8/79</td>
<td>3/6/80, 45 FR 14561</td>
<td>[FRL 1427-5].</td>
</tr>
<tr>
<td>Information and Commitments Pertaining to Legally Enforceable RACT Rules to Support the Nonattainment Plan</td>
<td>Linn County</td>
<td>11/16/79</td>
<td>3/6/80, 45 FR 14561</td>
<td>[FRL 1427-5].</td>
</tr>
<tr>
<td>Letter to Support the Lead Plan</td>
<td>Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.</td>
<td>4/18/80</td>
<td>4/17/81, 46 FR 22368</td>
<td>[A-7-FRL-1792-2].</td>
</tr>
<tr>
<td>Name of nonregulatory SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submittal date</td>
<td>EPA Approval date</td>
<td>Explanation</td>
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</tr>
<tr>
<td>(17) Information to Support the Particulate Matter Nonattainment Plan</td>
<td>Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo</td>
<td>9/16/80</td>
<td>4/17/81, 46 FR 22368</td>
<td>[A–7–FRL 1792–2].</td>
</tr>
<tr>
<td>(19) Schedule for Studying Nontraditional Sources of Particulate Matter and for Implementing the Results</td>
<td>Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo</td>
<td>6/26/81</td>
<td>3/5/82, 47 FR 9462</td>
<td>[A–7–FRL–2057–7].</td>
</tr>
<tr>
<td>(22) Letter of Commitment to Submit Stack Height Regulations and to Implement the EPA's Regulations until the State's Rules Are Approved</td>
<td>Statewide</td>
<td>4/22/86</td>
<td>7/11/86, 51 FR 25199</td>
<td>[EPA Action IA 2060; A–7–FRL–3046–8].</td>
</tr>
<tr>
<td>(23) Letter of Commitment to Implement the Stack Height Regulations in a Manner Consistent with the EPA's Stack Height Regulations with Respect to NSR/PSD Regulations</td>
<td>Statewide</td>
<td>4/22/87</td>
<td>6/26/87, 52 FR 23981</td>
<td>[A–7–FRL–3216–5].</td>
</tr>
<tr>
<td>(24) PM\textsubscript{10} SIP</td>
<td>Statewide</td>
<td>10/28/88</td>
<td>8/15/89, 54 FR 33536</td>
<td>[FRL–3627–7].</td>
</tr>
<tr>
<td>(25) Letter Pertaining to NO\textsubscript{x} Rules and Analysis Which Certifies the Material Was Adopted by the State on October 17, 1990</td>
<td>Statewide</td>
<td>11/8/90</td>
<td>2/13/91, 56 FR 5757</td>
<td>[FRL–3903–5].</td>
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<tr>
<td>(26) SO\textsubscript{2} Plan</td>
<td>Clinton</td>
<td>3/13/91</td>
<td>11/1/91, 56 FR 56158</td>
<td>[IA–21–5182; FRL–4014–4].</td>
</tr>
<tr>
<td>(28) Letter Concerning Open Burning Exemptions</td>
<td>Statewide</td>
<td>10/3/91</td>
<td>1/22/92, 57 FR 2472</td>
<td>[IA5–1–5380; FRL–4039–5].</td>
</tr>
<tr>
<td>(32) SO\textsubscript{2} Plan</td>
<td>Muscatine</td>
<td>6/19/96</td>
<td>12/1/97, 62 FR 63454</td>
<td>[IA 036–1036, FRL–5929–3].</td>
</tr>
<tr>
<td>(33) SO\textsubscript{2} Maintenance Plan</td>
<td>Muscatine</td>
<td>4/25/97</td>
<td>3/19/98, 63 FR 13343</td>
<td>[IA 040–1040(a), FRL–5980–2].</td>
</tr>
</tbody>
</table>
### EPA-APPROVED IOWA NONREGULATORY PROVISIONS—Continued

<table>
<thead>
<tr>
<th>Name of nonregulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA Approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(38) CAA 110(a)(1) and (2)-Ozone Infrastructure SIP</td>
<td>Statewide</td>
<td>6/15/07</td>
<td>3/04/08, 73 FR 11554</td>
<td>[EPA–R07–OAR–2012–0153; FRL–9668–1] §52.842(a); Limited Approval.</td>
</tr>
<tr>
<td>(40) Sections 110(a)(1) and (2) Infrastructure Requirements 2008 Lead NAAQS</td>
<td>Statewide</td>
<td>11/4/11</td>
<td>11/2/15, Correction 3/25/16, 81 FR 16094</td>
<td></td>
</tr>
<tr>
<td>(41) Section 128 Declaration: Conflicts of Interest Provisions; Constitution of the State of Iowa, Article 1, Section 2</td>
<td>Iowa Code: 4.4.(5), 7E.4, Chapter 68B</td>
<td></td>
<td></td>
<td>This action addresses the following sections of the Constitution of the State of Iowa, Article 1, section 2; Iowa Code: 4.4 (5), 7e.4, Chapter 68B; Iowa Administrative Code: 351 IAC 6.11, 351 IAC 6.14(2), 351 IAC 6.19, 351 IAC 7.1–7.2, 567 IAC 1.11 (1–9).</td>
</tr>
</tbody>
</table>

(64 FR 7094, Feb. 12, 1999)

**Editorial Notes:** For Federal Register citations affecting §52.820, 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 Note:** At 81 FR 39586, June 17, 2016, §52.820(c) was amended in the table by revising the entries for 567–20.2, 567–21.1, 567–33.3, and 567–33.9, effective Aug. 16, 2016. For the convenience of the user, the revised text is set forth as follows:

### §52.820 Identification of Plan

* * * * *

(c) * * *
§ 52.821  Classification of regions.

The Iowa plan was evaluated on the basis of the following classification:

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan Omaha-Council Bluffs Interstate</td>
<td>I</td>
<td>II</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Metropolitan Sioux Falls Interstate</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Metropolitan Sioux City Interstate</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Metropolitan Dubuque Interstate</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Metropolitan Quad Cities Interstate</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Burlington-Kokuk Interstate</td>
<td>I</td>
<td>I</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Northwest Iowa Intrastate</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td>North Central Iowa Intrastate</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Northeast Iowa Intrastate</td>
<td>I</td>
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<td>III</td>
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<td>III</td>
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<td>Southwest Iowa Intrastate</td>
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<td>South Central Iowa Intrastate</td>
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<td>III</td>
<td>I</td>
</tr>
<tr>
<td>Southeast Iowa Intrastate</td>
<td>I</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
</tbody>
</table>

§ 52.822 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Iowa’s plan for the attainment and maintenance of the national standards. Further, the Administrator finds the plan satisfies all requirements of Part D, Title I, of the Clean Air Act as amended in 1977, except as noted below.

(b) [Reserved]


§ 52.823 PM–10 State Implementation Plan Development in Group II Areas.

The Iowa Department of Natural Resources committed to comply with the PM–10 regulations as set forth in 40 CFR part 51. In a letter to Morris Kay, EPA, dated October 28, 1987, Mr. Larry J. Wilson, Director, Iowa Department of Natural Resources, stated:

Three groups within the State of Iowa have been classified as Group II areas for fine particulate (PM–10) State Implementation Plan (SIP) development purposes. This includes portions of the cities of Des Moines, Mason City, and Cedar Rapids. The specific boundaries of these areas were identified in a letter of October 13, 1987, from Peter R. Hamlin to Carl Walter. The remainder of the State was classified as Group III.

In accordance with the SIP development procedures identified in the preamble of the PM–10 regulations for Implementing Revised Particulate Matter Standards, promulgated July 1, 1987, the State of Iowa commits to perform the following activities in these three Group II areas of the state:

(a) Gather ambient PM–10 data, to an extent consistent with minimum EPA requirements (note the network description contained in a letter of January 26, 1988, from Peter R. Hamlin to John Helvig).

(b) Analyze and verify the ambient PM–10 data and report exceedances of the 24-hour PM–10 National Ambient Air Quality Standards (NAAQS) to the Regional Office within 60 days of each exceedance.

(c) Immediately notify the Regional Office:

(1) Upon the availability of an appropriate number of verifiable 24-hour NAAQS exceedances to indicate a violation (see Section 2.0 of the PM–10 SIP development guideline) or

(2) when an annual arithmetic mean (AAM) above the annual PM–10 NAAQS becomes available.

(d) Within thirty (30) days of any notification of the Regional Office pursuant to (c) above (or upon collection of thirty-six (36) months of PM–10 ambient air quality data acceptable to EPA, whichever comes first) determine whether the measures in the existing SIP will assure timely attainment and maintenance of the primary PM–10 NAAQS and immediately notify the Regional Office of the results of this determination.

(e) Within six (6) months of any notification pursuant to (d) above, adopt and submit to EPA a PM–10 control strategy that assures attainment as expeditiously as practicable but not later than three (3) years from approval of the Committal SIP.

Because of the uncertainty about when the determination can be made pursuant to (d) above, it is difficult to determine if that control strategy could provide for the attainment of the PM–10 NAAQS within three years from the date EPA approves this Committal SIP. Therefore, I reserve the right to request a two-year extension of the attainment date as provided in Section 110(e) of the Clean Air Act, if and when the State of Iowa submits a SIP revision for any of these areas of the state.

The State of Iowa also commits to develop a PM–10 emission inventory for the areas submitted as part of any PM–10 SIP pursuant to items (c), (d), and (e) above. If the PM–10 NAAQS are not violated, the State of Iowa will proceed with this inventory for the three Group II areas in accordance with the following schedule:

October 1, 1989—Request special assistance funds from EPA to perform the inventory.

October 1, 1989—Initiate inventory.

August 1, 1990—Complete inventory.

October 31, 1990—Submit inventory as part of a determination of adequacy that the current SIP will attain and maintain the PM–10 NAAQS.

[54 FR 33539, Aug. 15, 1989]

§ 52.824 Original identification of plan section.

(a) This section identifies the original “Air Implementation Plan for the State of Iowa” and all revisions submitted by Iowa that were Federally approved prior to July 1, 1998.

(b) The plan was officially submitted on January 27, 1972.

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

(1) Request for a two-year extension to meet the National Primary and Secondary Ambient Air Quality Standards

*Presuming that sufficient ambient data acceptable to EPA are collected by July 31, 1990, and available by September 30, 1990.

942
for nitrogen dioxide in the Metropolitan Omaha-Council Bluffs Interstate Air Quality Control Region was submitted by the Governor on January 27, 1972. (Non-regulatory)

(2) Revisions of Appendices D and G of the plan were submitted on February 2, 1972, by the State Department of Health. (Non-regulatory)

(3) Source surveillance and record maintenance statements were submitted on April 14, 1972, by the State Department of Health. (Non-regulatory)

(4) Revised statement regarding public availability of emission data was submitted on May 2, 1972, by the State Department of Health. (Non-regulatory)

(5) State submitted Senate File 85 which created the Department of Environmental Quality and replaced the Iowa air pollution control statute which appeared as Chapter 136B of the Code of Iowa, on May 4, 1972. (Regulatory)

(6) A letter describing the issuance of a Certificate of Acceptance for the local air pollution control programs conducted by the Linn County Board of Health for the jurisdictions of the City of Cedar Rapids and Linn County, and the Des Moines-Polk County Health Department for the jurisdictions of the City of Des Moines and Polk County was submitted by the State Department of Health on December 14, 1972. (Non-regulatory)

(7) Compliance schedules were submitted by the State in February 1973. (Regulatory)

(8) Compliance schedules were submitted by the State in May 1973. (Regulatory)

(9) The State of Iowa High Air Pollution Episode Contingency Plan was submitted on June 20, 1973, by the Governor.

(10) The letter which requested the inclusion of the Linn County Health Department Rules and Regulations, the City of Cedar Rapids Air Pollution Control Ordinance, the Polk County Rules and Regulations—Air Pollution Control, and the City of Des Moines Air Pollution Control Regulations in the State of Iowa implementation plan was submitted by the State Department of Environmental Quality on June 25, 1974. (No approval action was taken on the request because it did not meet the procedural requirements specified in 40 CFR part 51.)

(11) Revisions of Rules 2.1, 3.1, 3.4, 4.1, 4.3(3) and 4.3(4) of the Iowa Rules and Regulations Relating to Air Pollution Control were submitted on April 24, 1974 (by the Governor’s office). (No approval or disapproval action was taken on amended Subrule 4.3(3)a., which restricts emissions of sulfur oxides from fuel-burning sources.) (Regulatory)

(12) Compliance schedules were submitted by the State in May 1974.

(13) Compliance schedules were submitted by the State in May 1974.

(14) Compliance schedules were submitted by the State in July 1974.

(15) Compliance schedules were submitted by the State in August 1974.

(16) A letter from the Director of the Department of Environmental Quality, dated August 29, 1974, which requested that no further action be taken on Subrule 4.3(3) a. as submitted on April 24, 1974. (Regulatory)

(17) Compliance schedules were submitted by the State in September 1974.

(18) Compliance schedules were submitted by the State in November 1974.

(19) Compliance schedules were submitted by the State in February 1975.

(20) Compliance schedules were submitted by the State in April 1975.

(21) Compliance schedules were submitted by the State in June 1975.

(22) Revisions of Rules 1.2, 2.1, 3.1, 3.4, 4.1, 4.2, 4.3, 5.1, 7.1, 8.3 and 8.4 of the Iowa Rules and Regulations Relating to Air Pollution Control were submitted on July 17, 1975, by the Governor’s office. (Regulatory) (No approval or disapproval action was taken on Subrules 4.3(2)c. or 4.3(3)b.)

(23) Summary of the public hearing which was held on the revised rules which were submitted on July 17, 1975, by the Governor’s office was submitted by the Iowa Department of Environmental Quality on September 3, 1975. (Non-regulatory)

(24) Letter which withdrew amended Subrule 4.3(2)c. from the proposed Iowa plan revision submitted on July 17, 1975, was submitted by the Governor’s office on January 20, 1976.

(25) Revisions to Rules 1.2, 2.1, 3.1, 3.2, 4.1, 4.3, 4.4, and new Chapters 14 and 52.
§ 52.824

of the Iowa Administrative Code Relating to Air Pollution Control were submitted June 9, 1976, by the Department of Environmental Quality (Subrules 4.3(3)a(1) and 4.3(3)a(5) were disapproved).

(26) Additional air quality modeling to support the sulfur dioxide emission standards of Subrules 4.3(3)a(1) and 4.3(3)a(2) was submitted March 4, 1977, by the Department of Environmental Quality (Non-regulatory).

(26a) Revisions of Rules 1.2, 4.3(2)b, 4.4(6), 4.4(12) and of Chapter 7 of the Iowa Administrative Code relating to Air Pollution Control were submitted June 20, 1977, by the Department of Environmental Quality.

(27) Nonattainment plan provisions as required by the Clean Air Act Amendments of 1977 were submitted on June 22, 1979, by the Department of Environmental Quality. The submission included amended rule 4.3(2) relating to fugitive dust and new rule 4.5 relating to offsets for particulate matter. The revisions included attainment plans for particulate in Mason City and Davenport, particulate and ozone in Cedar Rapids and particulate and carbon monoxide in Des Moines. The submission was disapproved in part for failure to meet the requirements of Section 173 and was conditionally approved with respect to several requirements.

(28) On October 8, 1979, the Iowa Department of Environmental Quality submitted additional information to support the June 22, 1979, submission.

(29) On November 16, 1979, the Iowa Air Quality Commission submitted additional information and commitments to allow approval or conditional approval of portions of the June 22, 1979, submission.

(30) Nonattainment plan provisions as required by the Clean Air Act Amendments of 1977 were submitted on April 18, 1980, by the Department of Environmental Quality. The submission included amended rule 4.3(2) relating to fugitive dust and amended rule 3.5 relating to particulate matter offsets. The revisions included plans to attain the secondary particulate standards for all areas designated nonattainment as of March 6, 1980. The submission was conditionally approved with respect to several requirements.

(31) The State of Iowa Lead State Implementation Plan was submitted on August 19, 1980 by the Director of the Department of Environmental Quality.

(32) Additional information to support the April 18, 1980 submission was submitted on September 16, 1980, by the Department of Environmental Quality.

(33) Additional information to support the April 18, 1980 submission was submitted on November 17, 1980, by the Department of Environmental Quality.

(34) A revised Chapter 5, dealing with excess emissions and malfunctions was submitted on December 23, 1980, by the Department of Environmental Quality.

(35) [Reserved]

(36) A letter was submitted dated January 19, 1981 by the Director of the Department of Environmental Quality which provided additional information concerning the Iowa Lead State Implementation Plan.

(37) A variance from 400—4.2(1) of the Iowa Administrative Code for the Iowa Army Ammunition Plant at Middletown, Iowa, was submitted on October 19, 1979 by the Executive Director.

(38) Revisions to Subrule 400—4.3(2)"c" relating to fugitive emissions control and a document describing how this subrule is to be enforced were submitted on June 20, 1979, by the Department of Environmental Quality.

(39) A schedule for studying nontraditional sources of particulate matter and for implementing the results of the studies in the form of control strategies was submitted on June 26, 1981 by the Department of Environmental Quality. (Non-Regulatory).

(40) Revisions to Subrule 400—4.3(2)"b" relating to particulate emissions from fuel burning sources were submitted on July 31, 1981, by the Department of Environmental Quality.

(41) The Iowa Ambient Air Monitoring Strategy was submitted July 15, 1981, by the Department of Environmental Quality (non-regulatory).

(42) A conditional permit containing an alternative emission reduction program for the Progressive Foundry, Inc., of Perry, Iowa, under 400—3.7 and 400—4.6 of the Iowa Administrative Code; and an administrative order setting forth a compliance schedule, were submitted on December 18, 1981, by the Executive Director.
Director. The conditional permit specifies particulate emissions not to exceed 16.3 pounds per hour from the gray iron cupola with a process weight rate not to exceed 8534 pounds per hour and specifies the casting shakeout exhaust system shall not exceed 0.05 grains per standard cubic foot nor 12.8 pounds per hour of particulate matter. The compliance schedule specifies a final compliance date of September 1, 1983.

(43) On July 1, 1983, the State’s air pollution control regulations were recodified at Department 900, Title II, Chapters 20 through 29.

(44) Revised Chapter 22 regulations, dealing with new source review in nonattainment areas, were submitted on July 18, 1984, by the Iowa Department of Water, Air and Waste Management. Subrules 22.5(4) g, i, and j remain unapproved. EPA will temporarily defer action on these subrules pending a May 14, 1985, commitment from the State to submit appropriate revisions.

(i) Incorporation by reference. Revised Chapter 22 regulations, dealing with new source review in nonattainment areas, adopted by the State on July 17, 1984.

(ii) Additional material. May 14, 1985, letter of commitment from the State to revise unapprovable portions of their Chapter 22 air pollution regulations.

(45) Revised Chapter 22 subrules 22.5(2) a and b; and revised subrules 22.5(4) g, i, and j, all relating to new source review in nonattainment areas, were submitted on December 31, 1985, by the Iowa Department of Water, Air and Waste Management.

(a) Incorporation by reference.

(i) Revised Chapter 22 subrules 22.5(2) a and b; and subrules 22.5(4) g, i, and j, adopted by the State on December 17, 1985.

(ii) April 22, 1986, letter of commitment from the Iowa Department of Water, Air and Waste Management to submit stack height regulations for modeling purposes were submitted on May 20, 1986, by the Iowa Department of Natural Resources. Revised definition of “emission limitation” and “emission standard” at Iowa regulation 567.20.2(455B), Definitions.

(i) Incorporation by reference. Revised Chapter 22 subrule 22.1(2)“d” exemptions from permit requirements were submitted on September 13, 1988, by the Iowa Department of Natural Resources. The revision clarifies permit exemptions for certain grain roasting equipment.


(46) Revised Chapter 22 regulations pertaining to new source review in attainment and unclassified areas of the state (PSD) were submitted on March 9, 1987, by the Iowa Department of Natural Resources.


(B) Letter from Iowa dated April 22, 1987, committing to implementation of its stack height regulations in a manner consistent with EPA’s stack height regulations with respect to new source review/PSD regulations.

(47) Revised Chapters 22 and 23 regulations pertaining to stack height credits for modeling purposes were submitted on May 20, 1986, by the Iowa Department of Natural Resources. Revised Chapter 22 subrules 22.1(2)“d” exemptions from permit requirements were submitted on September 13, 1988, by the Iowa Department of Natural Resources. The revision clarifies permit exemptions for certain grain roasting equipment.

(i) Incorporation by reference. Revised Chapter 22 subrule 22.1(2)“d” exemptions from permit requirements were submitted on September 13, 1988, by the Iowa Department of Natural Resources. The revision clarifies permit exemptions for certain grain roasting equipment.


(48) Revised Chapter 22, subrule 22.1(2)“d” exemptions from permit requirements were submitted on September 13, 1988, by the Iowa Department of Natural Resources. The revision clarifies permit exemptions for certain grain roasting equipment.


(49) Revised Polk County, Iowa, Board of Health Rules and Regulations, Chapter V, Air Pollution, submitted by the Iowa Department of Natural Resources on February 3, 1988. EPA approves these regulations with the proviso that any operating permit which changes any requirement of the Iowa SIP, including requirements in any construction permit, must be submitted to EPA, and approved, as a SIP revision. In the absence of such approval, the enforceable requirements shall be those in the Iowa SIP.
§ 52.824

(1) Incorporation by reference. (A) ordinance No. 28, amendment to Polk County Board of Health Rules and Regulations chapter V, Air Pollution, Article I, 5–1 and 5–2 (except for variance); Article II, 5–3; and Article X, 5–28 through 5.50–1 (except for 5–49 and 5–50), effective October 8, 1987.

(2) Additional material. (A) None.

(50) Revised Linn County, Iowa, Chapter 10 Ordinance “Air Pollution Control” submitted as a SIP revision by the Iowa Department of Natural Resources on February 3, 1988. EPA approves these regulations with the provision that any operating permit which changes any requirement of the Iowa SIP, including requirements in any construction permit, must be submitted to EPA, and approved, as a SIP revision. In the absence of such approval, the enforceable requirements shall be those in the Iowa SIP.

(i) Incorporation by reference. (A) Linn County Chapter 10 Ordinance “Air Pollution Control” sections 10.1 (except for 10.1(50)), 10.2, 10.3, and 10.4, adopted by the Linn County Board of Supervisors on September 2, 1987.

(ii) Additional material. (A) None.

(51) Revised Iowa regulations pertaining to PM10 were submitted by the state on October 28, 1988. These rules became effective on December 21, 1988.


(ii) Additional information. (A) None.


(B) Recodification of Iowa Administrative Code, title II—Air Quality, chapters 20–29, effective December 3, 1986.

(53) Revised chapter 22, rule 22.4(455B), submitted on November 8, 1990, incorporates by reference revised EPA PSD rules pertaining to NOx increments.


(ii) Additional material. (A) Letter from the state dated November 8, 1990, pertaining to NOx rules and analysis which certifies the material was adopted by the state on October 17, 1990.

(54) On March 13, 1991, the Iowa Department of Natural Resources (IDNR) submitted a plan revision pertaining to major SO2 sources in Clinton County, Iowa.

(i) Incorporation by reference. (A) Administrative Consent Order #90–AQ–10, signed by Larry Wilson, Director, IDNR, dated July 5, 1990, and revision dated March 25, 1991. Also, three letters to Archer-Daniels-Midland (ADM) Company dated June 20, 1990, signed by Michael Hayward, IDNR, which contain or reference new or revised permit conditions for ADM sources, and a letter to ADM from IDNR dated February 26, 1991, correcting certain permit provisions.

(B) Administrative Consent Order #89–AQ–04, signed by Larry Wilson, Director, IDNR, dated February 21, 1990. Also, two letters to Interstate Power Company dated January 25 and 29, 1990, and signed by Michael Hayward, IDNR, which contain or reference new or revised permit conditions for ADM sources, and a letter to ADM from IDNR dated February 26, 1991, correcting certain permit provisions.

(55) Revised Polk County, Iowa Board of Health Rules and Regulations, chapter V, Air Pollution, submitted by the Iowa Department of Natural Resources on May 23, 1991.

(i) Incorporation by reference. (A) Polk County Board of Health Rules and Regulations, chapter V, Air Pollution, Ordinances 28, 72 and 85, effective May 1,
Environmental Protection Agency § 52.824

1991, except for the following: Article I, definition of variance; Article VI, Section 5–16 (n), (o), and (p); Article VI, Section 5–17(d), variance provision; Article VIII; Article IX, Sections 5–27(3) and 5–27(4); and Article X, Division 5—Variance.


(56) Revised Chapter 23, rule 23.2, submitted on October 3, 1991, incorporates changes to the open burning rule.


(57) On January 5, 1993, the Iowa Department of Natural Resources (IDNR) submitted air quality rule revisions to Iowa Administrative Code, Chapters 20, 22, 23, 24, 25, 29, and revisions to the Compliance Sampling Manual.

(i) Incorporation by reference. (A) Revisions to Chapter 20 (20.2), Scope of Title—Definitions-Forms-Rules of Practice; Chapter 22 (22.3(1), 22.4, 22.5(2)), Controlling Pollution; Chapter 23 (23.2(3), 23.3(2), 23.3(3), 23.4(12)), Emission Standards for Contaminants; Chapter 24 (24.1(1), 24.1(6)), Excess Emission; Chapter 25 (25.1(17), 25.1(9)), Measurement of Emissions and rescind 25.1(10)d; and Chapter 29 (29.1), Qualification in Visual Determination of the Opacity of Emissions. These revisions were adopted by the Iowa Environmental Protection Commission on December 21, 1992, and became effective on February 24, 1993.


(58) A plan for implementation of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program was submitted by the Iowa Department of Natural Resources as a revision to the Iowa SIP on December 22, 1992.


(59) On May 5, 1994, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan (SIP) to update the state’s incorporation by reference and conformity to various federally approved regulations.

(i) Incorporation by reference. (A) Revised rules, “Iowa Administrative Code,” effective January 12, 1994. This revision approves an amendment to paragraph 23.2(3)g pertaining to open fires burned for the purpose of training fire-fighting personnel.

(B) Revised rules, “Iowa Administrative Code,” effective April 20, 1994. This revision approves amendments to rules 22.4; 23.3(2)d (3) and (4); 23.4(6); and 25.1(9). These rules concern the update of the state’s incorporation of prevention of significant deterioration and test method requirements.

(ii) Additional material. None.

(60) On May 5, 1994, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan (SIP) to update the state’s incorporation by reference and conformity to various federally approved regulations.

(i) Incorporation by reference. (A) Revised rules, “Polk County Ordinance No. 132—Polk County Board of Health Rules and Regulations,” effective December 2, 1993. This revision approves all articles in Chapter V, except for Article VI, Section 5–16(n) and (p), Article VIII, and Article XIII.

(ii) Additional material. None.

(61) On October 18, 1994, and January 26, 1995, the Director of the Iowa Department of Natural Resources submitted revisions to the state implementation plan (SIP) to include special requirements for nonattainment areas, provisions for use of compliance, and enforcement information and adoption of EPA definitions. These revisions fulfill Federal regulations which strengthen maintenance of established air quality standards.

(i) Incorporation by reference. (A) Revised rules “Iowa Administrative
§ 52.824  40 CFR Ch. I (7–1–16 Edition)

requirements for nonattainment areas, test method and definition updates.


(B) “Iowa Administrative Code,” sections 567–23.2(3); 23.2(4), effective April 19, 1995, addressing open burning.

(C) “Iowa Administrative Code,” sections 567–20.2; 22.4(1); and 25.1(9), effective July 12, 1995. These rules address test method and definition updates.

(E) “Iowa Administrative Code,” section 567–31.1, effective February 22, 1995. This rule addresses permit requirements relating to nonattainment areas.

(ii) Additional material. (A) Letter dated July 11, 1997, from Pete Hamlin, IDNR, to Wayne Leidwanger, EPA, requesting approval under 112(1).

(65) On June 13, 1996, and April 25, 1997, the Director of the Iowa Department of Natural Resources (IDNR) submitted a revision to the State Implementation Plan (SIP) which included permits containing source specific emission limits and conditions for three sources in Muscatine, Iowa.


(B) Muscatine Power and Water permits #74–A–175–S, #95–A–373 signed September 14, 1995.

(C) Monsanto Corporation permits #76–A–265S3, #70–A–161S3, signed July 18, 1996.


(66) On April 2, 1997, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan (SIP) for the State’s two local agencies: the Polk County Public Works Department and Linn County Health Department.
Environmental Protection Agency

§ 52.825 Compliance schedules.

(a) [Reserved]

(b) Regulation for increments of progress.

(1) Except as provided in paragraph (b)(2) of this section, the owner or operator of any stationary source subject to regulation 4.3(5)(b), "Rules and Regulations Relating to Air Pollution Control of the Iowa Air Pollution Control Commission" shall, no later than December 31, 1972, submit to the Administrator for approval, a proposed compliance schedule that demonstrates compliance with the applicable regulation as expeditiously as practicable but no later than January 1, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contract for construction or process changes, if applicable; initiation of construction; completion and start-up of control system; performance tests; and submittal of performance test analysis and results.

(2) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before December 31, 1973, no compliance schedule shall be required.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.
(c) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to §51.104 and subpart N of this chapter.

All regulations cited are air pollution control regulations of the State, unless otherwise noted.

### IOWA

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation involved</th>
<th>Date adopted</th>
<th>Variance expiration date</th>
<th>Final compliance date</th>
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<tr>
<td></td>
<td></td>
<td>400—4.6</td>
<td>Nov. 6, 1981</td>
<td></td>
<td>Sept. 1, 1983</td>
</tr>
</tbody>
</table>

**NOTE 1:** Linn County Health Department does not issue variances if source(s) is on an approvable compliance schedule.

**NOTE 2:** Polk County Department of Health does not issue variances if source(s) is on an accepted and approved compliance schedule.

**NOTE 3:** City of Des Moines, Department of Public Health does not issue variances if source(s) is on an accepted and approved compliance schedule.

[37 FR 10865, May 31, 1972]

**EDITORIAL NOTE:** For Federal Register citations affecting §52.825, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§§ 52.826–52.827 [Reserved]

§ 52.828 Enforcement.

(a) Sections 23(1)(b) and 13(7) of Senate File 85, Division II for Iowa are disapproved insofar as they permit the Air Quality Commission of the Iowa Department of Environmental Quality to issue abatement orders (1) that defer compliance with plan requirements beyond the dates required for attainment of the national standards, (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

(b) Regulation limiting administrative abatement orders:

(1) No order deferring compliance with a requirement of the Iowa Implementation Plan shall be issued by the Air Quality Commission of the Iowa Department of Environmental Quality which does not meet the following requirements:

(i) An order must require compliance with the plan requirement within the times and under the conditions specified in §51.261 (a) and (b) of this chapter.

(ii) An order may not defer compliance beyond the last date permitted by section 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§51.104, 51.105, 51.261 and 51.262(a).

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standard in which compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.


§§ 52.829–52.832 [Reserved]

§ 52.833 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are met, except for sources seeking permits to locate on Indian lands in the state of Iowa; and certain sources affected by the stack height rules described in a letter from Iowa dated April 22, 1987.

(b) Regulations for preventing significant deterioration of air quality.
The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Iowa for sources wishing to locate on Indian lands; and certain sources as identified in Iowa’s April 22, 1987, letter. [71 FR 16053, Mar. 30, 2006]

§ 52.834 Control strategy: Sulfur dioxide.

Approval—On April 21, 1997, the Iowa Department of Natural Resources (IDNR) submitted a maintenance plan and redesignation request for the Muscatine County nonattainment area. The maintenance plan and redesignation request satisfy all applicable requirements of the Clean Air Act. [63 FR 13345, Mar. 19, 1998]

§ 52.840 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 Iowa and Indian country within the borders of the State and for which requirements are set forth under the TR NOX Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Iowa’s State Implementation Plan (SIP) as correcting in part 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. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Iowa’s SIP.

(b)(1) The owner and operator of each source and each unit located in the State of Iowa and Indian country within the borders of the State and for which requirements are set forth under the TR NOX Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Iowa’s SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NOX 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 AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NOX 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.

(2) Notwithstanding the provisions of subpart BBBBB 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 NOX 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.

[76 FR 48364, Aug. 8, 2011, as amended at 76 FR 80774, Dec. 27, 2011]
§ 52.841 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 Iowa and Indian country within the borders of the State and for which requirements are set forth under the TR SO\(_2\) 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 with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Iowa’s State Implementation Plan (SIP) as correcting in part 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. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Iowa’s SIP.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Iowa’s SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO\(_2\) 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\(_2\) 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.

§ 52.842 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 Iowa on March 25, 2008, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(b)(3) and 51.308(e) with respect to emissions of NO\(_X\) and SO\(_2\) 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\(_X\). The deficiencies associated with NO\(_X\) identified in EPA’s limited disapproval of the regional haze plan submitted by Iowa on March 25, 2008, are satisfied by §52.840.

(c) Measures Addressing Limited Disapproval Associated with SO\(_2\). The deficiencies associated with SO\(_2\) identified in EPA’s limited disapproval of the regional haze plan submitted by Iowa on March 25, 2008, are satisfied by §52.841.

[76 FR 48365, Aug. 8, 2011]

Subpart R—Kansas

§ 52.869 [Reserved]

§ 52.870 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable SIP for Kansas under Section 110 of the CAA, 42 U.S.C. 7401 et seq. and 40 CFR Part 51 to meet NAAQS.

(b) Incorporation by reference. (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 31, 2014, 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 December 31, 2014, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 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 SIP as of December 31, 2014.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; at the EPA,
Environmental Protection Agency § 52.870

Air and Radiation Docket and Information Center, and the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551–7089. For information on the availability of this material at NARA, call (202) 741–6030, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

(c) EPA-approved regulations.

<table>
<thead>
<tr>
<th>Kansas citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
</table>

Nonattainment Area Requirements

<table>
<thead>
<tr>
<th>Kansas citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>K.A.R. 28–19–16</td>
<td>New Source Permit Requirements for Designated Nonattainment Areas</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420.</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–16b</td>
<td>Permit Required</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420.</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–16c</td>
<td>Creditable Emission Reductions</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420.</td>
<td>EPA deferred action on the state’s current definition of the terms “building, structure, facility, or installation”; “installation”; and “reconstruction.”</td>
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<tr>
<td>K.A.R. 28–19–16e</td>
<td>Relaxation of Existing Emission Limitations</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420.</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–16g</td>
<td>Attainment and Maintenance of National Ambient Air Quality Standards</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420.</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–16h</td>
<td>Compliance of Other Sources</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420.</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–16i</td>
<td>Operating Requirements</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420.</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–16j</td>
<td>Revocation and Suspension of Permit</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420.</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–16k</td>
<td>Notification Requirements</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420.</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–16l</td>
<td>Failure to Construct</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420.</td>
<td></td>
</tr>
</tbody>
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Attainment Area Requirements

<table>
<thead>
<tr>
<th>Kansas citation</th>
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<tr>
<td>K.A.R. 28–19–18</td>
<td>Stack Heights</td>
<td>5/1/88</td>
<td>4/20/89, 54 FR 15934</td>
<td>The state regulation has stack height credit. EPA has not approved that part.</td>
</tr>
<tr>
<td>K.A.R. 28–19–18e</td>
<td>Relaxation of Existing Emission Limitations.</td>
<td>5/1/88</td>
<td>4/20/89, 54 FR 15934</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–20</td>
<td>Particulate Matter Emission Limitations</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–21</td>
<td>Additional Emission Restrictions</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–43</td>
<td>Exceptions</td>
<td>1/1/71</td>
<td>5/31/72, 37 FR 10867</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–56</td>
<td>Episode Criteria</td>
<td>10/16/89</td>
<td>1/16/90, 55 FR 1420</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–57</td>
<td>Emission Reduction Requirements</td>
<td>1/1/72</td>
<td>5/31/72, 37 FR 10867</td>
<td></td>
</tr>
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<tr>
<td>K.A.R. 28–19–68</td>
<td>Leaks from Petroleum Refinery Equipment.</td>
<td>5/1/86</td>
<td>1/2/87, 52 FR 53</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–70</td>
<td>Leaks from Gasoline Delivery Vessels and Vapor Collection Systems.</td>
<td>5/15/98</td>
<td>1/11/00, 65 FR 1545</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–73</td>
<td>Surface Coating of Miscellaneous Metal Parts and Products and Metal Furniture.</td>
<td>6/8/92</td>
<td>1/12/93, 58 FR 3847</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–77</td>
<td>Chemical Processing Facilities That Operate Alcohol Plants or Liquid Detergent Plants.</td>
<td>10/7/91</td>
<td>6/23/92, 57 FR 27936</td>
<td></td>
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**General Provisions**

<table>
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<tr>
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<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>K.A.R. 28–19–201</td>
<td>General Provisions; Regulated Compounds List.</td>
<td>10/10/97</td>
<td>1/11/00, 65 FR 1545</td>
<td></td>
</tr>
<tr>
<td>K.A.R. 28–19–204</td>
<td>Permit Issuance and Modification; Public Participation.</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
<td></td>
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<tr>
<td>K.A.R. 28–19–212</td>
<td>Approved Test Methods and Emission Compliance Determination Procedures.</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
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</table>

**Construction Permits And Approvals**

<table>
<thead>
<tr>
<th>Kansas citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tr>
<td>K.A.R. 28–19–300</td>
<td>Applicability.</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
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<tr>
<td>K.A.R. 28–19–301</td>
<td>Application and Issuance ...</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
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<tr>
<td>K.A.R. 28–19–304</td>
<td>Fees.</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
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## EPA-APPROVED KANSAS REGULATIONS—Continued

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<th>EPA approval date</th>
<th>Explanation</th>
</tr>
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</table>
| K.A.R. 28–19–350 | Prevention of Significant Deterioration (PSD) of Air Quality. | 12/28/12 | 6/20/13, 78 FR 37126 | Provisions of the 2010 PM$_{2.5}$ PSD-increments, SILs and SMCs rule (75 FR 64865, October 20, 2010) relating to SILs and SMCs that were affected by the January 22, 2013, U.S. Court of Appeals decision are not SIP approved. Provisions of the 2002 NSR reform rule relating to the Clean Unit Exemption, Pollution Control Projects, and exemption from record-keeping provisions for certain sources using the actual-to-projected-actual emissions projections test are not SIP approved. In addition, we have not approved Kansas rule incorporating EPA’s 2007 revision of the definition of “chemical processing plants” (the “Ethanol Rule,” 72 FR 24060 (May 1, 2007) or EPA’s 2008 “fugitive emissions rule,” 73 FR 77882 (December 19, 2008).

### General Permits

<table>
<thead>
<tr>
<th>Kansas citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
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</thead>
<tbody>
<tr>
<td>K.A.R. 28–19–400</td>
<td>General Requirements</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
</tr>
<tr>
<td>K.A.R. 28–19–401</td>
<td>Adoption by the Secretary</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
</tr>
<tr>
<td>K.A.R. 28–19–402</td>
<td>Availability of Copies; Lists of Sources to Which Permits Issued.</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
</tr>
<tr>
<td>K.A.R. 28–19–403</td>
<td>Application to Construct or Operate Pursuant to Terms of General Permits.</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
</tr>
<tr>
<td>K.A.R. 28–19–404</td>
<td>Modification, Revocation</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
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### Operating Permits

<table>
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<tr>
<td>K.A.R. 28–19–500</td>
<td>Applicability</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
</tr>
<tr>
<td>K.A.R. 28–19–501</td>
<td>Emissions Limitations and Pollution Control Equipment for Class I and Class II Operating Permits; Conditions.</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
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### Class II Operating Permits

<table>
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<tr>
<td>K.A.R. 28–19–540</td>
<td>Applicability</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
</tr>
<tr>
<td>K.A.R. 28–19–541</td>
<td>Application Timetable and Contents.</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
</tr>
<tr>
<td>K.A.R. 28–19–543</td>
<td>Permit Term and Content; Operational Compliance.</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
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<tr>
<td>K.A.R. 28–19–544</td>
<td>Modification of Sources or Operations.</td>
<td>1/23/95</td>
<td>7/17/95, 60 FR 36361</td>
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<tr>
<td>K.A.R. 28–19–545</td>
<td>Application Fee</td>
<td>1/23/95</td>
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## EPA-APPROVED KANSAS REGULATIONS—Continued

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<th>EPA approval date</th>
<th>Explanation</th>
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### Open Burning Restrictions

<table>
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<tr>
<th>Kansas citation</th>
<th>Title</th>
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<th>EPA approval date</th>
<th>Explanation</th>
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### Nitrogen Oxide Emissions

<table>
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<tr>
<th>Kansas citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tr>
<td>K.A.R. 28–19–713c</td>
<td>Control measures and equipment.</td>
<td>6/25/10</td>
<td>2/20/13, 78 FR 11751.</td>
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</table>

### Volatile Organic Compound Emissions

<table>
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<tr>
<th>Kansas citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>K.A.R. 28–19–714</td>
<td>Control of Emissions from Solvent Metal Cleaning.</td>
<td>9/1/02</td>
<td>10/30/02, 67 FR 66058.</td>
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</table>

### Conformity

<table>
<thead>
<tr>
<th>Kansas citation</th>
<th>Title</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
</table>

(d) EPA-approved State source-specific permits.

### EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit or case No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Board of Public Utilities, Quindaro Power Station.</td>
<td>2090048</td>
<td>10/20/93</td>
<td>10/18/94, 59 FR 52425.</td>
<td></td>
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</tbody>
</table>
### EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS—Continued

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit or case No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>(2) Board of Public Utilities, Kaw Power Station.</td>
<td>2090049</td>
<td>10/20/93</td>
<td>10/18/94, 59 FR 52425.</td>
<td>Certain provisions withdrawn from plan as identified in letter dated 12/1/11 from Kansas.</td>
</tr>
<tr>
<td>(3) Kansas City Power and Light Company.</td>
<td>...............</td>
<td>12/5/07</td>
<td>12/27/11, 76 FR 80754</td>
<td>Certain provisions withdrawn from plan as identified in letter dated 12/1/11 from Kansas.</td>
</tr>
<tr>
<td>(4) Westar Energy, Inc.</td>
<td>...............</td>
<td>2/29/08</td>
<td>12/27/11, 76 FR 80759</td>
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</tr>
</tbody>
</table>

#### (e) EPA-approved nonregulatory provisions and quasi-regulatory measures.

### EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

<table>
<thead>
<tr>
<th>Name of nonregulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Implementation Plan for Attainment and Maintenance of the National Air Quality Standards.</td>
<td>Statewide</td>
<td>1/31/72</td>
<td>5/31/72, 37 FR 10867.</td>
<td></td>
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<tr>
<td></td>
<td>Kansas City</td>
<td>3/24/72</td>
<td>6/22/73, 38 FR 16550</td>
<td>Correction notice published 3/2/76.</td>
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<tr>
<td>Name of nonregulatory SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submission date</td>
<td>EPA approval date</td>
<td>Explanation</td>
</tr>
<tr>
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</tr>
<tr>
<td>(17) Revisions to the Ozone Attainment Plan.</td>
<td>Kansas City</td>
<td>7/22/86, 4/16/87, 8/18/87, 1/19/87, 6/88.</td>
<td>5/18/88, 53 FR 17700</td>
<td>[3375–5].</td>
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<tr>
<td>(21) PM\textsubscript{10} Plan</td>
<td>Statewide</td>
<td>10/5/89, 10/16/89.</td>
<td>1/16/90, 55 FR 1420</td>
<td>[FRL–3704–3].</td>
</tr>
<tr>
<td>(23) Letter Pertaining to PSD NO\textsubscript{x} Requirements.</td>
<td>Statewide</td>
<td>9/15/92</td>
<td>1/12/93, 58 FR 3847</td>
<td>[K2–2–1–5640; FRL–4552–3].</td>
</tr>
<tr>
<td>(27) Air monitoring plan.</td>
<td>Statewide</td>
<td>1/8/02</td>
<td>8/30/02, 67 FR 55726</td>
<td>[K6–162–1162a; FRL–7270–4].</td>
</tr>
<tr>
<td>Name of nonregulatory SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submittal date</td>
<td>EPA approval date</td>
<td>Explanation</td>
</tr>
<tr>
<td>----------------------------------</td>
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</tr>
<tr>
<td>(32) Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.</td>
<td>Statewide ..................................</td>
<td>1/6/08 7/20/09.</td>
<td>7/11/11, 76 FR 40624 ................................</td>
<td>[EPA–R07–OAR–2011–0304; FRL–9434–3] This action addresses the following CAA elements as applicable: 111(a)(9)(B), (D)(i)(il), (D)(i)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).</td>
</tr>
<tr>
<td>(34) Section 110(a)(2) Infrastructure Requirements for the 1997 PM 2.5 NAAQS.</td>
<td>Statewide ..................................</td>
<td>1/6/08 6/20/13, 78 FR 37126 ................................</td>
<td>[EPA–R07–OAR–2013–0233; FRL–9825–6]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(il), (D)(i)(ii), (E), (F), (G), (H), (J), (K), (L) and (M), except as noted.</td>
<td></td>
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<tr>
<td>(35) Section 110(a)(2) Infrastructure Requirements for the 2006 PM 2.5 NAAQS.</td>
<td>Statewide ..................................</td>
<td>4/12/10 6/20/13, 78 FR 37126 ................................</td>
<td>[EPA–R07–OAR–2013–0233; FRL–9825–6]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(il), (D)(i)(ii), (E), (F), (G), (H), (J), (K), (L) and (M) except as noted.</td>
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### EPA-APPROVED KANSAS NONREGULATORY PROVISIONS—Continued

<table>
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<tr>
<th>Name of nonregulatory SIP provision</th>
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<th>State submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(37) Section 110(a)(2) Requirments for the 2008 Pb NAAQS.</td>
<td>Statewide</td>
<td>1/13/12</td>
<td>9/15/14, 79 FR 54908</td>
<td>[EPA–R07–OAR–2014–0271; FRL–9916–50–Region 7]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L) and (M).</td>
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<tr>
<td>(38) Section 110(a)(2) Infrastructure Requirements for the 2008 O₃ NAAQS.</td>
<td>Statewide</td>
<td>3/19/13</td>
<td>10/21/14, 79 FR 62861</td>
<td>[EPA–R07–OAR–2014–0401; FRL–9918–19–Region 7]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(ii)(III) (prongs 3 and 4), (D)(iii), (E), (F), (G), (H), (J), (K), (L) and (M) except as noted.</td>
</tr>
<tr>
<td>(39) Section 110(a)(2) Infrastructure Requirements for the 2010 NO₂ NAAQS.</td>
<td>Statewide</td>
<td>3/19/13</td>
<td>10/22/14, 79 FR 63044</td>
<td>[EPA–R07–OAR–2014–0500; FRL–9918–11–Region 7]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L) and (M).</td>
</tr>
<tr>
<td>(41) Section 110(a)(2) Infrastructure Requirements for the 2008 O₃ NAAQS.</td>
<td>Statewide</td>
<td>3/19/2013</td>
<td>8/27/2015, 80 FR 51955</td>
<td>This action addresses the visibility protection portion of section 110(a)(2)(J) of the CAA.</td>
</tr>
</tbody>
</table>

[64 FR 7098, Feb. 12, 1999]

Editorial Note: For Federal Register citations affecting §52.870, 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 Note: At 81 FR 42262, June 29, 2016, §52.870 was amended by adding entry 28–19–274, in numerical order, under the subheading entitled “General Provisions”, effective Aug. 15, 2016. For the convenience of the user, the added text is set forth as follows:
§ 52.871 Identification of plan.

(c) * * * 

§ 52.871 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Pollutant</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Particulate mater</td>
<td>Sulfur oxides</td>
<td>Nitrogen dioxide</td>
<td>Carbon monoxide</td>
<td>Photochemical oxidants (hydrocarbons)</td>
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<tr>
<td>Metropolitan Kansas City Interstate</td>
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<tr>
<td>South Central Kansas Intrastate</td>
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<tr>
<td>Northeast Kansas Intrastate</td>
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<td>I</td>
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<td>I</td>
</tr>
<tr>
<td>North Central Kansas Intrastate</td>
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<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
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<tr>
<td>Northwest Kansas Intrastate</td>
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<tr>
<td>Southwest Kansas Intrastate</td>
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</tr>
</tbody>
</table>

[37 FR 10867, May 31, 1972]

§ 52.872 Operating permits.

Emission limitations and related provisions which are established in Kansas operating permits as Federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem permit conditions not Federally enforceable. Such a determination will be made according to appropriate procedures and 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 EPA underlying regulations.

[60 FR 36364, July 17, 1995]

§ 52.873 Approval status.

(a) The Kansas portion of the Kansas City metropolitan area was designated as nonattainment for ozone in 40 CFR part 81. Therefore, the Administrator approves continuation of the 7.8 RVP limit as federally enforceable in the Kansas City metropolitan area, even after the area is redesignated to attainment, because of its nonattainment designation effective January 6, 1992.
Also, the requirement for 7.8 psi RVP volatility is deemed necessary to ensure attainment and maintenance of the ozone standard as demonstrated by the emissions inventory projections (based on use of 7.8 psi RVP) in Kansas’ ozone maintenance plan for the Kansas City metropolitan area.

(b) [Reserved]

(c) The Administrator approves Rule K.A.R. 28–19–31 as identified at §52.870(c)(29), with the understanding that any alternative compliance plans issued under this rule must be approved by EPA as individual SIP revisions.

§52.875 Original identification of plan section.

(a) This section identifies the original “Air Quality Implementation Plan for the State of Kansas” and all revisions submitted by Kansas that were Federally approved prior to July 1, 1998.

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

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

1. Various comments on the plan in response to the Regions review were submitted on March 24, 1972, by the State Department of Health. (Non-regulatory)

2. The Emergency Episode Operations/Communications Manual for the Kansas City Interstate AQCR was submitted on April 6, 1972, by the State Department of Health. (Non-regulatory)

3. Emergency Episode Operations/Communications Manual for all Kansas Intrastate AQCR’s was submitted on February 15, 1973, by the State Department of Health. (Non-regulatory)

4. Revisions of sections 28–19–6 through 15, 20–24, 30–32, 40–47, 50–52 and 55–58 of the State air pollution control regulations were submitted by the State Department of Health on April 17, 1973.

5. Letter from the Governor, dated May 29, 1973, concerning the attainment of CO emission standards. (Non-regulatory)

6. An amendment to the State air quality control law, Senate Bill No. 30, dealing with public access to emission
§ 52.875

40 CFR Ch. I (7–1–16 Edition)

data was submitted on July 27, 1973, by the Governor.

(7) Revisions of sections 28–19–8, 9, 14, 22, 25 and 47 of the State air pollution control regulations were submitted on February 6, 1974, by the Governor.

(8) Copy of the State's analysis and recommendations concerning the designation of Air Quality Maintenance Areas was submitted by letter from the State Department of Health on February 28, 1974. (Non-regulatory)

(9) Kansas submitted State Implementation Plan (SIP) revisions to attain the National Ambient Air Quality Standards on September 17, 1979 for Wyandotte and Johnson Counties, on October 22, 1979 for Douglas County, and on March 10, 1980 for Kansas City of the state designated nonattainment areas under section 107 of the Clean Air Act as amended in 1977. On September 22 and 25, 1980, the state submitted revised regulations on the control of volatile organic compounds and a regulation on the new source permit review program. Included in the plan are the following approved state air pollution control regulations:


(ii) The New Source Permit Review regulation 28–19–16 through 16m which EPA conditionally approved as meeting the requirements of sections 172(b)(6); 172(b)(11)(A), and 173.

(iii) The Kansas City-Wyandotte County air pollution control regulations which have been adopted by both the Kansas City, Kansas Board of City Commissioners and the Wyandotte County Board of County Commissioners:


(10) The Kansas State Implementation Plan for lead was submitted on February 17, 1981, by the Governor of Kansas, along with a submittal letter which provided additional information concerning the Kansas State Implementation Plan for lead.

(11) Kansas submitted SIP revisions to attain and maintain the National Ambient Air Quality Standards for carbon monoxide on April 16, 1981, for the South Central Kansas Interstate Air Quality Control Region, Wichita nonattainment area. The plan included commitments to complete transportation control measures for the reduction of carbon monoxide from transportation related sources for the attainment of the national standards by December 31, 1982.

(12) A plan revision which makes modifications to the existing Kansas air quality surveillance network was submitted by the Kansas Department of Health and Environment on October 16, 1981.

(13) Additional information to correct two plan deficiencies was submitted by the Kansas Department of Health and Environment on May 12, 1981.

(14) Letter and supporting documents submitted on September 15, 1981, from the Director of Air Quality and Occupational Health relating to reasonably
Environmental Protection Agency

§ 52.875

available control technology for certain particulate matter sources in the Kansas City, Kansas area.


(16) New regulations K.A.R. 28–19–17 through K.A.R. 28–19–171 applicable to stationary sources subject to prevention of significant deterioration (PSD) permit requirements were submitted on May 5, 1983. Regulation K.A.R. 28–19–171 pertaining to the use of innovative control technology is not approved. By letter dated June 20, 1984, the State of Kansas agrees to follow the EPA interim stack height policy for each PSD permit issued until such time as EPA revises its general stack height regulations.

(17) Revised regulation K.A.R. 28–19–69, applicable to the use of cutback asphalt, was submitted by the Secretary of the Kansas Department of Health and Environment on February 21, 1986. (i) Incorporation by reference. (A) Revised regulation K.A.R. 28–19–69 as approved by the Kansas Attorney General on December 5, 1985.


(19) Revised Kansas regulations pertaining to fees for permits to construct and operate were submitted by the Kansas Department of Health and Environment on March 27, 1986. (i) Incorporation by reference. (A) Kansas Administrative Regulations (KAR) 28–19–7, 28–19–8, 28–19–9, 28–19–14, 14(a) and 14(b), 28–19–31, 28–19–45, which became effective on May 1, 1986. (B) Letter of March 27, 1986 to EPA from the State of Kansas Department of Health and Environment. (C) Letter of September 15, 1987 to EPA from the State of Kansas Department of Health and Environment.

(20) Revisions to the ozone attainment plan for the Kansas City metropolitan area were submitted by the Governor on July 2, 1986. Pursuant to this plan, revised regulations for the control of volatile organic compound emissions were submitted by the Secretary of the Kansas Department of Health and Environment on January 6, 1988. In numerous instances, the revised Kansas regulations provide for departmental discretion to approve compliance plans and test methods which are alternatives to the EPA reference methods. EPA approves these regulations with the understanding that all such alternative compliance plans and test methods must be submitted to EPA, and approved, as individual SIP revisions. In the absence of such approval, the enforceable requirements of the SIP shall be the emission limits or reduction requirements stated in the regulations. Also, the Kansas regulations contain provisions whereby testing is required when the facility intends to demonstrate compliance by improved operations or new emission controls, yet no test procedures are specified. Examples of such provisions are transfer efficiency (TE) and vapor processing systems. Test methods which are developed by the state must be approved by EPA before facilities may demonstrate compliance through alternative controls and/or TE.


(B) Letter of January 6, 1988, from the Secretary of the Kansas Department of Health and Environment. This letter establishes the effective dates for the revised regulations referenced in subparagraph (20)(i)(A) above.

(ii) Additional material. (A) State of Kansas Implementation Plan, Part A—Kansas City Metropolitan Area, Ozone, dated June 1986, submitted by the Governor on July 2, 1986. The plan contains an attainment demonstration, emissions inventories, and a control strategy.

(B) Supplemental information, pursuant to the above referenced plan, was submitted on August 19, 1987.

(C) Negative declarations for certain VOC source categories were submitted on April 16 and August 18, 1987.

(21) Revised Kansas regulations applicable to air quality models and definitions were submitted by the Kansas Department of Health and Environment on January 6, 1988.

(i) Incorporation by reference. (A) Kansas Administrative Regulations (K.A.R.) 28–19–17(f) and 28–19–7 (a) through (f) and (h) through (w) which became effective December 16, 1987. EPA is deferring action on 28–19–17(g), Emission Limitation and Standard.

(22) On March 1, 1985, the Governor of Kansas submitted a revised carbon monoxide state implementation plan for Wichita, Kansas. On September 3, 1987, the Kansas Department of Health and Environment submitted two new transportation control measures as part of the revised Wichita carbon monoxide control plan.


(B) Revision of the Wichita–Sedgwick County Portion of the Kansas State Implementation Plan for Carbon Monoxide submitted by the Governor on March 1, 1985. The plan contains an attainment demonstration, emissions inventory, and a control strategy.

(23) Kansas Administrative Regulations (K.A.R.) 28–19–19(a) through 28–19–19(o) pertaining to continuous emission monitoring at certain stationary sources were submitted on January 6, 1988, by the Kansas Department of Health and Environment. K.A.R. 28–19–19(o) allows for departmental discretion on use of different but equivalent procedures than those specified in 28–19–19(a) through 28–19–19(n). EPA approves this rule with the understanding that all such equivalent procedures and requirements must be submitted to EPA as individual SIP revisions. In the absence of such approval, the enforceable provisions of K.A.R. 28–19–19(a) through 28–19–19(n) shall be applicable.

(ii) Incorporation by reference. (A) K.A.R. 28–19–19(a) through 28–19–19(o), continuous emission monitoring, as submitted by the Secretary of the Kansas Department of Health and Environment. These regulations became effective on May 1, 1988.

(B) Letter of January 6, 1988, from the Secretary of the Kansas Department of Health and Environment. This letter establishes the effective date for the revised regulations referenced in paragraph (23)(i)(A) of this section.


Environmental Protection Agency § 52.875


(ii) Additional material. (A) KDHE letter of March 27, 1986, to EPA pertaining to new source permit regulations.

(B) KDHE letter of June 6, 1988, and June 9, 1988, to EPA pertaining to stack height regulations.

(C) KDHE letters of December 7, 1987, and December 23, 1987, pertaining to the state’s stack heights analysis and negative declarations.

(25) Revised Kansas Administrative Regulations (K.A.R.) pertaining to PM<sub>10</sub> regulations and the PM<sub>10</sub> commitment SIP were submitted by Kansas on October 5, 1989.


(27) On September 15, 1992, the Secretary of KDHE submitted rule revisions to K.A.R. 28–19–17, the PSD rule; to K.A.R. 28–19–19, the CEM rule; and to K.A.R. 28–19–73, a surface coating rule. These rule revisions were adopted by KDHE on April 3, 1992.


(ii) Additional material. (A) Letter and attachment from KDHE dated September 15, 1992 pertaining to PSD NO<sub>x</sub> requirements.

(28) A plan for implementation of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program was submitted by the Kansas Department of Health and Environment as a revision to the Kansas State Implementation Plan (SIP) on January 25, 1994.


(B) Operating permits; Kansas City, Kansas, Board of Public Utilities Quindaro permit #20090048, and Kaw permit #20090049, effective October 20, 1993.

(ii) Additional material. (A) Letter from BPU to KDHE dated December 11, 1992, regarding compliance verification methods and schedules.

(30) On February 17, 1995, the Secretary of the Kansas Department of
§ 52.876 Compliance schedules.

(a) The requirements of §51.260 and of §51.15(a)(2) of this chapter as of September 19, 1976 (40 FR 43216), are not met since the plan does not contain legally enforceable compliance schedules setting forth the dates by which all stationary sources or categories of such sources must be in compliance with applicable portions of the control strategy. Paragraphs C and D of Kansas Regulation 28–19–9 specify that all sources not in compliance must submit an acceptable compliance schedule within 120 days after receiving notification from the State. There are no assurances that all sources will be notified by the State in a timely manner, therefore, paragraphs C and D of Regulation 28–19–9 are disapproved.

(b) Federal compliance schedule. (1) Except as provided in paragraph (2) of this paragraph (b), the owner or operator of any stationary source subject to any emission regulation which is part of the approved plan shall be in compliance on or before January 31, 1974.

(ii) Any owner or operator in compliance with any such applicable regulation on the effective date of this paragraph shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with any such applicable regulation after the effective date of this paragraph shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) An owner or operator of a stationary source subject to any emission...
Environmental Protection Agency

§ 52.876

[37 FR 19809, Sept. 22, 1972]

EDITORIAL NOTE: For Federal Register citations affecting § 52.876, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.
§§ 52.877–52.880  [Reserved]

§ 52.881 PM<sub>10</sub> State implementation plan development in group II areas.

The state has submitted a committal SIP for Kansas City, Kansas. 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, except the state will report the PM<sub>10</sub> data which exceed the standard within 60 days of the exceedance, rather than 45 days.  [55 FR 1423, Jan. 16, 1990]

§ 52.882 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 Kansas and Indian country within the borders of the State 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 with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Kansas’ State Implementation Plan (SIP) as correcting in part 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. The obligation to comply with such requirements will be eliminated with regard to sources and units located in Indian country within the borders of the State by the promulgation of an approval by the Administrator of a revision to Kansas’ SIP.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of Kansas’ 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.

(3) Pursuant to §52.38(a)(3), Kansas’ state-determined TR NO<sub>X</sub> Annual allowance allocations established in the March 30, 2015, SIP revision replace the unit-level TR NO<sub>X</sub> Annual allowance allocation provisions of the TR NO<sub>X</sub> Annual Trading Program at 40 CFR 97.411(a) for the State for the 2016 control period with a list of TR NO<sub>X</sub> Annual units that commenced operation prior to January 1, 2010, in the State and the state-determined amount of TR NO<sub>X</sub> Annual allowances allocated to each unit on such list for the 2016 control period, as approved by EPA on August 21, 2015, 80 FR 50789.

(b) [Reserved]  [76 FR 48365, Aug. 8, 2011, as amended at 80 FR 50793, Aug. 21, 2015]

§ 52.883 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 Kansas and Indian country within the borders of the State and for which requirements are set forth under the TR SO<sub>2</sub> Group 2 Trading Program in subpart DDDDD of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated with regard to sources and units located in Indian country within the borders of the State by the promulgation of an approval by the Administrator of a revision to Kansas’ SIP.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of Kansas’ 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.

(3) Pursuant to §52.38(a)(3), Kansas’ state-determined TR NO<sub>X</sub> Annual allowance allocations established in the March 30, 2015, SIP revision replace the unit-level TR NO<sub>X</sub> Annual allowance allocation provisions of the TR NO<sub>X</sub> Annual Trading Program at 40 CFR 97.411(a) for the State for the 2016 control period with a list of TR NO<sub>X</sub> Annual units that commenced operation prior to January 1, 2010, in the State and the state-determined amount of TR NO<sub>X</sub> Annual allowances allocated to each unit on such list for the 2016 control period, as approved by EPA on August 21, 2015, 80 FR 50789.
section, the Administrator has already started recording any allocations of TR SO₂ Group 2 allowances under subpart DDDDD of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart DDDDD of part 97 of this chapter authorizing the Administrator to complete the allocation and recording of TR SO₂ Group 2 allowances to units in the State for each such control period shall continue to apply, unless otherwise authorized by such approval of the State’s SIP revision.

§ 52.884 Significant deterioration of air quality.

(a) The requirements of section 160 through 165 of the Clean Air Act, as amended are met; except that:

(1) EPA retains PSD permit authority for Indian lands in the State of Kansas.

§ 52.919 [Reserved]

§ 52.920 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State Implementation Plan for Kentucky under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference. (1) EPA approved regulations.

TABLE 1—EPA-APPROVED KENTUCKY REGULATIONS

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 50:005</td>
<td>General application</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:010</td>
<td>Definitions and abbreviations of terms used in Title 401 Chapters 50, 51, 53, 55, 57, 61, 63, and 65.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:012</td>
<td>General application</td>
<td>11/12/97</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:015</td>
<td>Documents incorporated by reference</td>
<td>04/14/88</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:020</td>
<td>Air quality control regions</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:025</td>
<td>Classification of counties</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:030</td>
<td>Registration of sources</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
</tbody>
</table>

(2) EPA Region 4 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 and Local Implementation Plans listed in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; at the EPA, Office of Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, (Mail Code 6102T) 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.

(c) EPA approved regulations.

971
### TABLE 1—EPA-APPROVED KENTUCKY REGULATIONS—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
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</thead>
<tbody>
<tr>
<td>401 KAR 50:040</td>
<td>Air quality models</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:042</td>
<td>Good engineering practice stack height</td>
<td>06/13/86</td>
<td>09/04/87, 52 FR 33592.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:045</td>
<td>Performance tests</td>
<td>07/13/05</td>
<td>10/17/07, 72 FR 58759.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:047</td>
<td>Test procedures for capture efficiency</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:050</td>
<td>Monitoring</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:055</td>
<td>General compliance requirements</td>
<td>09/22/82</td>
<td>05/04/89, 54 FR 19169.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:060</td>
<td>Enforcement</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:065</td>
<td>Conformity of general federal actions</td>
<td>10/11/95</td>
<td>07/27/98, 63 FR 40044.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 50:066</td>
<td>Conformity of transportation plans, programs, and projects (Amendment).</td>
<td>11/12/2008</td>
<td>04/21/2010</td>
<td></td>
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<td>2008</td>
<td>75 FR 20780</td>
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</table>

#### Chapter 51 Attainment and Maintenance of the National Ambient Air Quality Standards

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 51:001</td>
<td>Definitions for 401 KAR Chapter 51</td>
<td>12/7/2012</td>
<td>11/3/14, 79 FR 65143.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 51:005</td>
<td>Purpose and general provisions</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 51:010</td>
<td>Attainment status designations</td>
<td>11/12/97</td>
<td>07/24/98, 63 FR 39739.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 51:052</td>
<td>Review of new sources in or impacting non-attainment areas.</td>
<td>8/4/2011</td>
<td>10/8/2015, 80 FR 60805</td>
<td></td>
</tr>
<tr>
<td>401 KAR 51:150</td>
<td>NOx requirements for stationary internal combustion engines.</td>
<td>2/3/06</td>
<td>10/23/09, 74 FR 54755</td>
<td></td>
</tr>
<tr>
<td>401 KAR 51:160</td>
<td>NOx requirements for large utility and industrial boilers.</td>
<td>2/3/06</td>
<td>10/23/09, 74 FR 54755</td>
<td></td>
</tr>
<tr>
<td>401 KAR 51:170</td>
<td>NOx requirements for cement kilns</td>
<td>08/15/01</td>
<td>04/11/02, 67 FR 17624.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 51:180</td>
<td>NOx credits for early reduction and emergency</td>
<td>08/15/01</td>
<td>04/11/02, 67 FR 17624.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 51:190</td>
<td>Banking and trading NOx allowances</td>
<td>08/15/01</td>
<td>04/11/02, 67 FR 17624.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 51:195</td>
<td>NOx opt-in provisions</td>
<td>08/15/01</td>
<td>04/11/02, 67 FR 17624.</td>
<td></td>
</tr>
</tbody>
</table>

#### Chapter 52 Permits, Registrations, and Prohibitory Rules

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 52:001</td>
<td>Definitions for 401 KAR Chapter 52</td>
<td>11/18/06</td>
<td>9/13/07, 72 FR 52282.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 52:020</td>
<td>Title V permits</td>
<td>1/15/01</td>
<td>1/28/16, 81 FR 4896.</td>
<td></td>
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<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 52:030</td>
<td>Federally enforceable permits for non-major sources.</td>
<td>01/15/01</td>
<td>09/06/06, 71 FR 52464.</td>
<td></td>
</tr>
</tbody>
</table>
### Environmental Protection Agency

#### § 52.920

**TABLE 1—EPA-APPROVED KENTUCKY REGULATIONS—Continued**

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 52:040.</td>
<td>State-origin permits ..............................................</td>
<td>1/15/01</td>
<td>1/28/16, 81 FR 4896</td>
<td>Only adding subsection (2) introductory text, subsection (2)(c), and subsection (3) of Section 3 entitled “General Provisions”; subsection (1) of Section 20 entitled “Annual Emissions Certification for Specified Sources”; and introductory text and subsection (4) of Section 21 entitled “Certification by Responsible Official”.</td>
</tr>
<tr>
<td>401 KAR 52:070</td>
<td>Registration of designated sources ..............................</td>
<td>1/15/01</td>
<td>1/28/16, 81 FR 4896</td>
<td>Only adding subsection (2) introductory text, subsection (2)(a)(1), and first sentence of subsection (2)(a)(2) of Section 3 entitled “General Provisions”.</td>
</tr>
<tr>
<td>401 KAR 52:090</td>
<td>Prohibitory rule for hot mix asphalt plants .....................</td>
<td>01/15/01</td>
<td>09/06/06, 71 FR 52464</td>
<td></td>
</tr>
<tr>
<td>401 KAR 52:100</td>
<td>Public, affected state, and U.S. EPA review ....................</td>
<td>01/15/01</td>
<td>09/06/06, 71 FR 52464</td>
<td></td>
</tr>
</tbody>
</table>

**Chapter 53 Ambient Air Quality**

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 53:005</td>
<td>General provisions ..................................................</td>
<td>04/14/88</td>
<td>02/07/90, 55 FR 4169.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 53:010</td>
<td>Ambient air quality standards ......................................</td>
<td>04/14/88</td>
<td>02/07/90 55 FR 4169.</td>
<td></td>
</tr>
</tbody>
</table>

**Chapter 55 Emergency Episodes**

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 55:005</td>
<td>Significant harm criteria ..........................................</td>
<td>04/14/88</td>
<td>02/07/90, 55 FR 4169.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 55:010</td>
<td>Episode criteria ........................................................</td>
<td>04/14/88</td>
<td>02/07/90, 55 FR 4169.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 55:015</td>
<td>Episode declaration .................................................</td>
<td>06/06/79</td>
<td>01/25/80, 45 FR 6092.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 55:020</td>
<td>Abatement strategies ..................................................</td>
<td>06/06/79</td>
<td>01/25/80, 45 FR 6092.</td>
<td></td>
</tr>
</tbody>
</table>

**Chapter 59 New Source Standards**

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 59:001</td>
<td>Definitions for abbreviations of terms used in the Title 401, Chapter 59.</td>
<td>11/18/06</td>
<td>9/13/07, 72 FR 52282</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:005</td>
<td>General provisions ..................................................</td>
<td>12/01/82</td>
<td>12/04/86, 51 FR 43742.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:010</td>
<td>New process operations .............................................</td>
<td>04/14/88</td>
<td>02/07/90, 55 FR 4169.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:015</td>
<td>New indirect heat exchangers .......................................</td>
<td>01/07/81</td>
<td>03/22/83, 48 FR 11945.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:020</td>
<td>New incinerators .....................................................</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:046</td>
<td>Selected new petroleum refining processes and equipment. ....</td>
<td>06/29/79</td>
<td>08/07/81, 46 FR 40188.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:050</td>
<td>New storage vessels for petroleum liquids .......................</td>
<td>02/04/81</td>
<td>03/30/83, 48 FR 13168.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:080</td>
<td>New Kraft (sulfate) pulp mills ....................................</td>
<td>06/06/79</td>
<td>01/25/80, 45 FR 6092.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:085</td>
<td>New sulfate pulp mills ...............................................</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:090</td>
<td>New ethylene producing plants .....................................</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:101</td>
<td>New bulk gasoline plants ............................................</td>
<td>03/28/84</td>
<td>06/28/96, 61 FR 33674.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:105</td>
<td>New process gas steam ................................................</td>
<td>04/07/82</td>
<td>03/22/83, 48 FR 11945.</td>
<td></td>
</tr>
<tr>
<td>State citation</td>
<td>Title/subject</td>
<td>State effective date</td>
<td>EPA approval date</td>
<td>Explanation</td>
</tr>
<tr>
<td>----------------</td>
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<td>-------------------------</td>
<td>-------------</td>
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<tr>
<td>401 KAR 59:174</td>
<td>Stage II controls at gasoline dispensing facilities</td>
<td>01/17/14</td>
<td>05/22/2014, 79 FR 29352</td>
<td>Exemption from Stage II vapor control requirements for rental fleet vehicle refueling at the Cincinnati/Northern Kentucky International Airport Enterprise Holdings, Inc., facility and Hertz Corporation facility.</td>
</tr>
<tr>
<td>401 KAR 59:175</td>
<td>New service stations</td>
<td>02/08/93</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:185</td>
<td>New solvent metal cleaning equipment</td>
<td>01/04/95</td>
<td>10/04/05, 70 FR 57750</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:190</td>
<td>New insulation of magnet wire operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:210</td>
<td>New fabric, vinyl and paper surface coating operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:212</td>
<td>New graphic arts facilities using rotogravure and flexography</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:214</td>
<td>New factory surface coating operations of flat wood paneling</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:225</td>
<td>New miscellaneous metal parts and products surface coating operation</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:230</td>
<td>New synthesized pharmaceutical product manufacturing operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:235</td>
<td>New pneumatic rubber tire manufacturing plants</td>
<td>02/24/81</td>
<td>03/30/83, 48 FR 13168</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:240</td>
<td>New perchloroethylene dry cleaning systems</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:315</td>
<td>Specific new sources</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 59:760</td>
<td>Commercial Motor Vehicle and Mobile Equipment Refinishing Operations</td>
<td>03/11/05</td>
<td>10/04/05, 70 FR 57750</td>
<td></td>
</tr>
</tbody>
</table>

### Chapter 61 Existing Source Standards

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 61:001</td>
<td>Definitions and abbreviations of terms used in the Title 401, Chapter 61.</td>
<td>11/13/06</td>
<td></td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:005</td>
<td>General provisions</td>
<td>12/01/82</td>
<td>05/04/89, 54 FR 19169</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:010</td>
<td>Existing incinerators</td>
<td>06/06/79</td>
<td>05/04/89, 54 FR 19169</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:015</td>
<td>Existing indirect heat exchangers</td>
<td>06/01/83</td>
<td>04/02/96, 61 FR 14489</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:020</td>
<td>Existing process operations</td>
<td>04/14/88</td>
<td>02/07/90, 59 FR 41699</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:025</td>
<td>Existing kraft (sulfate) pulp mills</td>
<td>06/06/79</td>
<td>05/26/82, 47 FR 22955</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:030</td>
<td>Existing sulfuric acid plants</td>
<td>06/06/79</td>
<td>03/22/83, 48 FR 11945</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:035</td>
<td>Existing process gas streams</td>
<td>04/07/82</td>
<td>03/22/83, 48 FR 11945</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:040</td>
<td>Existing ethylene producing plants</td>
<td>06/06/79</td>
<td>01/25/80, 46 FR 6092</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:045</td>
<td>Existing oil-effluent water separators</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32345</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:050</td>
<td>Existing storage vessels for petroleum liquids</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32345</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:055</td>
<td>Existing loading facilities at bulk gasoline terminals</td>
<td>08/24/82</td>
<td>03/30/83, 48 FR 13168</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:056</td>
<td>Existing bulk gasoline plants</td>
<td>09/28/94</td>
<td>06/28/96, 61 FR 33674</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:060</td>
<td>Existing sources using organic solvents</td>
<td>06/29/79</td>
<td>01/25/80, 46 FR 6092</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:065</td>
<td>Existing nitric acid plants</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30055</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:070</td>
<td>Existing ferroalloy production facilities</td>
<td>06/06/79</td>
<td>05/03/84, 49 FR 18833</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:075</td>
<td>Steel plants and foundries using existing electric arc furnaces</td>
<td>12/01/82</td>
<td>05/04/89, 54 FR 19169</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:080</td>
<td>Steel plants using existing basic oxygen process furnaces</td>
<td>04/01/84</td>
<td>05/04/89, 54 FR 19169</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:085</td>
<td>Existing service stations</td>
<td>02/08/93</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:090</td>
<td>Existing automobile and light-duty truck surface coating operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:095</td>
<td>Existing solvent metal cleaning equipment</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:100</td>
<td>Existing insulation of magnet wire operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:105</td>
<td>Existing metal furniture surface coating operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:110</td>
<td>Existing large appliance surface coating operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:120</td>
<td>Existing fabric, vinyl and paper surface coating operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:122</td>
<td>Existing graphic arts facilities using rotogravure and flexography</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 1—EPA-APPROVED KENTUCKY REGULATIONS—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 61:124</td>
<td>Existing factory surface coating operations of flat wood paneling</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:125</td>
<td>Existing can surface coating operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:130</td>
<td>Existing coil surface coating operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:132</td>
<td>Existing miscellaneous metal parts and products surface coating operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:135</td>
<td>Selected existing petroleum refining processes and equipment</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:140</td>
<td>Existing by-product coke manufacturing plants</td>
<td>09/04/86</td>
<td>05/04/89, 54 FR 19169.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:150</td>
<td>Existing synthesized pharmaceutical product manufacturing operations</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:155</td>
<td>Existing petroleum refinery equipment</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:160</td>
<td>Existing perchloroethylene dry cleaning systems</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:165</td>
<td>Existing primary aluminum reduction plants</td>
<td>06/04/85</td>
<td>12/02/86, 51 FR 43395.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:170</td>
<td>Existing blast furnace causthous</td>
<td>04/14/88</td>
<td>02/07/90, 55 FR 4169.</td>
<td></td>
</tr>
<tr>
<td>401 KAR 61:175</td>
<td>Leaks from existing synthetic organic chemical and polymer manufacturing equipment</td>
<td>06/24/92</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
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</table>

### Chapter 63 General Standards of Performance

<table>
<thead>
<tr>
<th>Reg</th>
<th>Title/subject</th>
<th>EPA approval date</th>
<th>Federal Register notice</th>
<th>District effective date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 63:001</td>
<td>Definitions and abbreviations of terms used in 401 KAR Chapter 63.</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>03/17/99</td>
<td></td>
</tr>
<tr>
<td>401 KAR 63:005</td>
<td>Open burning</td>
<td>07/13/05</td>
<td>10/17/07, 72 FR 58759.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>401 KAR 63:010</td>
<td>Fugitive emissions</td>
<td>06/06/79</td>
<td>07/12/82, 47 FR 30059.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>401 KAR 63:015</td>
<td>Flares</td>
<td>06/06/79</td>
<td>12/24/80, 45 FR 84999.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>401 KAR 63:031</td>
<td>Leaks from gasoline tank trucks</td>
<td>02/08/93</td>
<td>06/23/94, 59 FR 32343.</td>
<td></td>
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</table>

### Chapter 65 Mobile Source-Related Emissions

<table>
<thead>
<tr>
<th>Reg</th>
<th>Title/subject</th>
<th>EPA approval date</th>
<th>Federal Register notice</th>
<th>District effective date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 65:001</td>
<td>Definitions and abbreviations of terms used in 401 KAR Chapter 65.</td>
<td>11/18/06</td>
<td>9/13/07, 72 FR 52282.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>401 KAR 65:005</td>
<td>Liquefied petroleum gas carburetion systems</td>
<td>06/06/79</td>
<td>01/25/80, 45 FR 6092.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Kentucky Revised Statutes (KRS)

<table>
<thead>
<tr>
<th>KRS Chapter</th>
<th>Title/subject</th>
<th>EPA approval date</th>
<th>Federal Register notice</th>
<th>District effective date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>11A.020</td>
<td>Public servant prohibited from certain conduct- Exception-Disclosure of personal or private interest.</td>
<td>7/15/1998</td>
<td>10/3/2012, 77 FR 60307</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11A.030</td>
<td>Considerations in determination to abstain from action on official decision-Advisory opinion.</td>
<td>7/14/1992</td>
<td>10/3/2012, 77 FR 60307</td>
<td></td>
<td></td>
</tr>
<tr>
<td>224.10–020</td>
<td>Department within the cabinet-Officers and divisions within the departments-Appointments.</td>
<td>7/15/2010</td>
<td>10/3/2012, 77 FR 60307</td>
<td></td>
<td></td>
</tr>
<tr>
<td>224.10–100</td>
<td>Powers and duties of cabinet</td>
<td>8/30/2007</td>
<td>10/3/2012, 77 FR 60307</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY

<table>
<thead>
<tr>
<th>Reg</th>
<th>Title/subject</th>
<th>EPA approval date</th>
<th>Federal Register notice</th>
<th>District effective date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.01</td>
<td>General Application of Regulations and Standards.</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>03/17/99</td>
<td></td>
</tr>
<tr>
<td>1.02</td>
<td>Definitions</td>
<td>11/19/02</td>
<td>67 FR 69688</td>
<td>12/19/01</td>
<td></td>
</tr>
<tr>
<td>1.03</td>
<td>Abbreviations and Acronyms</td>
<td>11/19/02</td>
<td>67 FR 69688</td>
<td>05/15/02</td>
<td></td>
</tr>
<tr>
<td>1.04</td>
<td>Performance Tests</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>11/19/97</td>
<td></td>
</tr>
<tr>
<td>1.05</td>
<td>Compliance with Emission Standards and Maintenance Requirements</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>11/18/92</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY—Continued

<table>
<thead>
<tr>
<th>Reg</th>
<th>Title/subject</th>
<th>EPA approval date</th>
<th>Federal Register notice</th>
<th>District effective date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.06</td>
<td>Source Self-Monitoring and Reporting.</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>12/15/93</td>
<td></td>
</tr>
<tr>
<td>1.08</td>
<td>Administrative Procedures</td>
<td>11/03/03</td>
<td>68 FR 62236</td>
<td>06/19/02</td>
<td></td>
</tr>
<tr>
<td>1.09</td>
<td>Prohibition of Air Pollution</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>11/16/83</td>
<td></td>
</tr>
<tr>
<td>1.10</td>
<td>Circumvention</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>04/19/72</td>
<td></td>
</tr>
<tr>
<td>1.11</td>
<td>Control of Open Burning</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>02/22/90</td>
<td></td>
</tr>
<tr>
<td>1.12</td>
<td>Control of Fugitive Particulate Emissions.</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>01/20/88</td>
<td></td>
</tr>
<tr>
<td>1.18</td>
<td>Rule Effectiveness</td>
<td>10/23/01</td>
<td>66 FR 53689</td>
<td>09/21/94</td>
<td></td>
</tr>
<tr>
<td>1.19</td>
<td>Administrative Hearings</td>
<td>11/19/02</td>
<td>67 FR 69688</td>
<td>05/15/02</td>
<td></td>
</tr>
<tr>
<td>2.01</td>
<td>General Application</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>04/21/82</td>
<td></td>
</tr>
<tr>
<td>2.02</td>
<td>Air Pollution Regulation Requirements and Exemptions.</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>06/21/95</td>
<td></td>
</tr>
<tr>
<td>2.03</td>
<td>Permit Requirements—Non-Title V Construction and Operating Permits and Demolition/Renovation Permits.</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>12/15/93</td>
<td></td>
</tr>
<tr>
<td>2.04</td>
<td>Construction or Modification of Major Sources in or Impacting Upon Non-Attainment Areas (Emission Offset Requirements).</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>03/17/93</td>
<td></td>
</tr>
<tr>
<td>2.05</td>
<td>Prevention of Significant Deterioration of Air Quality.</td>
<td>10/12/12</td>
<td>77 FR 62150</td>
<td>11/17/10</td>
<td>This approval does not include Jefferson County’s revisions to incorporate by reference the Ethanol Rule (72 FR 24060, May 1, 2007), Fugitives Emissions Rule (73 FR 77882, December 19, 2008), the PM2.5 Grandfathering Provision and the term “particulate matter emissions” (at 40 CFR 52.21(i)(1)(xi) and 51.166(b)(49)(iv) respectively in the NSR PM2.5 Rule (73 FR 28321, May 16, 2008).</td>
</tr>
<tr>
<td>2.06</td>
<td>Permit Requirements—Other Sources.</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>11/16/83</td>
<td></td>
</tr>
<tr>
<td>2.07</td>
<td>Public Notification for Title V, PSD, and Offset Permits; SIP Revisions; and Use of Emission Reduction Credits.</td>
<td>10/23/01</td>
<td>66 FR 53660</td>
<td>06/21/95</td>
<td></td>
</tr>
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## TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY—Continued

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<th>District effective date</th>
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<td>Purpose of Standards and Expression of Non-Degradation Intention.</td>
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<td>06/13/79</td>
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<td>04/20/88</td>
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<td>General Provisions for Emergency Episodes.</td>
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<td>Emission Monitoring for Existing Sources.</td>
<td>10/23/01</td>
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<td>Standards of Performance for Existing Indirect Heat Exchangers.</td>
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<td>06/13/79</td>
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<td>Standard of Performance for Existing Storage Vessels for Volatile Organic Compounds.</td>
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<td>Standard of Performance for Gasoline Transfer to Existing Service Station Storage Tanks (Stage I Vapor Recovery).</td>
<td>01/25/80</td>
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<td>Standard of Performance for Existing Large Appliance Surface Coating Operations.</td>
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<td>Standard of Performance for Existing Automobile and Truck Surface Coating Operations.</td>
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<td>11/18/92</td>
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<td>11/19/02</td>
<td>67 FR 69688</td>
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<td>Standard of Performance for Existing Metal Furniture Surface Coating Operations.</td>
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<td>6.20</td>
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<td>10/23/01</td>
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<td>11/16/83</td>
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<td>10/23/01</td>
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<td>6.22</td>
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<td>03/17/93</td>
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<td>Standard of Performance for Existing Sources Using Organic Materials.</td>
<td>10/23/01</td>
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<td>03/17/93</td>
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<td>Standards of Performance for Existing Volatile Organic Compound Water Separators.</td>
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<td>Standards of Performance for Existing Liquid Waste Incinerators.</td>
<td>10/23/01</td>
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<td>Standard of Performance for Existing Hot Air Aluminum Atomization Processes.</td>
<td>10/23/01</td>
<td>66 FR 53661</td>
<td>03/18/81</td>
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<td>Standard of Performance for Existing Graphic Arts Facilities Using Rotogravure and Flexography.</td>
<td>10/23/01</td>
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<td>05/15/91</td>
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<td>Standard of Performance for Existing Miscellaneous Metal Parts and Products Surface-Coating Operations.</td>
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<td>04/23/96</td>
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<td>Standard of Performance for Existing Synthesized Pharmaceutical Product Manufacturing Operations.</td>
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<td>Standard of Performance for Existing Pneumatic Rubber Tire Manufacturing Plants.</td>
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<td>10/23/01</td>
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### Table 2—EPA-Approved Jefferson County Regulations for Kentucky—Continued

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<td>Standards of Performance for Gasoline Transfer to Motor Vehicles (Stage II Vapor Recovery and Control).</td>
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<td>08/18/93</td>
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<td>10/23/01</td>
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<td>02/02/94</td>
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<td>10/23/01</td>
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<td>10/23/01</td>
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Reg 7—Standards of Performance for New Affected Facilities

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<td>General Provisions</td>
<td>10/23/01</td>
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<td>09/15/93</td>
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<td>10/23/01</td>
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<td>10/23/01</td>
<td>66 FR 53662</td>
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<td>Standards of Performance for New Solvent Metal Cleaning Equipment.</td>
<td>10/23/01</td>
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<td>05/15/91</td>
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<td>Standard of Performance for New Gasoline Loading Facilities at Bulk Plants.</td>
<td>10/23/01</td>
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<td>11/16/83</td>
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<td>10/23/01</td>
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<td>03/17/93</td>
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<td>10/23/01</td>
<td>66 FR 53662</td>
<td>03/17/93</td>
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<td>10/23/01</td>
<td>66 FR 53662</td>
<td>06/13/79</td>
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<td>66 FR 53662</td>
<td>06/13/79</td>
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<td>10/23/01</td>
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<td>01/20/88</td>
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<td>7.52</td>
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<td>10/23/01</td>
<td>66 FR 53662</td>
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<td>10/23/01</td>
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<td>Standard of Performance for New Factory Surface Coating Operations of Flat Wood Paneling.</td>
<td>10/23/01</td>
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<td>10/23/01</td>
<td>66 FR 53662</td>
<td>04/23/96</td>
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<td>7.60</td>
<td>Standard of Performance for New Synthesized Pharmaceutical Product Manufacturing Operations.</td>
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<td>7.77</td>
<td>Standards of Performance for New Blast Furnace Casthouses.</td>
<td>10/23/01</td>
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<td>Standards of Performance for New Commercial Motor Vehicles and Mobile Equipment Refinishing Operations.</td>
<td>10/23/01</td>
<td>66 FR 53690</td>
<td>02/02/94</td>
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<td>7.81</td>
<td>Standard of Performance for New or Modified Bakery Oven Operations.</td>
<td>10/23/01</td>
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### Reg 8—Mobile Source Emissions Control

**EPA-Approved Kentucky Source-Specific Requirements**

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<td>01/12/82, 47 FR 1291.</td>
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<td>03/05/82</td>
<td>05/11/82, 47 FR 20125.</td>
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<td>Variance for Jiffy and Hiland Dry Cleaners.</td>
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<td>04/18/85, 50 FR 15421.</td>
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<td>TVA Paradise Permit</td>
<td>KDEPDAQ Permit 0-87-012</td>
<td>6/29/87</td>
<td>08/25/89, 54 FR 35326.</td>
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<td>Operating Permits for nine presses at the Alcan Foil Products facility—Louisville.</td>
<td>APCDJC Permits 103–74, 104–74, 105–74, 103–74, 110–74, 111–74.</td>
<td>02/28/90</td>
<td>05/16/90, 55 FR 30998.</td>
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<td>Operating Permit requiring VOC RACT for Calgon CO.</td>
<td>KDEPDAQ Permit 0–94–020</td>
<td>11/17/94</td>
<td>05/24/95, 60 FR 27411.</td>
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<td>Alternative Averaging Period for American Greetings Corporation.</td>
<td>KDEPDAQ Permit V-98-049</td>
<td>07/07/99</td>
<td>05/09/01, 66 FR 23617.</td>
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<td>Title V permit requiring VOC RACT for Publisher's Printing, Inc., Bullitt County.</td>
<td>KDEPDAQ Permit 21–029–00019</td>
<td>07/20/01</td>
<td>10/23/01, 66 FR 53664.</td>
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<tr>
<td>Board Order American Synthetic Rubber Company.</td>
<td>NOx RACT Plan 12/20/00</td>
<td>01/01/01</td>
<td>10/23/01, 66 FR 53684.</td>
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</tr>
<tr>
<td>Board Order E.I. du Pont de Nemours &amp; Company.</td>
<td>NOx RACT Plan 02/21/01</td>
<td>03/01/01</td>
<td>10/23/01, 66 FR 53684.</td>
<td></td>
</tr>
<tr>
<td>Board Order Ford Louisville Assembly Plant.</td>
<td>NOx RACT Plan 11/08/99</td>
<td>01/01/00</td>
<td>10/23/01, 66 FR 53684.</td>
<td></td>
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<tr>
<td>Board Order General Electric Company.</td>
<td>NOx RACT Plan 01/17/01</td>
<td>03/01/01</td>
<td>10/23/01, 66 FR 53684.</td>
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</table>
## EPA-Approved Kentucky Source-Specific Requirements—Continued

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit No.</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
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<tbody>
<tr>
<td>Board Order Kosmos Cement Company.</td>
<td>NOx RACT Plan 05/03/04</td>
<td>05/03/04</td>
<td>05/18/05, 70 FR 28429.</td>
<td></td>
</tr>
<tr>
<td>Board Order Louisville Gas and Electric Company, Cane Run Generating Station.</td>
<td>NOx RACT Plan 10/18/00</td>
<td>01/01/01</td>
<td>10/23/01, 66 FR 53684.</td>
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<tr>
<td>Board Order Louisville Gas and Electric Company, Mill Creek Generating Station.</td>
<td>NOx RACT Plan 10/18/00</td>
<td>01/01/01</td>
<td>10/23/01, 66 FR 53684.</td>
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<tr>
<td>Board Order Louisville Medical Center Steam Plant.</td>
<td>NOx RACT Plan 02/21/01</td>
<td>04/01/01</td>
<td>10/23/01, 66 FR 53685.</td>
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<tr>
<td>Board Order Oxy Vinyls, LP</td>
<td>NOx RACT Plan 12/20/00</td>
<td>01/01/01</td>
<td>10/23/01, 66 FR 53685.</td>
<td></td>
</tr>
<tr>
<td>Board Order Rohm and Haas Company.</td>
<td>NOx RACT Plan 12/20/00</td>
<td>01/01/01</td>
<td>10/23/01, 66 FR 53685.</td>
<td></td>
</tr>
<tr>
<td>Board Order Texas Gas Transmission.</td>
<td>NOx RACT Plan 11/08/99</td>
<td>01/01/00</td>
<td>10/23/01, 66 FR 53685.</td>
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<tr>
<td>Lawson Mardon Packaging, USA, Inc.</td>
<td>N/A</td>
<td>08/11/03</td>
<td>07/10/03, 68 FR 41084.</td>
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</tr>
<tr>
<td>Calgon Carbon Corporation</td>
<td>V--00-015</td>
<td>05/13/05</td>
<td>05/24/06, 71 FR 29786</td>
<td></td>
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</tbody>
</table>

The only parts of the permit being approved and incorporated are the SO\textsubscript{2} emission limits from the following emissions points: 12, 14, 21, 31, 34, 32, 40, 39, 42, and 64.

<table>
<thead>
<tr>
<th>Name of non-regulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality surveillance plan .......</td>
<td>Commonwealth of Kentucky.</td>
<td>11/15/79</td>
<td>11/16/81, 46 FR 56198.</td>
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<tr>
<td>Protection Visibility in Class I Areas.</td>
<td>Mammoth Cave National Park (Class I area).</td>
<td>08/31/97</td>
<td>07/12/88, 53 FR 26253.</td>
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<tr>
<td>Small Business Assistance Program.</td>
<td>Commonwealth of Kentucky.</td>
<td>07/15/93</td>
<td>06/19/95, 60 FR 31915.</td>
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<tr>
<td>Lexington Maintenance Plan .........</td>
<td>Fayette County, Scott County.</td>
<td>08/24/04</td>
<td>09/16/04, 69 FR 55751.</td>
<td></td>
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<tr>
<td>Ashland-Huntington Maintenance Plan.</td>
<td>Boyd County, Greenup County.</td>
<td>05/24/95</td>
<td>06/29/95, 60 FR 33752.</td>
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<tr>
<td>Maintenance Plan for Owensboro &amp; Edmonson County Area.</td>
<td>Daviess County, Henderson County.</td>
<td>04/14/98</td>
<td>09/03/98, 63 FR 46898.</td>
<td></td>
</tr>
<tr>
<td>Northern Kentucky 15% Plan &amp; IM.</td>
<td>Boone, Campbell and Kenton Counties.</td>
<td>09/11/98</td>
<td>12/08/98, 63 FR 67591.</td>
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</tbody>
</table>

* Bypass of the scrubber shall be limited to 720 operating hours in any 12 consecutive months.

(e) EPA-approved non-regulatory provisions.
<table>
<thead>
<tr>
<th>Name of non-regulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negative Declarations submitted by the Air Pollution Control District of Jefferson County for the Louisville 1-hour moderate ozone nonattainment area for CTG rules for aerospace, shipbuilding, and wood furniture manufacturing.</td>
<td>Jefferson County, Bullitt County, Oldham County.</td>
<td>02/26/01 10/23/01, 66 FR 53665.</td>
<td></td>
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</tr>
<tr>
<td>Louisville 1-Hour Ozone Maintenance Plan.</td>
<td>Jefferson County and portions of Bullitt and Oldham Counties.</td>
<td>11/1/03 05/18/05, 70 FR 28429.</td>
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<td></td>
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<tr>
<td>Maintenance Plan for Paducah Area.</td>
<td>Marshall County and a portion of Livingston County.</td>
<td>06/14/01 08/20/01, 66 FR 43488.</td>
<td></td>
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<tr>
<td>Northern Kentucky 1-Hour Ozone Maintenance Plan.</td>
<td>Boone, Campbell, and Kenton Counties.</td>
<td>02/09/05 10/04/05, 70 FR 57750</td>
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<tr>
<td>8-Hour Ozone Maintenance Plan for the Christian County, Kentucky area.</td>
<td>Christian County.</td>
<td>05/20/05 01/25/06, 71 FR 4047</td>
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<tr>
<td>Kentucky portion of the Ashland-Huntington Sulfur Dioxide Maintenance Plan.</td>
<td>Boyd County.</td>
<td>05/13/05 05/24/06, 71 FR 29786</td>
<td></td>
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<tr>
<td>Louisville 8-hour Ozone Maintenance Plan.</td>
<td>Bullitt County, Jefferson County, Oldham County.</td>
<td>09/26/06 07/05/07, 72 FR 36601</td>
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<tr>
<td>Huntington-Ashland 8-hour Ozone Maintenance Plan.</td>
<td>Boyd County.</td>
<td>09/29/06 06/03/07, 71 FR 43172</td>
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<tr>
<td>Huntington—Ashland 8-hour Ozone Section 110(a)(1) Maintenance Plan.</td>
<td>A portion of Greenup County.</td>
<td>May 27, 2008 4/14/11, 76 FR 20853</td>
<td></td>
<td>For the 1997 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>Lexington 8-hour Ozone Section 110(a)(1) Maintenance Plan Section 110(a)(1).</td>
<td>Fayette and Scott Counties.</td>
<td>May 27, 2008 4/14/11, 76 FR 20853</td>
<td></td>
<td>For the 1997 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>Edmonson County 8-hour Ozone Section 110(a)(1) Maintenance Plan.</td>
<td>Edmonson County.</td>
<td>May 27, 2008 4/14/11, 76 FR 20853</td>
<td></td>
<td>For the 1997 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>Owensboro 8-hour Ozone Section 110(a)(1) Maintenance Plan.</td>
<td>Daviess County and a portion of Hancock County.</td>
<td>May 27, 2008 4/14/11, 76 FR 20853</td>
<td></td>
<td>For the 1997 8-hour ozone NAAQS.</td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards.</td>
<td>Commonwealth of Kentucky.</td>
<td>12/13/2007 7/13/2011, 76 FR 41088</td>
<td></td>
<td>For the 1997 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>Huntington-Ashland 1997 PM&lt;sub&gt;2.5&lt;/sub&gt; Attainment Plan.</td>
<td>Boyd County; Portion of Lawrence County.</td>
<td>12/03/2008 4/11/2012, 77 FR 21663</td>
<td></td>
<td>For the 1997 PM&lt;sub&gt;2.5&lt;/sub&gt; NAAQS.</td>
</tr>
<tr>
<td>Name of non-regulatory SIP provision</td>
<td>Applicable geographic or nonattainment area</td>
<td>State submittal date/effective date</td>
<td>EPA approval date</td>
<td>Explanations</td>
</tr>
<tr>
<td>--------------------------------------</td>
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<td>------------------------------------</td>
<td>------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Regional Haze Plan and Plan Amendment</td>
<td>Statewide .......................................</td>
<td>06/25/08 and 05/28/10</td>
<td>03/30/12, 77 FR 19098</td>
<td>Source-specific BART requirements are summarized in Table 7.5.3-2 of the Commonwealth’s May 28, 2010 submittal.</td>
</tr>
<tr>
<td>Louisville; 1997 Annual Fine Particulate Matter 2002 Base Year Emissions Inventory, 110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Bullitt and Jefferson Counties.</td>
<td>12/03/2008</td>
<td>8/2/12, 77 FR 45956.</td>
<td>With the exception of section 110(a)(2)(D)(i). With respect to sections 110(a)(2)(C) related to PSD requirements and 110(a)(2)(U) related to PSD requirements, EPA conditionally approved these requirements.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Kentucky ...........................................</td>
<td>8/26/2008</td>
<td>10/3/2012, 77 FR 60307</td>
<td>With the exception of section 110(a)(2)(D)(i). With respect to sections 110(a)(2)(C) related to PSD requirements and 110(a)(2)(U) related to PSD requirements, EPA conditionally approved these requirements.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Kentucky ...........................................</td>
<td>7/17/2012</td>
<td>10/3/2012, 77 FR 60307</td>
<td>With the exception of section 110(a)(2)(D)(i). With respect to sections 110(a)(2)(C) related to PSD requirements and 110(a)(2)(U) related to PSD requirements, EPA conditionally approved these requirements.</td>
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<tr>
<td>1997 Annual PM$_{2.5}$ Maintenance Plan for the Kentucky portion of the Huntington-Ashland Area.</td>
<td>Boyd County and Lawrence County (part) (Kentucky portion of the Huntington-Ashland WV–KY–OH Area).</td>
<td>2/9/12</td>
<td>12/26/12, 77 FR 75865</td>
<td>For the 1997 Annual PM$_{2.5}$ NAAQS.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards.</td>
<td>Commonwealth of Kentucky.</td>
<td>7/17/2012</td>
<td>3/7/2013, 78 FR 14681</td>
<td>With the exception of section 110(a)(2)(D)(i) concerning interstate transport which is being disapproved and, the portions of sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(U) related to structural PSD requirements, which are being conditionally approved.</td>
</tr>
</tbody>
</table>
Environmental Protection Agency

§ 52.921

EPA—APPROVED KENTUCKY NON-REGULATORY PROVISIONS—Continued

<table>
<thead>
<tr>
<th>Name of non-regulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Kentucky</td>
<td>8/26/2008</td>
<td>5/7/2014, 79 FR 26143</td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
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<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>Kentucky</td>
<td>7/17/2012</td>
<td>5/7/2014, 79 FR 26143</td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead NAAQS.</td>
<td>Kentucky</td>
<td>7/17/2012</td>
<td>3/18/2015, 80 FR 14019</td>
<td>Addressing the PSD permitting requirements of sections 110(a)(2)(C), 110(a)(2)(D)(ii)(II) (prong 3) and 110(a)(2)(L) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2010 NOx NAAQS.</td>
<td>Kentucky</td>
<td>4/26/2013</td>
<td>3/18/2015, 80 FR 14019</td>
<td>Addressing the PSD permitting requirements of sections 110(a)(2)(C), 110(a)(2)(D)(ii)(II) (prong 3) and 110(a)(2)(L) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards.</td>
<td>Commonwealth of Kentucky</td>
<td>July 17, 2012</td>
<td>10/9/2015, 80 FR 61107</td>
<td>With the exception of provisions pertaining to PSD permitting requirements in sections 110(a)(2)(C), 110(a)(2)(D)(ii)(II) (prong 3) and 110(a)(2)(L) only.</td>
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</tbody>
</table>

[64 FR 28750, May 27, 1999]

EDITORIAL NOTE: For Federal Register citations affecting §52.920, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.921 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Photochemical oxidants (hydrocarbons)</th>
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</thead>
<tbody>
<tr>
<td>Appalachian Intrastate</td>
<td></td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Bluegrass Intrastate</td>
<td></td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate</td>
<td></td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate</td>
<td></td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Louisville Interstate</td>
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<td>III</td>
<td>III</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Metropolitan Cincinnati Interstate</td>
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<td>III</td>
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<tr>
<td>Paducah (Kentucky)-Cairo (Illinois) Interstate</td>
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<td>III</td>
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<tr>
<td>South Central Kentucky Intrastate</td>
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<td>III</td>
<td>III</td>
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</tbody>
</table>

§ 52.922 [Reserved]

§ 52.923 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Kentucky'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 I, 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 Appendix S of 40 CFR part 51 are met.


§ 52.924 Legal authority.

(a) The requirements of §51.230(f) of this chapter are not met since K.R.S. 224.380 of the Air Pollution Control Law of the Commonwealth of Kentucky (June 18, 1970) does not provide for the release, under certain circumstances, of emission data to the public.

(b) Delegation of Authority: Pursuant to section 114 of the Act, Kentucky requested a delegation of authority to enable it to collect, correlate, and release emission data to the public. The Administrator has determined that Kentucky is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates to Kentucky his authority under section 114(a) (1) and (2) and section 114(c) of the Act, i.e., authority to collect, correlate, and release emission data to the public.


§ 52.925 General requirements.

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


§ 52.926 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Kentucky's plan, except where noted.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Primary</td>
<td>Secondary</td>
<td>Primary</td>
<td>Secondary</td>
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<tr>
<td>Appalachian Intrastate:</td>
<td>a. Bell County</td>
<td>g</td>
<td>h</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>b. Perry County</td>
<td>g</td>
<td>h</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>c. Whitley County</td>
<td>g</td>
<td>h</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>d. Rest of AQCR</td>
<td>c</td>
<td>c</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Bluegrass Intrastate:</td>
<td>a. Fayette County</td>
<td>a</td>
<td>c</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>b. Madison County</td>
<td>g</td>
<td>h</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>c. Rest of AQCR</td>
<td>a</td>
<td>c</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate:</td>
<td>a. Daviess County</td>
<td>g</td>
<td>i</td>
<td>g</td>
<td>g</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>b. Henderson County</td>
<td>g</td>
<td>i</td>
<td>a</td>
<td>a</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>c. Webster County</td>
<td>c</td>
<td>c</td>
<td>g</td>
<td>g</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>d. Rest of AQCR</td>
<td>c</td>
<td>c</td>
<td>a</td>
<td>e</td>
<td>b</td>
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<tr>
<td>Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate:</td>
<td>a. Boyd County</td>
<td>g</td>
<td>i</td>
<td>g</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>b. Lawrence County</td>
<td>g</td>
<td>h</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>c. Rest of AQCR</td>
<td>c</td>
<td>c</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Louisville Interstate</td>
<td>g</td>
<td>i</td>
<td>j</td>
<td>j</td>
<td>b</td>
<td>h</td>
</tr>
<tr>
<td>Metropolitan Cincinnati interstate:</td>
<td>a. Boone County</td>
<td>c</td>
<td>c</td>
<td>a</td>
<td>d</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>b. Campbell County</td>
<td>g</td>
<td>h</td>
<td>a</td>
<td>d</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>c. Kenton County</td>
<td>c</td>
<td>c</td>
<td>a</td>
<td>d</td>
<td>b</td>
</tr>
</tbody>
</table>
§ 52.929 Determination of attainment.

(a) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Huntington-Ashland, West Virginia-Kentucky-Ohio PM$_{2.5}$ nonattainment Area attained the 1997 annual PM$_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area’s air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Huntington-Ashland PM$_{2.5}$ nonattainment Area is subject to the consequences of failing to attain pursuant to section 179(d).

(b) Based upon EPA’s review of the air quality data for the 3-year period 2007–2009, EPA determined that the Louisville, Kentucky-Indiana PM$_{2.5}$ nonattainment Area attained the 1997 annual PM$_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area’s air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Louisville PM$_{2.5}$ nonattainment Area is subject to the consequences of failing to attain pursuant to section 179(d).
(c) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM$_{2.5}$ nonattainment Area attained the 1997 annual PM$_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM$_{2.5}$ nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

§ 52.930 Control strategy: Ozone.

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

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

(2) Northern Kentucky (Boone, Campbell and Kenton Counties) ozone nonattainment area. The demonstration of attainment of the ozone standards by the end of 1982, submitted as part of Kentucky's ozone SIP revision on June 23, 1982, (draft), September 27, 1982, and November 3, 1982, is disapproved. As a result, the extension of the attainment deadline until December 31, 1987, remains in effect, along with the related requirement to submit a SIP revision addressing all requirements of Part D extension areas.

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

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

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

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

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

(h) Determination—EPA is determining that as of July 5, 2000, the Kentucky portion of the Cincinnati-Hamilton ozone nonattainment area (which includes the Counties of Boone, Kenton, and Campbell) has attained the 1-hour ozone standard and that the attainment demonstration requirements of section 182(b)(1), 182(j), and 172(c)(1), along with the section 172(c)(9) contingency measure requirements, do not apply to the area.
Environmental Protection Agency

§ 52.931

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

(j) [Reserved]

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

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

(m) Determination of attainment. The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Cincinnati, OH-KY-IN 2008 ozone Marginal nonattainment area has attained the 2008 ozone NAAQS. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area’s air quality data as of the attainment date, whether the area attained the standard. The EPA also determined that the Cincinnati, OH-KY-IN nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

[46 FR 58082, Nov. 30, 1981]

EDITORIAL NOTE: For Federal Register citations affecting § 52.930, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.931 Significant deterioration of air quality.

(a) 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 Kentucky only as they apply to permits issued pursuant to §52.21 prior to final approval of Kentucky’s Regulation for Prevention of Significant Deterioration (PSD), Visibility Monitoring, and Visibility New Source Review in Attainment Areas. The provisions of §52.21 (b) through (w) are rescinded for permits issued after final approval of Kentucky’s Regulation for Prevention of Significant Deterioration (PSD), Visibility Monitoring, and Visibility New Source Review in Attainment Areas.

(b) The Commonwealth of Kentucky has committed to revising the state’s regulations accordingly when EPA amends the federal vessel emissions provisions contained in 40 CFR 51.166. In a letter dated October 17, 1986, Kentucky stated:

As requested, the Division of Air Pollution Control hereby commits to changing the definition of “building, structure, facility, or installation,” and any other applicable definitions, when the issue of vessel emissions is resolved at the federal level, and after the federal regulation, 40 CFR 51.24, is amended.

(c) In a letter dated May 3, 1988, EPA informed Kentucky that the following caveat must be included in all potentially affected permits due to a decision of the U.S. Court of Appeals for the District of Columbia Circuit (NRDC v. Thomas, 838 F.2d 1224):

In approving this permit, the Kentucky Division for Air Quality has determined that the application complies with the applicable provisions of the stack height regulations as revised by the EPA on July 8, 1985 (50 FR 27982). Portions of the regulations have been remanded by a panel of the U.S. Court of Appeals for the D.C. Circuit in NRDC v. Thomas.
§ 52.932  Control Strategy: Sulfur oxides and particulate matter.

40 CFR Ch. I (7–1–16 Edition)

838 F.2d 1224 (D.C. Cir. 1988). Consequently, this permit may be subject to modification if and when the EPA revises the regulation in response to the court decision. This may result in revised emission limitations or may affect other actions taken by the source owners or operators.

Kentucky responded with a letter dated May 11, 1988, stating in part:

This is in response to your letter dated May 3, 1988 * * *. As requested by your letter, the Kentucky Division for Air Quality agrees to include the condition set forth in your letter, in all potentially affected permits issued under regulation 401 KAR 51:017 or 401 KAR 51:052. Therefore, I request that you consider this letter as our commitment that the required caveat will be included in all potentially affected permits * * *.

(d) All applications and other information required pursuant to § 52.21 of this part from sources located in the Commonwealth of Kentucky shall be submitted to the State agency, Commonwealth of Kentucky, Energy and Environment Cabinet, Department of Environmental Protection, Division for Air Quality, 200 Fair Oaks Lane, 1st Floor, Frankfort, Kentucky 40601–1403 or local agency, Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky 40204–1745, rather than to EPA’s Region 4 office.

§ 52.933  Rules and regulations.

(a) The last sentence of section 3(1) of Kentucky regulation 401 KAR 3:050, which specifies that a new fossil fuel fired steam electric generator’s allowable SO\(_2\) emissions may be calculated by averaging SO\(_2\) emissions from existing units of this type and from new ones, is disapproved since it contravenes subpart D of 40 CFR part 60, New Source Performance Standards.

(b) Section 8(2)(a) of regulation 401 KAR 61:015 is disapproved in that it allows the Tennessee Valley Authority’s Shawnee power plant until October 1, 1981, to achieve compliance with emissions limits which are not made more stringent by the 1979 Part D revisions, and which the source was previously required to meet by July 1, 1977.

(c) Section 8(2)(d) of regulation 401 KAR 61:015 is disapproved in that it allows sources until December 31, 1982, to achieve compliance with emission limits which are not made more stringent by the 1979 Part D revisions, and which the sources were previously required to meet prior to 1979.


§ 52.933  Control Strategy: Sulfur oxides and particulate matter.

(a) In a letter dated March 27, 1987, the Kentucky Department for Natural Resources and Environmental Protection certified that no emission limits in the State’s plan are based on dispersion techniques not permitted by EPA’s stack height rules. This certification does not apply to: Big Rivers-Green #1 & 2, Kentucky Utilities-Ghent #3 & 4, and Ashland Oil, Inc.-Catlettsburg.

(b) Determination of Attainment. EPA has determined, as of March 9, 2011, that the Louisville, IN-KY PM\(_{2.5}\) non-attainment area has attained the 1997 PM\(_{2.5}\) NAAQS. These determinations, in accordance with 40 CFR 51.1004(c), suspend the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standards for as long as the area continues to meet the 1997 PM\(_{2.5}\) NAAQS.

(c) Disapproval. EPA is disapproving portions of Kentucky’s Infrastructure SIP for the 2006 24-hour PM\(_{2.5}\) NAAQS addressing interstate transport, specifically with respect to section 110(a)(2)(D)(i)(I).

(d) 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, non-attainment Area has attained the 1997 annual PM\(_{2.5}\) 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\(_{2.5}\) NAAQS.
(e) 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$_{2.5}$ 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$_{2.5}$ NAAQS.


§ 52.934 [Reserved]

§ 52.935 PM$_{10}$ State implementation plan development in group II areas.

On July 7, 1988, the State submitted a committal SIP for the cities of Ashland and Catlettsburg in Boyd County. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM$_{10}$ at 52 FR 24681. The SIP commits the State to submit an emissions inventory, continue to monitor for PM$_{10}$, report data and to submit a full SIP if a violation of the PM$_{10}$ National Ambient Air Quality Standards is detected.

[55 FR 4172, Feb. 7, 1990]

§ 52.936 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 Kentucky on June 25, 2008, and amended on May 28, 2010, 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$_x$ and SO$_2$ 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$_x$. The deficiencies associated with NO$_x$ identified in EPA’s limited disapproval of the regional haze plan submitted by Kentucky on June 25, 2008, and amended on May 28, 2010, are satisfied by §52.940.

(c) Measures Addressing Limited Disapproval Associated with SO$_2$. The deficiencies associated with SO$_2$ identified in EPA’s limited disapproval of the regional haze plan submitted by Kentucky on June 25, 2008, and amended on May 28, 2010, are satisfied by §52.941.

[77 FR 33657, June 7, 2012]

§ 52.937 Review of new sources and modifications.

(a) Approval—EPA is approving the section 182(f) oxides of nitrogen (NO$_x$) reasonably available control technology (RACT) exemption request submitted by the Kentucky Department for Environmental Protection on August 16, 1994, for the Kentucky portion of the Huntington-Ashland ozone (O$_3$) moderate nonattainment area. This approval exempts this area from implementing NO$_x$ RACT on major sources of NO$_x$. If a violation of the O$_3$ NAAQS occurs in the area, the exemption from the requirement of section 182(f) of the CAA in the applicable area shall not apply.

(b) Approval—EPA is approving the section 182(f) oxides of nitrogen (NO$_x$) reasonably available control technology (RACT) exemption request submitted by the Kentucky Department for Environmental Protection on August 16, 1994, for the Kentucky portion of the Cincinnati-Hamilton ozone (O$_3$) moderate nonattainment area. This approval exempts this area from implementing NO$_x$ RACT on major sources of NO$_x$.


§ 52.938 General conformity.

The General Conformity regulations were submitted on November 10, 1995, and adopted into the Kentucky State Implementation Plan (SIP). The Commonwealth of Kentucky incorporated by reference regulations 40 CFR part 51, subpart W—determining conformity of General Federal Actions to State or Federal Implementation Plans.

[63 FR 40046, July 27, 1998]

§ 52.939 Original identification of plan section.

(a) This section identified the original “Air Implementation Plan for the
§ 52.940 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 Kentucky and for which requirements are set forth under the TR NO\textsubscript{X} 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 Kentucky’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 Kentucky’s SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NO\textsubscript{X} Annual 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\textsubscript{X} 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.

[76 FR 48365, Aug. 8, 2011]

§ 52.941 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 Kentucky and for which requirements are set forth under the TR SO\textsubscript{2} 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 Kentucky’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
Environmental Protection Agency § 52.970

Time of the approval of Kentucky’s SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO2 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 SO2 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 48366, Aug. 8, 2011]

Subpart T—Louisiana

§ 52.970 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State Implementation Plan (SIP) for Louisiana 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),(d) and (e) of this section with an EPA approval date prior to July 1, 1998, 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), (d) and (e) of this section with EPA approval dates after July 1, 1998, 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 July 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202–2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., 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.

(c) EPA approved regulations.

EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAC Title 33. Environmental Quality Part III. Air</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chapter 1—General Provisions

<table>
<thead>
<tr>
<th>Section</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 101</td>
<td>Authority, Matter Incorporated by Reference, and Permit Fee System.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
</tr>
<tr>
<td>Section 103</td>
<td>Scope and Severability of Air Regulations.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
</tr>
<tr>
<td>Section 109</td>
<td>Necessary Changes for Approval of Compliance Schedules and Annual Report Requirements.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
</tr>
<tr>
<td>Section 111</td>
<td>Definitions</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td>SPOC</td>
</tr>
</tbody>
</table>

Chapter 2—Rules and Regulations for the Fee System of the Air Quality Control Programs

<table>
<thead>
<tr>
<th>Section</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 201</td>
<td>Scope and Purpose</td>
<td>10/20/93</td>
<td>4/21/2016, 81 FR 23425</td>
</tr>
<tr>
<td>Section 203</td>
<td>Authority</td>
<td>9/20/1988</td>
<td>4/21/2016, 81 FR 23425</td>
</tr>
<tr>
<td>Section 205</td>
<td>Definitions</td>
<td>9/20/1988</td>
<td>4/21/2016, 81 FR 23425</td>
</tr>
<tr>
<td>Section 207</td>
<td>Application Fees</td>
<td>2/20/2000</td>
<td>4/21/2016, 81 FR 23425</td>
</tr>
<tr>
<td>Section 209</td>
<td>Annual Fees</td>
<td>2/20/2000</td>
<td>4/21/2016, 81 FR 23425</td>
</tr>
</tbody>
</table>
## EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 211</td>
<td>Methodology</td>
<td>4/20/2011</td>
<td>4/21/2016, 81 FR 23425</td>
<td>SIP does NOT include LAC 33:III.211.B.15.</td>
</tr>
<tr>
<td>Section 213</td>
<td>Determination of Fee</td>
<td>9/20/1988</td>
<td>4/21/2016, 81 FR 23425</td>
<td></td>
</tr>
<tr>
<td>Section 215</td>
<td>Method of Payment</td>
<td>10/20/2009</td>
<td>4/21/2016, 81 FR 23425</td>
<td></td>
</tr>
<tr>
<td>Section 217</td>
<td>Late Payment</td>
<td>3/20/1999</td>
<td>4/21/2016, 81 FR 23425</td>
<td></td>
</tr>
<tr>
<td>Section 219</td>
<td>Failure to Pay</td>
<td>3/20/1999</td>
<td>4/21/2016, 81 FR 23425</td>
<td></td>
</tr>
<tr>
<td>Section 221</td>
<td>Effective Date</td>
<td>9/20/1988</td>
<td>4/21/2016, 81 FR 23425</td>
<td></td>
</tr>
</tbody>
</table>

### Chapter 5—Permit Procedures

| Section 501    | Scope and Applicability | 5/20/1996 | 11/5/2015, 80 FR 68451 | Ref 52.999(c)(49) |
| Section 503    | Procedures for Notification for Interstate Pollution | Dec. 1987, LR13:741 | 03/08/89, 54 FR 09795 |
| Section 504    | Nonattainment New Source Review (NNSR) Procedures. | 2/20/2011 | 11/5/2015, 80 FR 68451 | The SIP does not include LAC 33:III.504.M. |
| Section 505    | For Emissions Below PSD de minimis Levels. | Dec. 1987, LR13:741 | 03/08/89, 54 FR 09795 | Ref 52.999(c)(49) |
| Section 506(A) | Clean Air Interstate Rule Requirements—Nitrogen Oxide Annual Program. | 6/20/2008 | 4/17/2014, 79 FR 21631 |
| Section 506(B) | Clean Air Interstate Rule Requirements—Nitrogen Oxide Ozone Season Program. | 6/20/2008 | 4/17/2014, 79 FR 21631 |
| Section 506(C) | Clean Air Interstate Rule Requirements—Annual Sulfur Dioxide. | 6/20/2008 | 4/17/2014, 79 FR 21631 |
| Section 506(D) | Documentation | 09/20/2006 | 09/28/2007, 72 FR 55064 |
| Section 506(E) | Modifications or Exceptions | 09/20/2006 | 09/28/2007, 72 FR 55064 |
| Section 509    | Prevention of Significant Determination. | 12/20/2012 | 11/5/2015, 80 FR 68451 |

### Chapter 6—Regulations on Control of Emissions Reduction Credits Banking

| Section 601    | Purpose | Feb. 2002, LR 28:301 | 09/27/02, 67 FR 60877 |
| Section 603    | Applicability | 10/20/2007 | 11/5/2015, 80 FR 68451 |
| Section 605    | Determination of Creditable Emission Reductions. | 10/20/2007 | 11/5/2015, 80 FR 68451 |
| Section 613    | ERC Balance Sheet | 10/20/2007 | 11/5/2015, 80 FR 68451 |
| Section 615    | Schedule for Submitting Applications. | 10/20/2007 | 11/5/2015, 80 FR 68451 |
| Section 617    | Procedures for Review and Approval of ERCs. | Feb. 2002, LR 28:304 | 09/27/02, 67 FR 60877 |
### Chapter 7—Ambient Air Quality

<table>
<thead>
<tr>
<th>Section</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 701</td>
<td>Purpose</td>
<td>03/20/08</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 701.C</td>
<td>Purpose</td>
<td>10/20/1995</td>
<td>07/05/11, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 709.A</td>
<td>Measurement of Concentrations—PM$<em>{10}$, PM$</em>{2.5}$, Sulfur Dioxide, Carbon Monoxide, Atmospheric Oxidants, Nitrogen Oxides, and Lead.</td>
<td>9/20/2006</td>
<td>07/05/11, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 711</td>
<td>Tables 1, 1a, 2-Air Quality</td>
<td>03/20/08</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 703</td>
<td>Scope</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795, Ref 52.999(c)(49)</td>
<td></td>
</tr>
<tr>
<td>Section 705</td>
<td>Standards: Description of Ambient Air Quality Standards.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td></td>
</tr>
<tr>
<td>Section 707</td>
<td>Degradation of Ambient Air Having Higher Quality than Set Forth in these Sections Restricted.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td></td>
</tr>
<tr>
<td>Section 709</td>
<td>Measurement of Concentrations PM$_{10}$, SO$_2$, CO, Atmospheric Oxidants, NO$_x$, and Pb.</td>
<td>Jun. 1988, LR14:348</td>
<td>06/15/89, 54 FR 25451</td>
<td></td>
</tr>
<tr>
<td>Section 711</td>
<td>Tables 1, 1a, and 2—Air Quality</td>
<td>03/20/08</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
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</tbody>
</table>

### Chapter 9—General Regulations on Control of Emissions and Emission Standards

<table>
<thead>
<tr>
<th>Section</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
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<tr>
<td>Section 901</td>
<td>Purpose</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795, Ref 52.999(c)(49)</td>
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</tr>
<tr>
<td>Section 903</td>
<td>Scope</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td></td>
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<tr>
<td>Section 905</td>
<td>Control Facilities to be Installed When Feasible.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td></td>
</tr>
<tr>
<td>Section 909</td>
<td>Responsible Person to have Test Made.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td></td>
</tr>
<tr>
<td>Section 911</td>
<td>Department May Make New Sources to Provide Sampling Ports.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td></td>
</tr>
<tr>
<td>Section 915</td>
<td>Emissions Inventory</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td></td>
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<tr>
<td>Section 917</td>
<td>Variance</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795, Ref 52.999(c)(49)</td>
<td></td>
</tr>
<tr>
<td>Section 918</td>
<td>Emission Inventory Reporting.</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 919</td>
<td>Emission Inventory</td>
<td>10/07</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 919.A.6</td>
<td>Types of Inventories</td>
<td>2/20/2006</td>
<td>07/05/11, 76 FR 38977</td>
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</tr>
<tr>
<td>Section 919.B.1</td>
<td>Types of Inventories</td>
<td>12/20/2003</td>
<td>07/05/11, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 919.B.2</td>
<td>Calculations</td>
<td>2/20/2006</td>
<td>07/05/11, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 919.C</td>
<td>Reporting Requirements Enforcement Fees.</td>
<td>12/20/2003</td>
<td>07/05/11, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 921</td>
<td>Stack Heights</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795, Ref 52.999(c)(49)</td>
<td></td>
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<tr>
<td>Section 923</td>
<td>Maintenance of Pay</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795, Ref 52.999(c)(49)</td>
<td></td>
</tr>
<tr>
<td>Section 925</td>
<td>Mass Emission Rate Control Plan.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795, Ref 52.999(c)(49)</td>
<td></td>
</tr>
<tr>
<td>Section 927</td>
<td>Notification Required (Emergency Occurrences).</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795,</td>
<td></td>
</tr>
<tr>
<td>Section 929</td>
<td>Violation of Emission Regulation Cannot be Authorized.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td></td>
</tr>
</tbody>
</table>

### Chapter 11—Control of Emissions From Smoke

<table>
<thead>
<tr>
<th>Section</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1101.A</td>
<td>Control of Air Pollution from Smoke, Purpose.</td>
<td>10/20/1995</td>
<td>07/05/11, 76 FR 38977</td>
<td></td>
</tr>
</tbody>
</table>
### § 52.970

**EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued**

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1105.A</td>
<td>Smoke from Flaring Shall Not Exceed 20 Percent Opacity</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 1107.A</td>
<td>Exemptions</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 1109.A</td>
<td>Control of Air Pollution from Outdoor Burning.</td>
<td>10/20/1995</td>
<td>7/05/2011, 76 FR 38977</td>
<td>1107(A) is subject to SIP Call.</td>
</tr>
<tr>
<td>Section 1109.B</td>
<td>Control of Air Pollution from Outdoor Burning.</td>
<td>4/20/1998</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
</tbody>
</table>

#### Chapter 13—Emission Standards for Particulate Matter

<table>
<thead>
<tr>
<th>Subchapter A</th>
<th>General</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1301</td>
<td>Emission Standards for Particulate Matter.</td>
</tr>
<tr>
<td>Section 1305</td>
<td>Control of Fugitive Emissions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subchapter B</th>
<th>Fluid Catalytic Cracking Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1311.C–D.</td>
<td>Emission Limits</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subchapter C</th>
<th>Fuel Burning Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1313</td>
<td>Emissions from Fuel Burning Equipment.</td>
</tr>
<tr>
<td>Section 1315</td>
<td>More Stringent Regulations.</td>
</tr>
<tr>
<td>Section 1317</td>
<td>Exclusions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subchapter D</th>
<th>Refuse Incinerators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1319</td>
<td>10/20/1994</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Subchapter E</th>
<th>Leadened Particulate Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 3</td>
<td>Allowable Rate of Emissions Based on Process Weight Rate.</td>
</tr>
</tbody>
</table>

#### Subchapter F—Abrasive Blasting

| Section 1323 | Emissions from Abrasive Blasting. | 01/17/12 | 01/28/16, 81 FR 4891 | |
| Section 1325 | Definitions | 05/2007 | 01/28/16, 81 FR 4891 | |
| Section 1327 | Blasting Operations | 07/20/09 | 01/28/16, 81 FR 4891 | |
| Section 1329 | Performance Standard | 05/2007 | 01/28/16, 81 FR 4891 | |
| Section 1331 | Best management Practices (BMP) Plans. | 05/2007 | 01/28/16, 81 FR 4891 | |
| Section 1333 | Recordkeeping and Reporting. | 07/20/09 | 01/28/16, 81 FR 4891 | |

#### Chapter 14—Conformity

<table>
<thead>
<tr>
<th>Subchapter A</th>
<th>Determining Conformity of General Federal Actions to State or Federal Implementations Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1401</td>
<td>Purpose</td>
</tr>
</tbody>
</table>
### Chapter 15—Emission Standards for Sulfur Dioxide

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>State approval date</th>
<th>EPA approval date</th>
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<tr>
<td>1501</td>
<td>Degradation of Existing Emission Quality Restricted</td>
<td>Apr. 1992, LR18:374</td>
<td>07/15/93, 58 FR 38060</td>
<td>Ref 52.999(c)(59)</td>
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<td>1503</td>
<td>Emission Standards for Sulfur Dioxide, Emission Limitations</td>
<td>7/20/1998</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>1505</td>
<td>Variance</td>
<td>Apr. 1992, LR18:374</td>
<td>07/15/93, 58 FR 38060</td>
<td>Ref 52.999(c)(59)</td>
</tr>
<tr>
<td>1507</td>
<td>Exceptions, Startup Provisions, Online Operating Adjustments, and Bubble Concept</td>
<td>Apr. 1992, LR18:374</td>
<td>07/15/93, 58 FR 38060</td>
<td>Ref 52.999(c)(59)</td>
</tr>
<tr>
<td>1509</td>
<td>Reduced Sulfur Compounds (New and Existing Sources), Continuous Emission Monitoring</td>
<td>Apr. 1992, LR18:374</td>
<td>07/15/93, 58 FR 38060</td>
<td>Ref 52.999(c)(59)</td>
</tr>
<tr>
<td>1511.B</td>
<td>Recordkeeping and Reporting</td>
<td>Apr. 1992, LR18:374</td>
<td>07/15/93, 58 FR 38060</td>
<td>Ref 52.999(c)(59)</td>
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</table>

### Table 4—Emissions—Methods of Contaminant Measurement

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
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</thead>
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<tr>
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<td>07/15/93, 58 FR 38060</td>
<td>Ref 52.999(c)(59)</td>
</tr>
</tbody>
</table>
### EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued

<table>
<thead>
<tr>
<th>Section</th>
<th>Title/subject</th>
<th>State citation</th>
<th>State approval date</th>
<th>EPA approval date</th>
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<td>Subchapter B: Ferrous Metal Emissions</td>
<td>Section 1703</td>
<td>Ferrous Metal Emissions</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
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<td>Subchapter C: Petroleum Refinery Emissions</td>
<td>Section 1705</td>
<td>Petroleum Refinery Emissions</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
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<tr>
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<td></td>
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<tr>
<td>Chapter 21: Control of Emissions of Organic Compounds</td>
<td>Subchapter A: General</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2101</td>
<td>Compliance Schedules</td>
<td>Nov. 1990, LR16:959</td>
<td>05/05/94, 59 FR 23166</td>
<td>Ref 52.999(c)(60)</td>
</tr>
<tr>
<td></td>
<td>Section 2103.D.4.a</td>
<td>Storage of Volatile Organic Compounds</td>
<td>10/2007</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
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<tr>
<td></td>
<td>Section 2103.I.7</td>
<td>Storage of Volatile Organic Compounds</td>
<td>8/20/2002</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td></td>
<td>Section 2104.A</td>
<td>Crude Oil and Condensate</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
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<td>Section 2104.B–2104.C.1</td>
<td>Crude Oil and Condensate</td>
<td>11/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
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<td>Section 2104.C.2–2104.C.4</td>
<td>Crude Oil and Condensate</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
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<tr>
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<td>Section 2104.D</td>
<td>Crude Oil and Condensate</td>
<td>11/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
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<td>Section 2104.E</td>
<td>Crude Oil and Condensate</td>
<td>11/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
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</tr>
<tr>
<td></td>
<td>Section 2104.F–2104.F.2.d</td>
<td>Crude Oil and Condensate</td>
<td>11/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td></td>
<td>Section 2104.G</td>
<td>Crude Oil and Condensate</td>
<td>11/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2105</td>
<td>Storage of Volatile Organic Components (Small Tanks)</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2107.E.1–2</td>
<td>Volatile Organic Compounds—Loading.</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2108.A</td>
<td>Marine Vapor Recovery</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2108.D.4</td>
<td>Marine Vapor Recovery</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2108.E.1.a–ii</td>
<td>Marine Vapor Recovery</td>
<td>7/20/1998</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2108.E.2</td>
<td>Marine Vapor Recovery</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td></td>
<td>Section 2108.E.3</td>
<td>Marine Vapor Recovery</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
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<tr>
<td></td>
<td>Section 2108.F.1</td>
<td>Marine Vapor Recovery</td>
<td>10/2007</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2108.C.4</td>
<td>Oil/Water—Separation</td>
<td>10/2007</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2111</td>
<td>Pumps and Compressors</td>
<td>Apr. 1991, LR17:360</td>
<td>05/05/94, 59 FR 23166</td>
<td>Ref 52.999(c)(60)</td>
</tr>
<tr>
<td></td>
<td>Section 2111.A</td>
<td>Housekeeping</td>
<td>5/20/1999</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 2111.A.4</td>
<td>Housekeeping</td>
<td>10/2007</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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</tbody>
</table>
## Environmental Protection Agency

### § 52.970

**EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued**

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>Section 2115.H.1.a</td>
<td>Waste Gas Disposal</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2115.I.1–4</td>
<td>Waste Gas Disposal</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2116</td>
<td>Glycol Dehydrators</td>
<td>10/2007</td>
<td>01/28/16, 81 FR 4891</td>
<td>Ref 52.999(c)(60)</td>
</tr>
<tr>
<td>Section 2117</td>
<td>Variances</td>
<td>2/20/1999</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2119</td>
<td>Variances</td>
<td>Feb. 1990, LR16:116</td>
<td>05/05/94, 59 FR 23166</td>
<td></td>
</tr>
<tr>
<td>Section 2121.A</td>
<td>Fugitive Emission Control</td>
<td>8/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2121.B.1</td>
<td>Fugitive Emission Control</td>
<td>8/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2121.C.1.a</td>
<td>-</td>
<td>7/20/2000</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2121.C.4.h.i</td>
<td>Fugitive Emission Control</td>
<td>12/20/1995</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2121.C.4.h.i</td>
<td>Fugitive Emission Control</td>
<td>10/2007</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 2121.C.4.h.i</td>
<td>Fugitive Emission Control</td>
<td>8/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2121.C.4.h.i</td>
<td>Fugitive Emission Control</td>
<td>1/20/1998</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2121.D.1</td>
<td>Fugitive Emission Control</td>
<td>12/20/1995</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Section 2121.D.1</td>
<td>Fugitive Emission Control</td>
<td>8/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
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<tr>
<td>Section 2121.D.1</td>
<td>Fugitive Emission Control</td>
<td>7/20/1998</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2121.D.1.a–2121.D.1.b.</td>
<td>Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes.</td>
<td>8/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Section 2121.D.1.a–2121.D.1.b.</td>
<td>Fugitive Emission Control for Ozone Nonattainment Areas.</td>
<td>8/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2121.D.1.a–2121.D.1.b.</td>
<td>Fugitive Emission Control for Ozone Nonattainment Areas.</td>
<td>8/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Section 2121.D.1.a–2121.D.1.b.</td>
<td>Fugitive Emission Control for Ozone Nonattainment Areas.</td>
<td>8/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
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<td>Title/subject</td>
<td>State approval date</td>
<td>EPA approval date</td>
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<td>Section 2122.D.4.k.–1.</td>
<td>Fugitive Emission Control for Ozone Nonattainment Areas.</td>
<td>11/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2122.E.1.g</td>
<td>Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes.</td>
<td>8/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2122.E.3.–5</td>
<td>Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes.</td>
<td>8/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Section 2122.G</td>
<td>Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes.</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
</tbody>
</table>

Subchapter B........ Organic Solvents

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2123.B.1</td>
<td>Organic Solvents</td>
<td>7/20/1999</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Section 2123.B.2</td>
<td>Organic Solvents</td>
<td>1/20/1998</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Section 2123.D.1</td>
<td>Organic Solvents</td>
<td>10/2007</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 2123.E.1.–4</td>
<td>Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes.</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
</tbody>
</table>

| Section 2123.G | Organic Solvents Definitions | 12/20/1997 | 7/05/2011, 76 FR 38977 | |

Subchapter C........ Vapor Degreasers

| Section 2125 | Vapor Degreasers | 4/20/2004 | 7/05/2011, 76 FR 38977 | |
| Section 2125.E.1.–4 | Vapor Degreasers | 12/20/1996 | 7/05/2011, 76 FR 38977 | |

Subchapter D........ Cutback Paving Asphalt

| Section 2127 | Cutback Paving Asphalt | Apr. 1991, LR17:360 | 05/05/94, 59 FR 23166 | Ref 52.999(c)(60) |

Subchapter F........ Gasoline Handling

| Section 2131.D.3 | Filling of Gasoline Storage Vessels. | 2/20/2001 | 7/05/2011, 76 FR 38977 | |

Section 2132. Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities

| Section 2132.A | Definitions | 12/20/1997 | 7/05/2011, 76 FR 38977 | CARB: Stage II Vapor Recovery System. |
| Section 2132.B.4.a–d | Applicability | 12/20/1997 | 7/05/2011, 76 FR 38977 | |
| Section 2132.B.5 | Applicability | 4/20/2003 | 7/05/2011, 76 FR 38977 | |
| Section 2132.B.6 | Applicability | 10/2007 | 01/28/16, 81 FR 4891 | |
| Section 2132.B.6.b | Applicability | 12/20/1997 | 7/05/2011, 76 FR 38977 | |
| Section 2132.B.6.c.iii. | Applicability | 12/20/1997 | 7/05/2011, 76 FR 38977 | |
### EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2132.B.8</td>
<td>Applicability</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 2132.D</td>
<td>Testing</td>
<td>12/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2132.D.1</td>
<td>Testing</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 2132.D.2</td>
<td>Testing</td>
<td>4/20/2003</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2132.D.3</td>
<td>Testing</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 2132.E</td>
<td>Labeling</td>
<td>12/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2132.F</td>
<td>Inspection</td>
<td>12/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2132.G</td>
<td>Recordkeeping</td>
<td>12/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2132.G.5</td>
<td>Recordkeeping</td>
<td>4/20/2003</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2132.H</td>
<td>Enforcement</td>
<td>12/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section H.1-a</td>
<td>Enforcement</td>
<td>4/20/2003</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2132.I</td>
<td>Fees</td>
<td>12/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2133.A–E</td>
<td>Gasoline Bulk Plants</td>
<td>6/20/1995</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2133.D.2</td>
<td>Gasoline Bulk Plants</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2135.A</td>
<td>Bulk Gasoline Terminal</td>
<td>1/20/1998</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2135.D.1–4</td>
<td>Bulk Gasoline Terminal</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Subchapter G</td>
<td>Petroleum Refinery Operations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 2141</td>
<td>Refinery Process Unit Turn-arounds</td>
<td>Jul. 1991, LR17:654</td>
<td>05/05/94, 59 FR 23166</td>
<td>Ref 52.999(c)(60)</td>
</tr>
<tr>
<td>Subchapter H</td>
<td>Graphic Arts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 2143.A.1</td>
<td>Graphic Arts (Printing) by Rotogravure and Flexographic Processes. Control Requirements</td>
<td>10/20/1999</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2143.B</td>
<td>Applicability Exemption</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2143.C.1–3</td>
<td>Compliance</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2143.E</td>
<td>Timing</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Subchapter I</td>
<td>Pharmaceutical Manufacturing Facilities</td>
<td></td>
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</tr>
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<td>Section 2145.F.2–3</td>
<td>Pharmaceutical Manufacturing Facilities</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<td>Section 2145.F.4</td>
<td>Pharmaceutical Manufacturing Facilities</td>
<td>1/20/1998</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2147.A.1</td>
<td>Applicability</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2147.B</td>
<td>Definitions</td>
<td>11/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
</tbody>
</table>
### § 52.970

**EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued**

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Section D.5.a., D.5.a.i.(a)–(b), D.5.b.i. and ii, D.5.c.–f.</td>
<td>Total Effectiveness Determination, Performance Testing, and Exemption Testing.</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<td>Subchapter K</td>
<td>Limiting Volatile Organic Compound Emissions from Batch Processing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 2149.A.1</td>
<td>Applicability</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2149.E.2.a.–c.i.</td>
<td>Performance Testing</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Subchapter L</td>
<td>Limiting Volatile Organic Compound Emissions from Cleanup Solvent Processing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 2151.F</td>
<td>Limiting Volatile Organic Compound Emissions from Cleanup Solvent Processing.</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Subchapter M</td>
<td>Limiting Volatile Organic Compound Emissions from Industrial Wastewater</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Section 2153.A</td>
<td>Definitions</td>
<td>5/20/1999</td>
<td>7/05/2011, 76 FR 38977</td>
<td>Chemical Manufacturing Process Unit; Plant; Point of Determination; Properly Operated Biological Treatment Unit.</td>
</tr>
<tr>
<td>Section 2153.A</td>
<td>Definitions</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
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<td>Section 2153.E.1–5, Section 2153.F.7–10.</td>
<td>Approved Test Methods</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<td>Section 2153.E.1–5, Section 2153.F.7–10.</td>
<td>Approved Test Methods</td>
<td>5/20/1999</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Section 2153.F.5</td>
<td>Recordkeeping Requirements Limiting Volatile Organic Compound Emissions from Industrial Wastewater.</td>
<td>10/2007</td>
<td>7/05/2011, 76 FR 38977</td>
<td>01/28/16, 81 FR 4891</td>
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<tr>
<td>Section 2153.G.5.a–c.</td>
<td>Limiting VOC Emissions From Industrial Wastewater.</td>
<td>5/20/1999</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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<tr>
<td>Section 2153.I</td>
<td>Limiting VOC Emissions From Industrial Wastewater.</td>
<td>4/20/2004</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
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## Environmental Protection Agency

### §52.970

**EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued**

<table>
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<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
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<tr>
<td>Table 8 ..........</td>
<td>Untitled [List of Synthetic Organic Chemicals]</td>
<td>Dec. 1987, LR13:741</td>
<td>05/05/94, 59 FR 23166</td>
<td>Ref 52.999(c) (49) and (60). Table approved at (c)(49) included CAS numbers. Table approved at (c)(60) did not include CAS numbers</td>
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### Subchapter N. Method 43 Capture Efficiency Test Procedures

<table>
<thead>
<tr>
<th>Subchapter N ..........</th>
<th>Method 43 Capture Efficiency Test Procedures</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2155 ..........</td>
<td>Principle</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2156.A ..........</td>
<td>Definitions</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2156.B ..........</td>
<td>Definitions</td>
<td>12/20/2003</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2157.A ..........</td>
<td>Applicability</td>
<td>12/20/1997</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2158 ..........</td>
<td>Specific Requirements</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2158.C.1.–4</td>
<td>Specific Requirements</td>
<td>8/20/2001</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 2159.A–C ..........</td>
<td>Recordkeeping and Reporting</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
</tbody>
</table>

### Chapter 22—Control of Emissions of Nitrogen Oxides (NOₓ)

| Section 2201.C.1.–3 | Exemptions | 4/20/2004 | 7/05/2011, 76 FR 38977 |  |
| Section 2201.C.8 | Exemptions | 4/20/2004 | 7/05/2011, 76 FR 38977 |  |
| Section 2201.D.1 | Emission Factors | 4/20/2004 | 7/05/2011, 76 FR 38977 |  |
| Section 2201.D.4 | Emission Factors | 4/20/2004 | 7/05/2011, 76 FR 38977 |  |
| Section 2201.F.1.a | Permits | 4/20/2004 | 7/05/2011, 76 FR 38977 |  |
| Section 2201.F.1.c | Permits | 4/20/2004 | 7/05/2011, 76 FR 38977 |  |
| Section 2201.F.7.a | Permits | 10/2007 | 01/28/16, 81 FR 4891 |  |
| Section 2201.G.2 | Initial Demonstration of Compliance | 4/20/2004 | 7/05/2011, 76 FR 38977 |  |
| Section 2201.H1.b.iii | Continuous Demonstration of Compliance | 4/20/2004 | 7/05/2011, 76 FR 38977 |  |
| Section 2201.H2 .......... | Continuous Demonstration of Compliance | 4/20/2004 | 7/05/2011, 76 FR 38977 |  |
| Section 2201.H3 .......... | Continuous Demonstration of Compliance | 4/20/2004 | 7/05/2011, 76 FR 38977 |  |

### Chapter 23—Control of Emissions from Specific Industries

| Subchapter A .......... | Chemical Woodpulping Industry |  |  |  |

1003
## § 52.970
### EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2301.D.4.a</td>
<td>Control of Emissions From Chemical Woodpulping Industry. Compliance.</td>
<td>10/20/2007</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Section 2301.E</td>
<td>Exemptions</td>
<td>10/20/2006</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Subchapter B</td>
<td>Aluminum Plants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 2303.E</td>
<td>Standards for Horizontal Study Soderberg Primary Aluminum Plants and Prebake Primary Aluminum Plants. Monitoring.</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td></td>
</tr>
<tr>
<td>Subchapter C</td>
<td>Phosphate Fertilizer Plants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subchapter D</td>
<td>Emission Standards for the Nitric Acid Industry</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 2307.C.1.a</td>
<td>Start-Up Provisions</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td>Administrative change here; 2307(C)(1) is subject to SIP Call.</td>
</tr>
<tr>
<td>Section 2307.C.2.a</td>
<td>On-Line Operating Adjustments.</td>
<td>10/20/07</td>
<td>01/28/16, 81 FR 4891</td>
<td>Administrative change here; 2307(C)(2) is subject to SIP Call.</td>
</tr>
</tbody>
</table>

### Chapter 25. Miscellaneous Incinerator Rules

#### Subchapter A. Scope and General Provisions

| Section 2501 | Scope | 10/20/1994 | 7/05/2011, 76 FR 38977 | |

#### Subchapter B. Biomedical Waste Incinerators

| Section 2511 | Standards of Performance for Biomedical Waste Incinerators. Registration. | 10/20/2007 | 01/28/16, 81 FR 4891 | |
| Section 2511.B | Definitions | 7/20/1998 | 7/05/2011, 76 FR 38977 | |
| Section 2511.E.5 | Restrictions on Emissions | 10/20/2005 | 7/05/2011, 76 FR 38977 | |

#### Subchapter C. Refuse Incinerators

| Section 2521 | Refuse Incinerators | 10/20/2007 | 01/28/16, 81 FR 4891 | |
| Section 2521.F.10 | Refuse Incinerators | 10/20/2005 | 7/05/2011, 76 FR 38977 | |

#### Subchapter D—Crematories

| Section 2531 | Standards of Performance for Crematories. | 10/20/2007 | 01/28/16, 81 FR 4891 | |
### Chapter 30—Standards of Performance from New Stationary Sources (NSPS)

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 30</td>
<td>Standards of Performance from New Stationary Sources (NSPS).</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
<tr>
<td>Section 3001</td>
<td>Repeal and Renumbering</td>
<td>12/20/1996</td>
<td>7/05/2011, 76 FR 38977</td>
<td></td>
</tr>
</tbody>
</table>

### Chapter 56—Prevention of Air Pollution Emergency Episodes

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 5601</td>
<td>Purpose</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
</tr>
<tr>
<td>Section 5603</td>
<td>Scope</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
</tr>
<tr>
<td>Section 5605</td>
<td>Episode Criteria and Air Pollution Forecast</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
</tr>
<tr>
<td>Section 5607</td>
<td>Administrative Authority Will Determine When Criteria Level Has Been Reached.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
</tr>
<tr>
<td>Section 5609</td>
<td>Preplanning Strategies Required: Alert Level, Warning Level, and Emergency Level.</td>
<td>Jun. 1988, LR14:348</td>
<td>06/15/89, 54 FR 25451</td>
<td>Ref 52.999(c)(50)</td>
</tr>
<tr>
<td>Section 5611</td>
<td>Standby Plans to be Submitted When Requested by Administrative Authority.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
</tr>
<tr>
<td>Table 5</td>
<td>Emission Reduction Plans—Alert Level.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
</tr>
<tr>
<td>Table 6</td>
<td>Emission Reduction Plans—Warning Level.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
</tr>
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<td>Table 7</td>
<td>Emission Reduction Plans—Emergency Level.</td>
<td>Dec. 1987, LR13:741</td>
<td>03/08/89, 54 FR 09795</td>
<td>Ref 52.999(c)(49)</td>
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### Chapter 63—Test Methods—LESHAP Division’s Source Test Manual

<table>
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<th>Title/subject</th>
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### LAC Title 55, Part III. Motor Vehicles, Chapter 8. Motor Vehicle Inspections

<table>
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<tr>
<td>Section 801</td>
<td>Definitions</td>
<td>Dec. 1999, LR25:2421</td>
<td>09/26/02, 67 FR 60594</td>
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<td>Section 803</td>
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<td>Dec. 1999, LR25:2421</td>
<td>09/26/02, 67 FR 60594</td>
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### Subchapter B—Safety Inspections

<table>
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<th>Title/subject</th>
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<tr>
<td>Section 811</td>
<td>Inspection Procedures</td>
<td>Dec. 1999, LR25:2427</td>
<td>09/26/02, 67 FR 60594</td>
<td></td>
</tr>
<tr>
<td>Section 813</td>
<td>Required Equipment</td>
<td>Dec. 1999, LR25:2428</td>
<td>09/26/02, 67 FR 60594</td>
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### Subchapter C—Vehicle Emission Inspection and Maintenance Program

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Section 817</td>
<td>General Information</td>
<td>Dec. 1999, LR25:2433</td>
<td>09/26/02, 67 FR 60594</td>
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§ 52.970

EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued

<table>
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<th>State citation</th>
<th>Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
<th>Comments</th>
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<tr>
<td>Section 819</td>
<td>Anti-tampering and Inspection and Maintenance Parameters.</td>
<td>May 5, 2006</td>
<td>November 13, 2006, 71 FR 66113</td>
<td></td>
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</tbody>
</table>

Subchapter E

<table>
<thead>
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<th>Subchapter Title/subject</th>
<th>State approval date</th>
<th>EPA approval date</th>
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<tr>
<td>Administrative and Audit Procedures</td>
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<td></td>
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Section 833

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Section 835

<table>
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<th>EPA approval date</th>
<th>Comments</th>
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</table>

(d) EPA-approved State source-specific requirements.

EPA-APPROVED LOUISIANA SOURCE-SPECIFIC REQUIREMENTS

<table>
<thead>
<tr>
<th>Name of source</th>
<th>Permit number</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead SIP for Ethyl Corp. in Baton Rouge</td>
<td>Compliance order. 01/27/89</td>
<td>06/27/89, 54 FR 27002</td>
<td>Amended Compliance order dated 01/31/86. Modeling 05/27/88. State letter 01/27/89. Ref 52.999(c)(51)</td>
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<tr>
<td>Vulcan Materials Company Facility in Geiser, Ascension Parish.</td>
<td>1829T(M–2) 07/28/89</td>
<td>10/10/89, 54 FR 41444</td>
<td>Revision of Bubble Permit. Issued 03/24/83, amended 07/28/89. Ref 52.999(c)(52)</td>
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<tr>
<td>American Cyanamid Company Fortier Plant in Westwego, Jefferson Parish.</td>
<td>1896(M–2) 07/20/89</td>
<td>11/27/89, 54 FR 48743</td>
<td>Revision of Bubble Permit. Issued 10/17/84, amended 07/20/89. Ref 52.999(c)(53)</td>
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<tr>
<td>Vista Chemical Company Facility in Westlake, Louisiana.</td>
<td>1828(M–2) 09/25/86</td>
<td>02/02/90, 55 FR 03598</td>
<td>Bubble Permit. Submitted by Governor on 11/22/83, amended 09/25/86. Ref 52.999(c)(54)</td>
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<tr>
<td>Dow Chemical Facility in Plaquemine, Iberville Parish.</td>
<td>1838T(M–2) 10/16/91</td>
<td>10/04/94, 59 FR 50500</td>
<td>Revision of Bubble Permit. Issued 07/28/83, amended 10/16/91. Ref 52.999(c)(52)</td>
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<td>Exxon Compliance Date Extension, Baton Rouge Refinery.</td>
<td>N/A -----------</td>
<td>05/11/98, 63 FR 25773</td>
<td>Extension of compliance date to LAC 33:III, 2103.D.4 Ref 52.999(c)(79)</td>
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<tr>
<td>Borden Chemicals and Plastics in Baton Rouge.</td>
<td>Reasonable Further Progress Agreed To Order. 10/24/96</td>
<td>07/02/99, 64 FR 35939</td>
<td>Submitted as part of the Baton Rouge, LA Post–1996 ROP Plan</td>
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(e) EPA approved nonregulatory provisions and quasi-regulatory measures.

EPA APPROVED LOUISIANA STATUTES IN THE LOUISIANA SIP

<table>
<thead>
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<th>State citation</th>
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<th>Comments</th>
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<tr>
<td>LA. R.S. of 1950. Title 40, Chapter 12, The Louisiana Air Control Law, Part 1, Louisiana Air Control Commission</td>
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### EPA APPROVED LOUISIANA STATUTES IN THE LOUISIANA SIP—Continued

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<tr>
<td>40:1077 ..........</td>
<td>Secret processes or methods as confidential .................</td>
<td>01/01/80 06/09/82, 47 FR 25013</td>
<td>Ref 52.999(c)(39)</td>
<td>Old section name 2210</td>
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<td>40:2211 ..........</td>
<td>Variances .......................................................... Apr. 1979 02/14/80, 45 FR 09909 Ref 52.999(c)(15)</td>
<td>Ref 52.999(c)(15)</td>
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<td>40:2212 ..........</td>
<td>Failure to act on petition for variance ........................... Apr. 1979 02/14/80, 45 FR 09909 Ref 52.999(c)(15)</td>
<td>Ref 52.999(c)(15)</td>
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<td>40:2213 ..........</td>
<td>Judicial review ................................................... Apr. 1979 02/14/80, 45 FR 09909 Ref 52.999(c)(15)</td>
<td>Ref 52.999(c)(15)</td>
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<td>40:2214 ..........</td>
<td>Injunction; penalties for violations of orders of the commission. Apr. 1979 02/14/80, 45 FR 09909 Ref 52.999(c)(15)</td>
<td>Ref 52.999(c)(15)</td>
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<td>40:2215 ..........</td>
<td>Actions inuring to benefit the state ........................... Apr. 1979 02/14/80, 45 FR 09909 Ref 52.999(c)(15)</td>
<td>Ref 52.999(c)(15)</td>
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<td>40:2216 ..........</td>
<td>Act as exclusive means of control; nuisances ...............</td>
<td>02/14/80, 45 FR 09909 Ref 52.999(c)(15)</td>
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**LA. R.S. of 1992. Title 30 and 36, Subtitle II. Environmental Quality, Chapter 3. Louisiana Air Control Law**

| 30:2060 N.6 .... | Toxic air pollution emission control program .... | 10/22/92 06/23/94, 59 FR 32359 Ref 52.999(c)(63) | |
| 30:2061 .......... | Small Business Stationary Source Technical and Environmental Compliance Assistance Program. | 10/22/92 06/23/94, 59 FR 32359 Ref 52.999(c)(63) | |
| 30:2062 .......... | Louisiana Small Business Compliance Advisory panel. | 10/22/92 06/23/94, 59 FR 32359 Ref 52.999(c)(63) | |
| 36:239(H) ....... | Transfer of agencies and functions to the Department of Environmental Quality. | 10/22/92 06/23/94, 59 FR 32359 Ref 52.999(c)(63) | |

### EPA APPROVED LOUISIANA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

<table>
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<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal/effective date</th>
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<tr>
<td>Federal Hydrocarbon Standards.</td>
<td>Region 106, SE LA-SE TX AQCR ........</td>
<td>03/30/73 06/22/73 38 FR 16565</td>
<td>Ref 52.999(c)(04)</td>
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<td>PM Strategy ..........</td>
<td>Region 106, SE LA-SE TX AQCR ........</td>
<td>01/02/73 07/19/77, 42 FR 37000</td>
<td>Ref 52.999(c)(06)</td>
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<td>Air Quality Mainte-</td>
<td>Air Quality Surveillance Network.</td>
<td>New Orleans, LA 04/03/78 01/29/79, 44 FR 05601</td>
<td>Ref 52.999(c)(09)</td>
<td>Change of sampling site location</td>
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<td>nance Area for PM.</td>
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<td>06/07/78, 43 FR 36628</td>
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<td>Air Quality Surveillance Network.</td>
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<td>Louisiana Ozone SIP</td>
<td>Nonattainment areas, AQCR 022 and 106.</td>
<td>04/30/79 02/14/80, 45 FR 09909</td>
<td>Ref 52.999(c)(10)</td>
<td>Change of sampling site location</td>
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<td>Evidence of Notice and Public Hearing.</td>
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<td>06/20/79 02/10/82, 47 FR 06017</td>
<td>Ref 52.999(c)(15)</td>
<td>Part D requirement</td>
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<td>Emission Inventory</td>
<td>Nonattainment areas</td>
<td>08/28/78 02/14/80, 45 FR 09909</td>
<td>Ref 52.999(c)(17)</td>
<td>Final Revisions to ambient monitoring</td>
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<td>Air Quality Surveillance Network.</td>
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<td>01/10/80 08/06/81, 46 FR 40006</td>
<td>Ref 52.999(c)(20)</td>
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<td>Lead SIP ..........</td>
<td>Baton Rouge, LA</td>
<td>10/31/83 05/01/84, 49 FR 18485</td>
<td>Ref 52.999(c)(40)</td>
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<td>NSR and Visibility Monitoring.</td>
<td>Class I Federal Areas in LA</td>
<td>10/14/85 06/10/86, 51 FR 20969</td>
<td>Ref 52.999(c)(44)</td>
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<td>Small Business Pro-</td>
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<td>gram.</td>
<td>Statewide</td>
<td>10/22/92 06/23/94, 59 FR 32359</td>
<td>Ref 52.999(c)(46)</td>
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<td>Redesignation Request and Maintenance Plan.</td>
<td>Pointe Coupe Parish</td>
<td>12/20/95 01/06/97, 61 FR 00648</td>
<td>Ref 52.999(c)(70)</td>
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<td>VOC RACT Negative Declarations.</td>
<td>Baton Rouge nonattainment area</td>
<td>12/15/95 10/30/96, 61 FR 55894</td>
<td>Ref 52.999(c)(72)</td>
<td></td>
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<td>Redesignation Request and Maintenance Plan.</td>
<td>Calcasieu Parish</td>
<td>12/20/95 05/02/97, 62 FR 24036</td>
<td>Ref 52.999(c)(73)</td>
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<td>Contingency Plan</td>
<td>Baton Rouge, LA</td>
<td>12/28/01 09/26/02, 67 FR 60590</td>
<td>Substituted above RACT VOC emission reductions from storage tank rule LAC 33:31.2103</td>
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<td>Clean Fuel Fleet Pro-</td>
<td>Baton Rouge, LA</td>
<td>03/21/99 07/19/99 64 FR 38580</td>
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<td>gram Substitution.</td>
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1007
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<th>EPA approval date</th>
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<tr>
<td>Attainment Demonstration for the 1-Hour Ozone NAAQS.</td>
<td>Baton Rouge, LA</td>
<td>12/31/01</td>
<td>10/02/02, 67 FR 61786</td>
<td></td>
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<td>Ozone Attainment Date Extension to 11/15/05.</td>
<td>Baton Rouge, LA</td>
<td>12/31/01</td>
<td>10/02/02, 67 FR 61786</td>
<td></td>
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<td>2005 Motor Vehicle Emissions Budgets.</td>
<td>Baton Rouge, LA</td>
<td>12/31/01</td>
<td>10/02/02, 67 FR 61786</td>
<td></td>
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<td>Enforceable Transportation Control Measure Appendix F.</td>
<td>Baton Rouge, LA</td>
<td>12/31/01</td>
<td>10/02/02, 67 FR 61786</td>
<td></td>
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<td>Enforceable commitment to perform a mid-course review and submit a SIP and revision by 05/01/04.</td>
<td>Baton Rouge, LA</td>
<td>12/31/01</td>
<td>10/02/02, 67 FR 61786</td>
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<td>Post 1996 Rate of Progress Plan Revisions.</td>
<td>Baton Rouge, LA</td>
<td>12/31/01</td>
<td>10/02/02, 67 FR 61786</td>
<td></td>
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<td>15% Rate of Progress Plan Revisions.</td>
<td>Baton Rouge, LA</td>
<td>12/31/01</td>
<td>10/02/02, 67 FR 61786</td>
<td></td>
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<td>1990 VOC Base Year Inventory Revisions.</td>
<td>Baton Rouge, LA</td>
<td>12/31/01</td>
<td>10/02/02, 67 FR 61786</td>
<td></td>
</tr>
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<td>Reasonable Available Control Measure Analysis.</td>
<td>Baton Rouge, LA</td>
<td>12/31/01</td>
<td>10/02/02, 67 FR 61786</td>
<td></td>
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<td>Air Quality Improvement Plan, 8-hour ozone standard attainment demonstration and associated control measures for the Shreveport-Bossier City EAC area.</td>
<td>Baton Rouge, LA</td>
<td>12/31/01</td>
<td>10/02/02, 67 FR 61786</td>
<td></td>
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<tr>
<td>Vehicle Miles Traveled Offset Analysis.</td>
<td>Baton Rouge Nonattainment Area ........</td>
<td>03/22/05</td>
<td>11/21/06, 71 FR 67308</td>
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<td>Clean Air Interstate Rule Sulfur Dioxide Trading Program.</td>
<td>Statewide ......................................</td>
<td>09/22/06</td>
<td>07/20/07, 72 FR 39741</td>
<td>Acid Rain Program Provisions NOT in SIP.</td>
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<td>8-Hour Ozone Section 110 Maintenance Plan.</td>
<td>Beauregard Parish, LA</td>
<td>8/23/06</td>
<td>11/06/07, 72 FR 62579</td>
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<tr>
<td>8-Hour Ozone Section 110 Maintenance Plan.</td>
<td>Grant Parish, LA</td>
<td>8/23/06</td>
<td>11/06/07, 72 FR 62579</td>
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<tr>
<td>8-Hour Ozone Section 110 Maintenance Plan.</td>
<td>St. Mary Parish, LA</td>
<td>9/27/06</td>
<td>11/06/07, 72 FR 62579</td>
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<tr>
<td>8-Hour Ozone Section 110 Maintenance Plan.</td>
<td>Lafayette Parish, LA</td>
<td>10/13/06</td>
<td>3/24/08, 73 FR 15411</td>
<td></td>
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<td>8-Hour Ozone Section 110 Maintenance Plan.</td>
<td>Lafourche Parish, LA</td>
<td>12/19/06</td>
<td>3/24/08, 73 FR 15411</td>
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### EPA APPROVED LOUISIANA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

<table>
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<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
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<th>EPA approval date</th>
<th>Explanation</th>
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<tr>
<td>1997 8-Hour Ozone Section 110 Maintenance Plan.</td>
<td>New Orleans Ozone Maintenance Area (including Jefferson, Orleans, St. Bernard and St. Charles Parishes), LA.</td>
<td>6/29/07 9/16/08. 73 FR 53373</td>
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<tr>
<td>1997 8-Hour Ozone Section 110 Maintenance Plan.</td>
<td>Calcasieu Parish (Lake Charles Area), LA.</td>
<td>7/20/07 10/09/08, 73 FR 59518</td>
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<tr>
<td>1997 8-Hour Ozone Section 110 Maintenance Plan.</td>
<td>St. James Parish, LA</td>
<td>8/24/07 10/09/08, 73 FR 59518</td>
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<td>2002 Emission Inventory. Infrastructure for the 1997 Ozone and 1997 PM$_{2.5}$ NAAQS.</td>
<td>Baton Rouge, LA</td>
<td>7/31/2007 9/3/2009, 74 FR 45561</td>
<td></td>
<td>Approval for CAA sections 110(a)(2)(A), (B), (C), (D)(i), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
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[83 FR 63183, Nov. 12, 1998]

**EDITORIAL NOTE:** For Federal Register citations affecting §52.970, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

### §52.971 Classification of regions.

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

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
<th>Ozone</th>
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<tbody>
<tr>
<td>Southern Louisiana-Southeast Texas Interstate</td>
<td>II</td>
<td>I</td>
<td>III</td>
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<tr>
<td>Shreveport-Texarkana-Tyler Interstate</td>
<td>II</td>
<td>III</td>
<td>III</td>
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<tr>
<td>Monroe-El Dorado Interstate</td>
<td>II</td>
<td>III</td>
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### §§52.972–52.974 [Reserved]

### §52.975 Redesignations and maintenance plans; ozone.

(a) **Approval.** The Louisiana Department of Environmental Quality (LDEQ) submitted redesignation requests and maintenance plans for the areas of Beauregard, Lafourche, and St. Mary Parishes on June 14, 1993. Redesignation requests and maintenance plans were submitted for the areas of Grant and Lafayette on May 25, 1993.
The EPA deemed these requests complete on September 10, 1993. Several approvability issues existed, however. The LDEQ addressed these approvability issues in supplemental ozone redesignation requests and revised maintenance plans. These supplemental submittals were received for the areas of Beauregard, Grant, Lafayette, Lafourche, and St. Mary Parishes on March 27, 1995, December 12, 1994, October 21, 1994, November 18, 1994, and November 23, 1994, respectively. The redesignation requests and maintenance plans meet the redesignation requirements in section 107(d)(3)(E) of the Act as amended in 1990. The redesignations meet the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Louisiana ozone State Implementation Plan for Jefferson, Orleans, St. Bernard, and St. Charles Parishes. The EPA therefore approved the request for redesignation to attainment with respect to ozone for these areas.

(b) Approval—The Louisiana Department of Environmental Quality (LDEQ) submitted a redesignation request and maintenance plan for St. James Parish on May 25, 1993. The EPA deemed this request complete on September 10, 1993. Several approvability issues existed, however. The LDEQ addressed these approvability issues in a supplemental ozone redesignation request and revised maintenance plan. This supplemental submittal was received for St. James Parish on October 17, 1995.

(c) Approval—The Louisiana Department of Environmental Quality (LDEQ) submitted a redesignation request and maintenance plan for the New Orleans CMSA on April 23, 1993. The EPA deemed this request complete on September 10, 1993. Several approvability issues existed, however. The LDEQ addressed these approvability issues in a supplemental ozone redesignation request and revised maintenance plan. This supplemental submittal was received on October 14, 1994. The redesignation request and maintenance plans meet the redesignation requirements in section 107(d)(3)(E) of the Act as amended in 1990. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Louisiana ozone State Implementation Plan for Jefferson, Orleans, St. Bernard, and St. Charles Parishes. The EPA therefore approved the request for redesignation to attainment with respect to ozone for these areas.

(d) Approval—The Louisiana Department of Environmental Quality submitted a redesignation request and maintenance plan for Pointe Coupee Parish on December 20, 1995. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) of the Act as amended in 1990. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Louisiana ozone State Implementation Plan for Pointe Coupee Parish. The EPA therefore approved the request for redesignation to attainment with respect to ozone for Pointe Coupee Parish on December 20, 1996.

(e) Approval—The Louisiana Department of Environmental Quality submitted a redesignation request and maintenance plan for Calcasieu Parish on December 20, 1995. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) of the Act as amended in 1990. The redesignation meets the Federal requirements of section 182(a)(1) of the Act as a revision to the Louisiana ozone State Implementation Plan for Calcasieu Parish. The EPA therefore approved the request for redesignation to attainment with respect to ozone for Calcasieu Parish on June 2, 1997.

(f) Approval—The Louisiana Department of Environmental Quality (LDEQ) submitted minimal maintenance plans for Lafourche Parish on

(g) Approval—The Louisiana Department of Environmental Quality (LDEQ) submitted to the EPA a request on December 4, 2000, to revise the Louisiana SIP for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans Consolidated Metropolitan Statistical Area ozone maintenance area. The revision involves changes to the approved contingency plans. The contingency measures and the schedule for implementation satisfy the requirements of section 175A(d) of the Act. The EPA therefore approved this request on June 20, 2003.

(h) Approval. The Louisiana Department of Environmental Quality (LDEQ) submitted 8-hour ozone maintenance plans for the areas of Beauregard, Grant, and St. Mary Parishes on August 23, 2006, August 23, 2006, and October 10, 2006, respectively. The three areas are designated unclassifiable/attainment for the 8-hour ozone standard. EPA determined these requests for Beauregard, Grant, and St. Mary Parishes were complete on October 9, 2006, October 9, 2006, and November 30, 2006, respectively. These maintenance plans meet the requirements of section 110(a)(1) of the Clean Air Act, and are consistent with EPA’s maintenance plan guidance document dated May 20, 2005. The EPA therefore approved the 8-hour ozone maintenance plans for the Lafayette and Lafourche Parish areas on November 6, 2007.

(i) Approval. The Louisiana Department of Environmental Quality (LDEQ) submitted 8-hour ozone maintenance plans for the areas of Calcasieu and St. James Parishes on July 20, 2007, and August 24, 2007, respectively. The two areas are designated unclassifiable/attainment for the 1997 8-hour ozone standard. EPA determined these requests for Calcasieu and St. James Parishes were complete on August 8, 2007. This area is designated unclassifiable/attainment for the 1997 ozone standard. EPA determined this request for the New Orleans Ozone Maintenance Area was complete on August 8, 2007. This maintenance plan meets the requirements of section 110(a)(1) of the CAT, and is consistent with EPA’s maintenance plan guidance document dated May 20, 2005. The EPA therefore approved the 1997 8-hour ozone NAAQS maintenance plan for the New Orleans Ozone Maintenance Area including the parishes of Jefferson, Orleans, St. Bernard and St. Charles on September 16, 2008.

(l) Approval. The Louisiana Department of Environmental Quality (LDEQ) submitted a maintenance plan addressing the 1997 8-hour ozone standard for the New Orleans Ozone Maintenance Area on June 29, 2007. This area is designated unclassifiable/attainment for the 1997 ozone standard. EPA determined this request for the New Orleans Ozone Maintenance Area was complete on August 8, 2007. This maintenance plan meets the requirements of section 110(a)(1) of the CAT, and is consistent with EPA’s maintenance plan guidance document dated May 20, 2005. The EPA therefore approved the 1997 8-hour ozone NAAQS maintenance plan for the New Orleans Ozone Maintenance Area including the parishes of Jefferson, Orleans, St. Bernard and St. Charles on September 16, 2008.
unclassifiable/attainment for the 1997 8-hour ozone standard. EPA determined this request for Pointe Coupee Parish was complete on May 2, 2007. The maintenance plan meets the requirements of section 110(a)(1) of the Clean Air Act, and is consistent with EPA’s maintenance plan guidance document dated May 20, 2005. The EPA therefore approved the 1997 8-hour ozone NAAQS maintenance plan for the area of Pointe Coupee Parish on May 9, 2013.

§ 52.976 Review of new sources and modification.

(a) Section 6.7 of Regulation 6.0 is disapproved since it could conflict with the preconstruction requirements for the prevention of significant deterioration (PSD) of air quality.

(b) Section 6.9 of Regulation 6.0 is disapproved since it could conflict with the preconstruction requirements for the prevention of significant deterioration (PSD) of air quality and the Administrator’s Interpretative on Rule of December 21, 1976.

[44 FR 18491, Mar. 28, 1979, as amended at 47 FR 6017, Feb. 10, 1982]

§ 52.977 Control strategy and regulations: Ozone.

(a) Determination of Attainment. Effective March 12, 2010 EPA has determined the Baton Rouge 1-hour ozone nonattainment area has attained the 1-hour ozone National Ambient Air Quality Standard (NAAQS). Under the provisions of 40 CFR 51.918 this determination suspends the requirements for this area to submit an attainment demonstration, a reasonable further progress plan, applicable contingency measures, and other planning Louisiana State Implementation Plan (SIP) requirements related to attainment of the 1997 8-hour ozone NAAQS for so long as the area continues to attain the 1997 8-hour ozone NAAQS.

(b) Determination of Attainment. Effective October 12, 2010 EPA has determined that the Baton Rouge 8-hour ozone nonattainment area has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). Under the provisions of 40 CFR 51.918 this determination suspends the requirements for this area to submit an attainment demonstration, a reasonable further progress plan, applicable contingency measures, and other planning Louisiana State Implementation Plan (SIP) requirements related to attainment of the 1997 8-hour ozone NAAQS for so long as the area continues to attain the 1997 8-hour ozone NAAQS.

(c) Determination to Terminate the Clean Air Act Section 185 Penalty Fee Requirement. Effective September 6, 2011 EPA has determined that the State of Louisiana is no longer required to submit a section 185 fee program State Implementation Plan (SIP) revision for the Baton Rouge ozone nonattainment area to satisfy anti-backsliding requirements for the 1-hour ozone standard. This determination is based on EPA’s determination that the area has attained the 1-hour ozone standard due to permanent and enforceable emissions reductions.

(d) Redesignation for the 1997 8-hour Ozone Standard. Effective December 30, 2011, EPA has redesignated the Baton Rouge area to attainment for the 1997 8-hour ozone standard. With this final redesignation to attainment for the 1997 8-hour ozone NAAQS and the final determination of attainment for the 1-hour ozone NAAQS in paragraph (a) of this section, the 1-hour anti-backsliding obligations to submit planning SIPs to meet the attainment demonstration and reasonably available control measures requirements, the rate of progress and contingency measures requirements, and any other outstanding 1-hour requirements, cease to apply.

(e) Clean Data Determination. Effective June 16, 2014 EPA has determined that the Baton Rouge, Louisiana, marginal 2008 8-hour ozone NAAQS and the final determination of attainment for the 1-hour ozone NAAQS in paragraph (a) of this section, the 1-hour anti-backsliding obligations to submit planning SIPs to meet the attainment demonstration and reasonably available control measures requirements, the rate of progress and contingency measures requirements, and any other outstanding 1-hour requirements, cease to apply.

(f) The EPA has determined that the Baton Rouge Marginal 2008 ozone NAAQS nonattainment area attained
§ 52.984 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 located within the State of Louisiana and for which requirements are set forth under the Federal CAIR NOx Annual Trading Program in subparts AA through II of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Louisiana State Implementation Plan (SIP) as meeting the requirements of CAIR for PM$_{2.5}$ relating to NOx under §51.123 of this chapter, except to the extent the Administrator’s approval is partial or conditional or unless such approval is under §51.123(ee) of this chapter.

(b)(1) The owner and operator of each NOx source located within the State of Louisiana and for which requirements are set forth under the Federal CAIR NOx Ozone Season Trading Program in subparts AAAA through IIII of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Louisiana State Implementation Plan (SIP) as meeting the requirements of CAIR for ozone relating to NOx under §51.123 of this chapter, except to the extent the Administrator’s approval is partial or conditional or unless such approval is under §51.123(ee) of this chapter.

(c) Notwithstanding any provisions of paragraphs (a) and (b) of this section and subparts AA through II and AAAA through IIII of part 97 of this chapter to the contrary:

(1) With regard to any control period that begins after December 31, 2014, the provisions in paragraphs (a) and (b) of this section relating to NOx annual or ozone season emissions shall not be applicable; and

(2) The Administrator will not deduct for excess emissions any CAIR NOx, Ozone Season allowances allocated for 2015 or any year thereafter;

(3) By March 3, 2015, the Administrator will remove from the CAIR NOx Allowance Tracking System accounts all CAIR NOx allowances allocated for a control period in 2015 and any subsequent year, and, thereafter, no holding or surrender of CAIR NOx allowances will be required with regard to emissions or excess emissions for such control periods; and

(4) By March 3, 2015, the Administrator will remove from the CAIR NOx Ozone Season Allowance Tracking System accounts all CAIR NOx Ozone Season allowances allocated for a control period in 2015 and any subsequent year.
and, thereafter, no holding or surrender of CAIR NOx Ozone Season allowances will be required with regard to emissions or excess emissions for such control periods.

(d)(1) The owner and operator of each source and each unit located in the State of Louisiana and Indian country within the borders of the State and for which requirements are set forth under the TR NOx Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Louisiana’s State Implementation Plan (SIP) as correcting in part 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. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Louisiana’s SIP.

(2) Notwithstanding the provisions of paragraph (d)(1) of this section, if, at the time of the approval of Louisiana’s SIP revision described in paragraph (d)(1) of this section, the Administrator has already started recording any allocations of TR NOx 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 NOx 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.


§52.985 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 Louisiana on June 13, 2008, 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 NOx and SO2 from electric generating units. EPA has given limited disapproval to the plan provisions addressing these requirements.

(b) The regional haze plan submitted by Louisiana on June 13, 2008, includes measures for meeting the requirements of: 40 CFR 51.308(d), for the core requirements for regional haze plans, except for the requirements of 40 CFR 51.308(d)(3); 40 CFR 51.308(f), for the commitment to submit comprehensive periodic revisions of regional haze plans; 40 CFR 51.308(g), for the commitment to conduct periodic determinations of the adequacy of the existing regional haze plan; and 40 CFR 51.308(i), for coordination with state and Federal Land Managers. EPA has given partial limited approval to the plan provisions addressing these requirements.

(c) The regional haze plan submitted by Louisiana on June 13, 2008, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3), long-term strategy for regional haze as it relies on deficient non-electric generating units Best Available Retrofit Technology (BART) analyses; and 40 CFR 51.308(e), BART requirements for regional haze visibility impairment with respect to emissions of visibility impairing pollutants from four non-electric generating units. EPA has given partial disapproval to the plan provisions addressing these requirements.


§52.986 Significant deterioration of air quality.

(a) The plan submitted by the Governor of Louisiana on August 14, 1984 (as adopted by the Secretary of Louisiana Department of Environmental Quality (LDEQ) on May 23, 1988), July 26, 1988 (as revised and adopted by the LDEQ on May 5, 1988), and October 26,
Environmental Protection Agency § 52.987

1990 (as revised and adopted by the LDEQ on July 20, 1990), LAC:33:III: § 509 Prevention of Significant Deterioration (PSD) and its Supplement documents, is approved as meeting the requirements of Part C, Clean Air Act for preventing significant deterioration of air quality.

(b) The requirements of sections 160 through 165 of the Clean Air Act are not met for federally designated Indian lands since the plan (specifically LAC: 33:III:509.A.1) excludes all federally recognized Indian lands from the provisions of this regulation. Therefore, the provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable implementation plan, and are applicable to sources located on land under the control of Indian governing bodies.

(c)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in Louisiana's approved plan 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 (c), 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\textsubscript{2}\text{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\textsubscript{2}\text{e} or more; and

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (c)(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\textsubscript{2}\text{e}; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO\textsubscript{2}\text{e}, when such stationary source undergoes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO\textsubscript{2}\text{e} or more.

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

(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\textsubscript{2}\text{e} equivalent emissions (CO\textsubscript{2}\text{e}) shall represent an amount of GHGs emitted, and shall be computed as follows:

(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 (c)(4)(ii)(A) of this section for each gas to compute a tpy CO\textsubscript{2}\text{e}.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in the EPA-approved Louisiana Administrative Code (LAC), Title 33, Part III, Chapter 5, Section 509, Subsection B) and a significant net emissions increase (as defined in LAC 33:III.509.B) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO\textsubscript{2}\text{e}, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and “significant” is defined as 75,000 tpy CO\textsubscript{2}\text{e} instead of applying the value in the EPA-approved definition of “significant” at LAC 33:III.509.B.


§ 52.987 Control of hydrocarbon emissions.

(a) Notwithstanding any provisions to the contrary in the Louisiana Implementation Plan, the control measures listed in paragraphs (b) through (n) of this section shall be implemented in accordance with the schedule set forth below.

(b) Removal from service of a 10,000 barrel capacity crude oil storage tank at the Belcher Station of the Exxon Pipeline Company, Belcher, Louisiana,
with a final compliance date of January 1, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 208 tons per year.

c) Removal from service of a 55,000 barrel capacity crude oil storage tank at the Weller Station of the Exxon Pipeline Company, near Minden, Louisiana, with a final compliance date of January 1, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 263 tons per year.

d) Installation of emission control systems on three 3,000 barrel capacity distillate storage tanks, at the Jones O’Brien Inc., Keatchie, Louisiana, with a final compliance date of January 1, 1978. This shall result in an estimated hydrocarbon emission reduction of at least 23 tons per year.


g) Discontinue use of residue gas in pneumatic instrumentation and control systems at the Kerr-McGee Corporation, Devon Corporation, and Eason Oil Company, Calhoun Plant, Calhoun, Louisiana with a final compliance date of July 1, 1978. This shall result in an estimated hydrocarbon emission reduction of at least 21 tons per year.

h) Discontinue use of residue gas in pneumatic instrumentation and control systems with a final compliance date of July 1, 1978, and install emission control systems on distillate storage tanks 2–7 and 2–13 with a final compliance date of January 2, 1980, at the Kerr-McGee Corp., Devon Corp., and Eason Oil Co., Dubach Plant, Dubach, Louisiana. This shall result in an estimated hydrocarbon emission reduction of at least 367 tons per year.

i) Installation of emission control systems on a 37,500 barrel capacity crude oil storage tank at Cities Service Pipeline Company, Oil City, Louisiana with a final compliance date of February 1, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 208 tons per year.

j) Installation of emission control systems on a 25,000 barrel capacity crude oil storage tank at Cities Service Pipeline Company, Haynesville, Louisiana with a final compliance date of February 1, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 28 tons per year.

k) Installation of emission control systems on a 10,000 barrel capacity crude oil storage tank at Cities Service Pipeline Company, Summerfield, Louisiana with final compliance achieved in August 1977. This shall result in an estimated hydrocarbon emission reduction of at least 162 tons per year.

l) Installation of emission control systems on a 30,000 barrel capacity crude oil storage tank at the Scurlock Oil Company, Lake End, Louisiana, with a final compliance date of January 15, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 90 tons per year.

m) Installation of emission control systems on a 55,000 barrel capacity crude oil storage tank at the Scurlock Oil Company, Dutchtown Oil Field near Minden, Louisiana, with a final compliance date of January 15, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 186 tons per year.

n) Installation of emission control systems on distillate storage tank No. 414 with a final compliance date of September 1, 1979, and the removal from service of tank No. 450 with final compliance achieved on December 1, 1977, at the Texas Eastern Products Pipeline Company, Sarepta, Louisiana. This shall result in an estimated hydrocarbon emission reduction of at least 355 tons per year.

[p. 1016]
§ 52.988 [Reserved]

§ 52.990 Stack height regulations.
The State of Louisiana has committed to submit to EPA a SIP revision whenever a new or revised emission limitation for a specific source exceeds the height allowed by Section 921(A) “Good Engineering Practice (GEP) Stack Height 1 or 2” of the State regulations. A letter from the Secretary of Louisiana Department of Environmental Quality, dated September 23, 1986, stated that:

In specific, the State regulation, Section 17.14.2 (now LAC 33: Part III, Section 921(B)), provides that the degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source’s stack height that exceeds good engineering practice or by any other dispersion technique. In reference to this requirement, the Louisiana Department of Environmental Quality or the Administrative Authority will submit to EPA a SIP revision whenever the Louisiana Department of Environmental Quality adopts a new or revised emission limitation for a specific source that is based on a stack height that exceeds the height allowed by Section 17.14.1(e)(1) (now LAC 33: Part III, Section 921(A) “Good Engineering Practice (GEP) Stack Height 1”) or Section 17.14.1(e)(2) (now LAC 33: Part III, Section 921(A) “Good Engineering Practice (GEP) Stack Height 2”).

[53 FR 36010, Sept. 16, 1988]

§ 52.991 Small business assistance program.
The Governor of Louisiana submitted on October 22, 1992, a plan revision to develop and implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program to meet the requirements of section 507 of the Clean Air Act by November 15, 1994. The plan commits to provide technical and compliance assistance to small businesses, hire an Ombudsman to serve as an independent advocate for small businesses, and establish a Compliance Advisory Panel to advise the program and report to EPA on the program’s effectiveness.

[59 FR 32360, June 23, 1994]

§ 52.992 Area-wide nitrogen oxides exemptions.
(a) The Louisiana Department of Environmental Quality submitted to the EPA on August 5, 1994, a petition requesting that the nonclassifiable ozone nonattainment areas in the State of Louisiana be exempted from the requirement to meet the NO\textsubscript{X} provisions of the Federal transportation conformity rule. The exemption request was based on monitoring data which demonstrated that the National Ambient Air Quality Standard for ozone had been attained in this area for the 3 years prior to the petition. The parishes for which the NO\textsubscript{X} exemption was requested include: Beaufort, Grant, Lafayette, Lafourche, Jefferson, Orleans, St. Bernard, St. Charles, St. James, and St. Mary. The EPA approved this exemption request on March 2, 1995.

(b) The LDEQ submitted to the EPA on November 17, 1994, a petition requesting that the Baton Rouge serious ozone nonattainment area be exempted from the NO\textsubscript{X} control requirements of the CAA. In addition, supplemental information was submitted to the EPA by the LDEQ on January 26, 1995, June 6, 1995, and June 16, 1995. The Baton Rouge nonattainment area consists of East Baton Rouge, West Baton Rouge, Pointe Coupee, Livingston, Iberville, and Ascension Parishes. The exemption request was based on photochemical grid modeling which shows that reductions in NO\textsubscript{X} would not contribute to attainment in the nonattainment area. On January 18, 1996, the EPA approved the State’s request for an areawide exemption from the following requirements: NO\textsubscript{X} new source review, NO\textsubscript{X} reasonably available control technology, NO\textsubscript{X} general conformity, and NO\textsubscript{X} inspection and maintenance requirements.

(c) The LDEQ submitted to the EPA on July 25, 1995, a revision to the SIP, pursuant to section 182(b)(1), requesting that the Baton Rouge serious ozone nonattainment area be exempted from the transportation conformity NO\textsubscript{X} requirements of the CAA. The Baton Rouge nonattainment area consists of East Baton Rouge, West Baton Rouge, Pointe Coupee, Livingston, Iberville, and Ascension Parishes. The exemption request was based on photochemical grid modeling which shows that additional reductions in NO\textsubscript{X} would not
§ 52.993

Contribute to attainment in the non-attainment area. On February 12, 1996, the EPA approved the State’s request for an areawide exemption from the transportation conformity NO\textsubscript{X} requirements.

(d) The LDEQ submitted to the EPA on October 28, 1994, a petition requesting that the Lake Charles marginal ozone nonattainment area be exempted from the NO\textsubscript{X} control requirements of the Act. The Lake Charles nonattainment area consists of Calcasieu Parish. The exemption request was based on photochemical grid modeling which shows that reductions in NO\textsubscript{X} would not contribute to attainment in the nonattainment area. On May 27, 1997, the EPA approved the State’s request for an area-wide exemption from the following requirements: NO\textsubscript{X} new source review, NO\textsubscript{X} general conformity, and NO\textsubscript{X} transportation conformity requirements. The waiver was granted on the basis of modeling, and ambient air quality data demonstrating the area has attained the ozone NAAQS.

(e) On September 24, 2001, and on December 31, 2001, the LDEQ requested that EPA rescind the Baton Rouge section 182(f) and 182(b)(1) NO\textsubscript{X} exemptions that were approved by EPA, and published in the Federal Register on January 26, 1996 (61 FR 2438), and February 27, 1996 (61 FR 7218). The State based its request on photochemical grid modeling recently performed for the Baton Rouge State Implementation Plan (SIP) which indicates that controlling NO\textsubscript{X} sources will assist in bringing the Baton Rouge area into attainment with the National Ambient Air Quality Standard (NAAQS) for ozone. On May 7, 2002, EPA proposed approval of the State’s request to rescind both NO\textsubscript{X} exemptions. Based on our review of the State’s request and the supporting photochemical grid modeling the NO\textsubscript{X} exemptions are rescinded on May 5, 2003.


§ 52.993 Emissions inventories.

(a) The Governor of the State of Louisiana submitted the 1990 base year emission inventories for the Baton Rouge (BTR) and Calcasieu Parish (CAL) ozone nonattainment areas on November 16, 1992 as a revision to the State Implementation Plan (SIP). The 1990 base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for each of these areas.

(b) The inventories are for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventories cover point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) The BTR nonattainment area is classified as Serious and includes Ascension, East Baton Rouge, Iberville, Livingston, Point Coupée, and West Baton Rouge Parishes; the CAL nonattainment area is classified as Marginal and includes Calcasieu Parish.

(d) On December 15, 1995, the Governor of the State of Louisiana submitted a revision to the 1990 base year volatile organic compound (VOC) emissions inventory for the Baton Rouge, Louisiana ozone nonattainment area. The revised inventory was submitted as part of the revised Baton Rouge 15 Percent Rate-of-Progress Plan. This revision to the base year inventory modified the point source VOC emissions. The revisions satisfy the requirements of section 182(a)(1) of the Clean Air Act, as amended in 1990.

(e) On January 2, 1997, the Governor of the State of Louisiana submitted a revision to the 1990 base year volatile organic compound (VOC) emissions inventory for the Baton Rouge, Louisiana ozone nonattainment area. The revised inventory was submitted as part of the revised Baton Rouge Post–1996 Rate-of-Progress Plan. This revision to the base year inventory modified the point, area, non-road mobile, on-road mobile, and biogenic sources of VOC emissions. The revisions satisfy the requirements of section 182(a)(1) of the Clean Air Act, as amended in 1990.
§ 52.995 Enhanced ambient air quality monitoring.

(a) The Governor of the State of Louisiana submitted the photochemical assessment monitoring stations (PAMS) State Implementation Plan (SIP) revision for the Baton Rouge ozone non-attainment area on September 10, 1993. This SIP submittal satisfies 40 CFR 58.20(f), which requires the State to provide for the establishment and maintenance of PAMS.

(b) The Baton Rouge ozone non-attainment area is classified as Serious and includes Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge Parishes.

[61 FR 31037, June 19, 1996]

§ 52.996 Disapprovals.

The State of Louisiana motor vehicle Inspection and Maintenance (I/M) program SIP submittal of August 18, 1995, with later editions, is disapproved based on the failure of the State Legislature to grant legal authority to reauthorize and continuously operate the program until the program is no longer necessary. The Baton Rouge serious ozone nonattainment area is required to have an enhanced I/M program under section 182 of the Clean Air Act (the Act) as amended in 1990. This disapproval initiates the sanction process of section 179(a) of the Act.


§ 52.999 Original identification of plan section.

(a) This section identifies the original “The Louisiana Air Control Commission Implementation Plan” and all revisions submitted by Louisiana that were federally approved prior to July 1, 1998.

(b) The plan was officially submitted on January 28, 1972.

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

(1) Certification that public hearings were held on the State’s implementation plan was submitted on February 28, 1972. (Non-regulatory)

(2) Response to comments by Region VI on the plan was transmitted by the Louisiana Air Control Commission on May 8, 1972. (Non-regulatory)

(3) Revisions to Louisiana Air Control Regulations 6, 8, 18, 19, 22, A22, 27, 28, control strategy for photochemical oxidants-hydrocarbons, prevention of air pollution emergency episodes, source surveillance, and procedures for submission and approval and compliance schedules were submitted by the Governor on July 17, 1972.

(4) Revisions concerning the control strategy for photochemical oxidants and hydrocarbon for Region 106 was submitted by the Governor on March 30, 1973. (Regulatory)

(5) Revision of Section 6.1 of the State air control regulations was submitted by the Governor on April 25, 1973.

(6) A revision concerning the control strategy for particulate matter for the Southern Louisiana-Southeast Texas AQCR was submitted by the Governor on January 2, 1973.

(7) Variances to Emission Limiting Regulations adopted by the Louisiana Air Control Commission on October 29, 1975, December 12, 1975, and April 6, 1976, and submitted by the Governor on April 22, 1976.

(8) Commission Orders creditable as emission offsets for the GM Plant in Shreveport were submitted by the Governor on January 25, 1978 as amendments to the Louisiana State Implementation Plan.

(9) A proposed redesignation of the Shreveport area as an AQMA for particulate matter was submitted by the Governor on December 9, 1977.

(10) An administrative revision of the Air Quality Surveillance Network was submitted by the Louisiana Air Control Commission on April 3, 1978. (Non-regulatory)

(11) Revisions to Regulation 19.0, Emission Standards for Particulate Matter, as adopted on November 30, 1977, were submitted by the Governor on December 9, 1977.

(12) Minor changes and administrative revisions to regulations 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, 9.0, 10.0, 11.0, 12.0, 13.0, 14.0, 15.0, 16.0, and 17.0 of the Louisiana SIP were submitted by the Governor on December 9, 1977.
(13) A variance to Regulation 19.5 for Kaiser Aluminum & Chemical Corporation at Norco, Louisiana was submitted by the Governor on August 31, 1978.


(15) Revisions to the plan for attainment of standards for ozone (Part D requirements) were submitted by the Governor on April 30, 1979.

(16) Evidence of notice and public hearing for the April 30, 1979 plan was submitted by the Governor on June 20, 1979.

(17) Emission inventory information, emission reduction information, a certification of the lack of major degreasing sources, and a commitment to adopt future regulations were submitted by the Louisiana Air Control Commission on August 28, 1979 (non-regulatory).

(18) Schedule for the modification and submittal of regulations 22.6 and regulation 6.3.8 were submitted by the Louisiana Air Control Commission on October 11, 1979 (non-regulatory).

(19) Regulations 22.17 and 22.18, adopted by the Louisiana Air Control Commission on September 25, 1979 were submitted by the Governor on October 18, 1979.

(20) On January 10, 1980, the Governor submitted final revisions to the ambient monitoring portion of the plan.

(21) Revised Regulation 22.8(c) was submitted by the Governor on June 20, 1979. This regulation was adopted by the Louisiana Air Control Commission on March 27, 1979.

(22) Revised Regulation 22.5 was submitted by the Governor on April 30, 1979. This regulation was adopted by the Louisiana Air Control Commission on March 27, 1979. A second revision to Regulation 22.5 was submitted by the Governor on July 7, 1979, as adopted by the Louisiana Air Control Commission on June 26, 1979.

(23) Revised Regulations 6.3.8, 22.3, 22.6.1, 22.6.2, 22.10, and 22.12.4 were submitted by the Governor on December 10, 1979. These regulations were adopted by the Louisiana Air Control Commission on November 27, 1979. A second revision to Regulation 6.3.8 was submitted by the Governor on October 23, 1980. The second revision was adopted by the Louisiana Air Control Commission on September 25, 1980.

(24) Revisions to the Air Control Regulations 24.6.1 and 24.7.4, as adopted by the Louisiana Environmental Control Commission on March 27, 1979, were submitted by the Governor on April 30, 1979.

(25) Revised Regulations 22.9.2, 22.9.3(b), 22.19, 22.20, 22.21, 22.22 and 22.23 and revised Regulation 4.0 (i.e. sections 4.99 through 4.116) were adopted by the State on November 27, 1979 and submitted by the Governor on December 10, 1979; and revised Regulations 22.3 and 22.20.2 were adopted by the State on July 22, 1980 and submitted by the Governor on September 12, 1980.

(26) Revised Regulations 22.9.3(b), 22.20.3, and 22.23.7 were adopted by the State on December 11, 1980 and submitted by the Governor on January 12, 1981; revised Regulation 22.21.2(E) was adopted by the State on April 23, 1981 and submitted by the Governor on June 3, 1981; and, revised Regulation 22.19.2(B) was adopted by the State on June 25, 1981 and submitted by the Governor on July 22, 1981.

(27) Revisions to the Air Control Regulations 6.1.1, 18.2, 18.4, 18.6.3, 19.5.1, 24.9.1, 24.9.2, 26.3.1, 26.3.2 and 51.11, as adopted by the Louisiana Environmental Control Commission on September 25, 1980, were submitted by the Governor on October 23, 1980.

(28) Revisions to the plan for permit fee systems, interstate pollution abatement, public availability of emission data, maintenance of pay, permit public comment, and public notification of exceedances of the primary national ambient air quality standards (NAAQS), were submitted by the Governor on April 30, 1979. In addition, revised submittals for permit fee schedules were submitted on July 7, 1979; September 12, 1980; October 23, 1980; and January 12, 1981. The September 12, 1980 letter also included a new § 51.285 (a), (b) and (c). Finally, the State sent a notification letter on August 7, 1979.
which corrected a typographical error in the maintenance of pay revision.

(29) A revision to the Air Control Regulations 22.9.3(d) as adopted by the Louisiana Air Control Commission on December 11, 1980, was submitted by the Governor on January 12, 1981.

(30) Revisions to the Air Control Regulations 8.5.1, 22.3.1.1, 22.3.1.2, and 22.10, as adopted by the Louisiana Air Control Commission on April 23, 1981, were submitted by the Governor on June 3, 1981.

(31) A revision to the Air Control Regulation 22.9.3(a), as adopted by the Louisiana Air Control Commission on May 28, 1981, was submitted by the Governor on June 3, 1981.

(32) A revision to the Air Control Regulation 22.3.2, as adopted by the Louisiana Air Control Commission on July 23, 1981, was submitted by the Governor on August 17, 1981.

(33) The Louisiana State Implementation Plan for lead and Regulations for the Control of Air Pollution from lead, 10.0–10.3 and 19A.0, were submitted to EPA on July 27, 1979, by the Governor of Louisiana as adopted by the Louisiana Air Control Commission on July 24, 1979. Letters of Clarification dated January 6, 1982, April 1, 1982 and May 4, 1982 also were submitted. No action is taken on the Baton Rouge area.

(34) Section 6.1 of Regulation 6.0 amended and adopted by the Louisiana Environmental Control Commission on October 22, 1981, was submitted by the Governor on November 30, 1981.

(35) Revisions to the Air Control Regulations 4.102, 4.110, 22.20.2 and 22.21.2(D), as adopted by the Louisiana Environmental Control Commission on December 11, 1980, were submitted by the Governor on January 12, 1981.

(36) [Reserved]

(37) Revisions to the Air Control Regulations 4.14, 4.36, 6.6, 22.3.1.1, and 22.3.1.2, as adopted by the Louisiana Environmental Control Commission on February 26, 1981, were submitted by the Governor on March 25, 1981.

(38) Revisions to the Air Control Regulations 17.13, 23.4.1.1 and 23.4.4, as adopted by the Louisiana Environmental Control Commission on January 29, 1982, were submitted by the Governor on February 15, 1982.

(39) A revision to section 2210 of the Louisiana Air Control Law was submitted to EPA on March 10, 1982. The Section was renamed Section 1077 of the Environmental Affairs Act, by the Louisiana Legislature, and was effective January 1, 1980.


(41) Revisions to sections 2.3, 3.1, 3.4, and 4.1 of the Rules and Regulations for the Fee System of the Air Quality Control Program, as adopted by the Louisiana Environmental Control Commission on January 26, 1983, were submitted by the Louisiana Department of Natural Resources (now the Department of Environmental Quality), Air Quality Division, on November 17, 1983.

(42) Deletion of Air Control Regulation 14.0, and deletion of hydrocarbon guideline standard from Table 1, 1a, and 2, as adopted by the Louisiana Environmental Control Commission on July 28, 1983, was submitted by the Governor on October 19, 1983.

(43) Revisions to the Air Control Regulation 22.22 as adopted by the Louisiana Environmental Control Commission on September 23, 1982, and submitted by the Governor on July 14, 1983.

(i) Incorporation by reference. (A) Regulation 22.22.1(A) and 22.22.2(A) Letter dated July 14, 1983, from the State of Louisiana and which change the reference for the test methods from a CTG document to the Louisiana Air Quality Regulations Division’s Source Test Manual. These regulations were adopted on September 23, 1982.

(44) On October 4, 1985, the Governor submitted a revision entitled, “Protection of Visibility for Mandatory Class I Federal Areas,” July 12, 1985. This submittal included new source review and visibility monitoring strategy as adopted by the Secretary of the Louisiana Department of Environmental Quality in October 1985.
(45) On August 14, 1985, the Governor of Louisiana submitted a Prevention of Significant Deterioration (PSD) Plan including Air Quality Regulations—Part V, (sections 90.1–90.19) as adopted by the Secretary of the Department of Environmental Quality on May 23, 1985. Air Quality Regulations—Part V provides authority for the State to implement the PSD program in certain areas of the State. Letters of commitment for air quality modeling (dated September 30, 1985) and Federal stack height and dispersion technique regulation (dated June 3, 1986) were submitted by the Secretary of Louisiana Department of Environmental Quality.

(i) Incorporation by reference. (A) Louisiana Air Quality Regulations—Part V, Prevention of Significant Deterioration of Air Quality, except that no provision of this part applies to Indian Reservations meaning any Federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress, as adopted on May 23, 1985.

(B) A letter from the Secretary of Louisiana Department of Environmental Quality dated September 30, 1985, which commits the Department to use only the EPA approved air quality models in accordance with the provisions of 40 CFR 51.24(1) [now 40 CFR 51.166(1)] and to submit a stack height and dispersion techniques SIP revision by April 8, 1986.

(C) A letter from the Secretary of Louisiana Department of Environmental Quality dated June 3, 1986, which certifies that the Department interprets the provisions of section 90.8 of Louisiana PSD regulations as having the same meaning as the Federal stack height and dispersion technique regulation, 40 CFR 51.1(hh)-(kk) [now 40 CFR 51.100(hh)-(kk)], promulgated by EPA in the FEDERAL REGISTER of July 8, 1985, and that the State will apply, implement, and enforce these requirements in the PSD permitting process.

(ii) Additional material. (A) A summary of VOC emissions for each of the four rural carbon black plants exempted from further controls on acetylene emissions under Louisiana Air Quality Regulation 22.8.

(46) On January 6, 1988, the Governor of Louisiana submitted a revision to the State Implementation Plan (SIP) that contained Air Quality Regulations, LAC 33: Part III, Section 921, Stack Heights, as adopted by the Secretary of Environmental Quality on December 20, 1987. Section 921, Stack Heights, enables the State to ensure that the degree of emission limitation required for the control of any air pollutant under its SIP is not affected by that portion of any stack height which exceeds GEP or by any other dispersion technique.

(i) Incorporation by reference. (A) Louisiana Air Quality Regulations—LAC 33: Part III, Section 921, Stack Heights, as adopted by the Secretary of the Department of Environmental Quality on December 20, 1987.

(ii) Other material—none.

(47) A revision exempting four rural carbon black plants—Ashland Chemical, Louisa, LA; Cabot Corporation, Centerville, LA; Cabot Corporation, Ville Platte, LA; and Columbian Chemicals, Franklin, LA—from further controls on acetylene emissions as required under Louisiana Air Quality Regulation 22.8 received from the Governor on January 12, 1987, and amended May 13, 1987.

(i) Incorporation by reference. (A) A letter dated May 29, 1987, from Martha Madden, Secretary, Louisiana Department of Environmental Quality, to the Governor of Louisiana approving the exemptions from further controls on acetylene emissions for the four rural carbon black plants and ordering each facility to maintain its emissions at or below the levels specified in the attached summary of emissions.

(ii) Additional material. (A) A summary of VOC emissions for each of the four rural carbon black plants exempted from further controls on acetylene emissions under Louisiana Air Quality Regulation 22.8.

(48) Part II of the Visibility Protection Plan was submitted by the Governor on October 26, 1987.


This submittal includes a visibility long-term strategy and general plan provisions as approved and adopted by
the Secretary of the Louisiana Department of Environmental Quality on October 26, 1987.

(B) Letter dated October 26, 1987, from Secretary of Louisiana Department of Environmental Quality (LDEQ), to the Governor approving the SIP revision.

(ii) Additional material. (A) Letter dated June 16, 1988, from Administrator, Air Quality Division, LDEQ, to Chief, SIP/New Source Section (6T–AN), EPA Region 6, committing to make its three-year periodic review report available to the public as well as to EPA.

(49) The recodified and revised regulations of the Louisiana Administrative Code, Title 33, Part 3 (LAC:33:III) that were adopted by the State effective December 20, 1987, and submitted by the Governor by letters dated January 6, 1988, and October 4, 1988, for inclusion in the SIP. These regulations include LAC:33:III: Chapters 1, 5, 7, 9, 11, 13, 15, 17, 23, 56, 60, 63, and 65, except LAC:33:III:111 “Particulate matter,” and “Suspended particulate matter,” LAC:33:III:505.J, and LAC:33:III:505.L, which were previously disapproved, and LAC:33:III:6099, which was withdrawn by the Governor.


(ii) Additional material. (A) A letter dated December 16, 1987, from Martha Madden, Secretary of the Louisiana Department of Environmental Quality, to the Governor proposing to implement the new PM$_{10}$ standard effective June 20, 1988.


(ii) Additional material. (A) Computer modeling submitted by letter dated May 27, 1988, from Doug Walters, Louisiana Department of Environmental Quality, to Joe Winkler, U.S. Environmental Protection Agency.


(52) On October 31, 1983, the Governor submitted a request to revise the Louisiana SIP to include an Alternative Emission Reduction Plan for the Vulcan Materials Company facility located at Geismar, Ascension Parish. A permit was issued by LDEQ on March 24, 1983 (#1829T), but after several revisions, the final permit for the trade is #1829T (M–2), issued July 28, 1989. This bubble uses credits obtained from installation of a vapor recovery system on a tank farm of five VOC storage tanks in lieu of controls on one process vent and one VOC storage tank.
§52.999


(ii) Additional material. (A) Letter dated June 28, 1989, from the Administrator of the Louisiana Office of Air Quality, giving assurances that the State has resources and plans necessary to strive toward attainment and maintenance of the NAAQS for ozone taking into account the influence of this Bubble on air quality.

(53) On May 5, 1986, the Governor submitted a request to revise the Louisiana SIP to include an alternate Emission Reduction Plan for the American Cyanamid Company Fortier Plant located at Westwego, Jefferson Parish.

(i) Incorporation by reference. (A) LDEQ permit number 1896 (M–2) issued July 20, 1989, a Revision to Bubble Permit No. 1896 (M–1)—American Cyanamid Company, Westwego, Jefferson Parish, Louisiana.

(ii) Additional material. —None.

(54) A revision to allow an alternative emission reduction plan (“bubble”) for the Vista Chemical Company facility in Westlake, Louisiana, as submitted by the Governor on November 22, 1983, and amended by Louisiana Department of Environmental Quality Air Quality Division permit #1828 M–2 issued September 25, 1986.

(i) Incorporation by reference. (A) Louisiana Department of Environmental Quality Air Quality Division permit #1828 M–2 issued September 25, 1986.

(ii) Additional material. —None.

(55) A revision to allow an alternative emission reduction plan (“bubble”) for the Union Carbide facility in Hahnville, Louisiana, as submitted by the Governor on October 19, 1983, and amended by Louisiana Department of Environmental Quality Air Quality Division permit #1836T(M–1) issued April 23, 1987, and revised on May 5, 1990.

(i) Incorporation by reference. (A) Louisiana Department of Environmental Quality Air Quality Division permit #1836T(M–1) issued April 23, 1987, and revised on May 5, 1990.

(ii) Additional material. —None.

(56) Revisions to Louisiana’s volatile organic compound regulations were submitted by the Governor on June 13, 1990.


(57) Revisions to the Louisiana State Implementation Plan for LAC:33:III: Section 509 Prevention of Significant Deterioration (PSD) sections (509)(B) (Baseline Area) (1), 509(B) (Baseline Area) (2), 509(B) (Baseline Concentration) (1), (509)(B) (Baseline Concentration) (1)(b), 509(B) (Baseline Concentration) (2)(a), 509(B) (Baseline Concentration) (2)(b), 509(B) (Baseline Date) (1)(a), 509(B) (Baseline Date) (1)(b), 509(B) (Baseline Date) (2), 509(B) (Baseline Date) (2)(a), 509(B) (Baseline Date) (2)(b), 509(B) (Net Emission Increases) (4), 509(D), and 509(P)(4), as adopted by the Secretary of Louisiana Department of Environmental Quality (LDEQ) on July 20, 1990, were submitted by the Governor on October 26, 1990.

(i) Incorporation by reference. (A) LAC:33:III: Section 509 Prevention of Significant Deterioration Sections (509)(B) (Baseline Area) (1), 509(B) (Baseline Area) (2), 509(B) (Baseline Concentration) (1)(a), 509(B) (Baseline Concentration) (1)(b), 509(B) (Baseline Concentration) (2)(a), 509(B) (Baseline
Environmental Protection Agency § 52.999

Concentration) (2)(b), 509(B) (Baseline Date (1)(a), 509(B) (Baseline Date) (2), 509(B) (Baseline Date) (2)(a), 509(B) (Baseline Date) (2)(b), 509(B) (Net Emission Increase) (4), 509(D), and 509(P)(4) as amended on July 20, 1990.

(ii) Additional material. — None.

(58) Louisiana Air Quality Regulation section 6.6 as revised and adopted by the Louisiana Environmental Control Commission on February 26, 1981, submitted by the Governor on March 25, 1981, and approved by the Environmental Protection Agency on June 9, 1982.

(i) Incorporation by reference. (A) Louisiana Air Quality Regulation section 6.6 as revised and adopted by the Louisiana Environmental Control Commission on February 26, 1981, submitted by the Governor on March 25, 1981, and approved by the Environmental Protection Agency on June 9, 1982.

(ii) Additional material. (A) Letter dated March 24, 1981, from the Secretary of the Louisiana Department of Natural Resources to the Governor of Louisiana acknowledging approval of Louisiana Air Quality Regulation section 6.6 by the Louisiana Environmental Control Commission effective on February 26, 1981.

(59) A revision to the Louisiana State Implementation Plan (SIP) to include revisions to Louisiana Administrative Code (LAC), Title 33, Environmental Quality, Part III. Air, Chapter 1, Chapter 21, and Chapter 61 as submitted by the Governor on June 13, 1990, October 26, 1990, May 24, 1991, and March 24, 1992.


(i) Incorporation by reference. (A) Revisions to LAC, Title 33, “Environmental Quality,” Part III. Air, Chapter 21. Control of Emission of Organic Compounds, Section 2132—Stage II Vapor Recovery Systems for Control of

(ii) Additional materials. (A) November 15, 1993, narrative plan addressing: Legal authority, control strategy, compliance schedules, air quality surveillance, public notice, determination of regulated universe, Louisiana Department of Environmental Quality recordkeeping, facility recordkeeping, annual in-use above ground inspections, program penalties, training, and benefits.


(ii) Incorporation by reference.

(A) Permit number 1838T(M–2) as issued by the Louisiana Department of Environmental Quality on October 16, 1991.

(ii) Additional material.

(A) Letter dated September 17, 1991, from the Administrator of the Office of Air Quality at the Louisiana Department of Environmental Quality to the Chief of the Planning Section at the Air Programs Branch of the U.S. Environmental Protection Agency—Region 6, furnishing State assurances.

(63) The State is required to implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM) as specified in the plan revision submitted by the Governor on October 22, 1992. This plan submittal, as adopted by the Secretary of the Louisiana Department of Environmental Quality (LDEQ) on October 22, 1992, was developed in accordance with section 507 of the Clean Air Act (CAA).

(i) Incorporation by reference.

(A) Enrolled House Bill No. 1319 (Act 1037, Regular Session, 1992), signed into law by the Governor on July 13, 1992, and effective upon signature, creating and establishing an Office of Permits within the Executive Department, Office of the Governor.

(B) Letter from Louisiana Governor Edwards to Mr. Kai Midboe, Secretary, LDEQ, dated February 20, 1992, designating the Governor's Office of Permits as the official State office to serve as Ombudsman for the PROGRAM per the mandate of section 507 of the Federal CAA. The Coordinator of the Office of Permits will be responsible for administering the Small Business Ombudsman portion of the PROGRAM.

(ii) Additional material. (A) Narrative SIP Revision entitled, “Louisiana SIP, Concerning CAA Amendments of 1990, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance (Program); November 15, 1992.”

(B) “State of Louisiana Memorandum of Understanding Between the Governor’s Office of Permits and the Louisiana Department of Environmental Quality”, signed (and effective) on April 7, 1992, by Mr. Kai David Midboe, Secretary, LDEQ, and Ms. Martha A. Madden, Coordinator, Governor’s Office of Permits.

(C) Legal opinion letter dated October 22, 1992, from James B. Thompson, III, Assistant Secretary for Legal Affairs and Enforcement, LDEQ, to Mr. B. J. Wynne, Regional Administrator, EPA Region VI, regarding “Appointment to Small Business Advisory Panel”.

(1027)
(64) Revisions to the Louisiana SIP addressing VOC RACT catch-up requirements were submitted by the Governor of Louisiana by letters dated December 21, 1992, and April 14, 1993.


(B) Letter dated April 14, 1993, signed by Edwin Edwards, Governor of Louisiana.

(C) Letter of negative declaration dated March 29, 1994, signed by Gustave Von Boduungen, P.E., Assistant Secretary, LDEQ.

(65) Revisions to the Louisiana Department of Environmental Quality Regulation Title 33, Part III, Chapter 9, General Regulations on Control of Emissions and Emissions Standards, Section 919, Emission Inventory, adopted in the Louisiana Register, Vol. 19, No. 2, 184–186, February 20, 1993. All subsections except B.2.a. and B.2.d.

(B) Revisions to LAC, title 33, Part III, Chapter 9, General Regulations on Control of Emissions and Emissions standards. Section 919, Emission Inventory, adopted in the Louisiana Register, Vol 20, No. 10, 1102, October 20, 1994. Subsections B.2.a. and B.2.d.

(66) Revisions to the Louisiana Department of Environmental Quality Regulation Title 33, Part III, Chapter 2, Section 223 and Chapter 19, Sections 1951–1973. These revisions are for the purpose of implementing a Clean Fuel Fleet Program to satisfy the federal requirements for a Clean Fuel Fleet Program to be part of the SIP for Louisiana.

(i) Incorporation by reference. (A) Revision to LAC, Title 33, Part III, Chapter 2, Rules and Regulations for the Fee System of the Air Quality Control Programs, Section 223, Fee Schedule Listing, adopted in the Louisiana Register, Vol. 20, No. 11, 1263, November 20, 1994.


(68) A revision to the Louisiana SIP addressing the nonattainment NSR program for Louisiana was submitted by the Governor of Louisiana on March 3, 1993, and November 15, 1993.


(B) Revisions to LAC, Title 33, Part III. Air, Chapter 5. Permit Procedures, Section 504. Nonattainment New Source Review Procedures, Subsections: A., Applicability, Paragraphs A(1), A(2), A(3), A(4); D., Nonattainment New Source Requirements, Paragraph D(4); Delete G., Permit Procedures, Public Participation and Notification; Reletter H., Definitions, to G., and revise definitions for Major Modification (paragraphs: a., c.iii, c.iv, c.v.(a)(b), c.vi, c.vii); Major Stationary Source (paragraphs: a., d.i); Delete Table 1; Renumber Table 2, Major Stationary Source/Major Modification Emission Thresholds, to Table 1, and revise Footnote 1., as promulgated in the Louisiana Register, Volume 19, Number 11, 1420–1421, November 20, 1993; effective November 20, 1993, and submitted by the Governor on November 4, 1993.

(ii) Additional material. (A) Letter dated January 7, 1994, signed by the Governor of Louisiana, which clarifies that section 504 is to be reviewed under the SIP program.

(69) The Governor of Louisiana submitted revisions to Regulation Louisiana Administrative Code on March 22, 1995 to incorporate changes in the Federal PSD permitting regulations for PM–10 increments.

(i) Incorporation by reference. (A) Revisions to Regulation Louisiana Administrative Code 33:III.Chapter 5, Section 509, effective February 20, 1995: Section B. Definitions: Baseline Date; Section B. Definitions: Net Emissions Increase; Section D. Ambient Air Increments; Section I.8.a.; Section K.2.; and Section P.4.

(70) The Louisiana Department of Environmental Quality submitted a redesignation request and maintenance plan for Pointe Coupee Parish on December 20, 1995. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) of the Act as amended in 1990. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Louisiana ozone State Implementation Plan for Pointe Coupee Parish. The EPA therefore approved the request for redesignation to attainment with respect to ozone for Pointe Coupee Parish on December 20, 1996.

(i) Incorporation by reference. Letter dated August 31, 1995, from Mr. Gustave Von Bodungen, P.E., Assistant Secretary, Louisiana Department of Environmental Quality, transmitting a copy of the Pointe Coupee Parish maintenance plan for the EPA’s approval.

(ii) Additional material. (A) Letter dated August 28, 1995, from Governor Edwin E. Edwards of Louisiana to Ms. Jane Saginaw, Regional Administrator, requesting the reclassification and redesignation of Pointe Coupee Parish to attainment for ozone.

(B) The ten year ozone maintenance plan, including emissions projections and contingency measures, submitted to EPA as part of the Pointe Coupee Parish redesignation request on December 20, 1995.

(71) A revision to the Louisiana SIP addressing the 15 percent rate-of-progress requirements was submitted by the Governor of Louisiana by cover letter dated December 15, 1995. This revision, submitted to satisfy the requirements of section 182(b) of the Clean Air Act (Act), will aid in ensuring that reasonable further progress is made towards attaining the national ambient air quality standard (NAAQS) for ozone.


(H) Reasonable Further Progress Agreed To Order, dated December 16, 1994, issued by the Assistant Secretary of the State of Louisiana Department of Environmental Quality in the matter of BASF Corporation, Geismar, Louisiana.
Environmental Protection Agency § 52.999

(I) Reasonable Further Progress Agreed To Order, dated August 22, 1994, issued by the Assistant Secretary of the State of Louisiana Department of Environmental Quality in the matter of CosMar Company, Inc., Carville, Louisiana.

(J) Reasonable Further Progress Agreed To Order, dated September 26, 1994, issued by the Assistant Secretary of the State of Louisiana Department of Environmental Quality in the matter of Shell Chemical Company, Geismar, Louisiana.

(K) Reasonable Further Progress Agreed To Order, dated September 8, 1994, issued by the Assistant Secretary of the State of Louisiana Department of Environmental Quality in the matter of Uniroyal Chemical Company, Inc., Geismar, Louisiana.

(L) Reasonable Further Progress Agreed To Order, dated September 8, 1994, issued by the Assistant Secretary of the State of Louisiana Department of Environmental Quality in the matter of Vulcan Chemicals, Geismar, Louisiana.

(M) SIP narrative plan entitled, “Revision to the 15% Rate of Progress Plan and 1990 Emissions Inventory,” dated December 28, 1995, page 11, Section 2.2, 1996 Target Level Emissions, first paragraph; page 23, Section 5, Table 2—Reductions in Plan; page 173, Appendix G, table—Reductions from Industrial Sources through 1996 Used for the 15% Requirement, which ends on page 174.

(i) Incorporation by reference. The letter dated December 15, 1995, from the Governor of Louisiana to the Regional Administrator, submitting a revision to the Louisiana SIP for VOC RACT rules, which included VOC RACT negative declarations.


(B) The negative declaration letter dated June 20, 1994, from Mr. Gustave Von Bodungen to Ms. Karen Alvarez.

(72) Revisions to the Louisiana SIP addressing VOC RACT Negative Declarations. The Governor of Louisiana submitted the negative declarations for reasonably available control technology (RACT) for the Baton Rouge ozone nonattainment area on December 15, 1996. Section 172(c)(1) of the Clean Air Act requires nonattainment areas to adopt, at a minimum, RACT to reduce emissions from existing sources. Pursuant to section 182(b)(2) of the Act, for moderate and above ozone nonattainment areas, the EPA has identified 13 categories for such sources and developed the Control Technique Guidelines (CTGs) or Alternate Control Techniques (ACTs) documents to implement RACT at those sources. When no major volatile organic compound (VOC) sources for a CTG/ACT category exist in a nonattainment area, a State may submit a negative declaration for that category. Louisiana’s submittal included two negative declaration letters from Mr. Gustave Von Bodungen to Ms. Karen Alvarez dated April 6, 1994, and June 20, 1994, for the following source categories: offset lithography, plastic parts-business machines, plastic parts-others, wood furniture, aerospace coatings, autobody refinishing, and shipbuilding coatings/repair. This submittal satisfies section 182(b)(2) of the Clean Air Act Amendments of 1990 for these particular CTG/ACT source categories for the Baton Rouge ozone nonattainment area.

(i) Incorporation by reference. The letter dated December 15, 1995, from the Governor of Louisiana to the Regional Administrator, submitting a revision to the Louisiana SIP for VOC RACT rules, which included VOC RACT negative declarations.


(B) The negative declaration letter dated June 20, 1994, from Mr. Gustave Von Bodungen to Ms. Karen Alvarez.

(73) The Louisiana Department of Environmental Quality submitted a redesignation request and maintenance plan for Calcasieu Parish on December 20, 1995. The redesignation meets the Federal requirements of section 182(a)(1) of the Act as a revision
to the Louisiana ozone State Implementation Plan for Calcasieu Parish. The EPA therefore approved the request for redesignation to attainment with respect to ozone for Calcasieu Parish on June 2, 1997.


(ii) Additional material. The ten year ozone maintenance plan, including emissions projections and contingency measures, submitted to EPA as part of the Calcasieu Parish redesignation request on December 20, 1995.

(74) Revisions to the Louisiana Department of Environmental Quality Regulation Title 33, Part III, Chapter 21, Control of Emission of Organic Compounds, submitted by the Governor on December 15, 1995.


(B) LAC, Title 33, Part III, Chapter 21, Section 2149, Limiting Volatile Organic Compound Emissions from Batch Processing, adopted in the Louisiana Register on April 20, 1995 (LR 21:387).

(C) LAC, Title 33, Part III, Chapter 21, Section 2151, Limiting Volatile Organic Compound Emissions from Clean-up Solvent Processing, adopted in the Louisiana Register on April 20, 1995 (LR 21:391).

(ii) Additional material. (A) Letter of negative declaration for wood furniture dated January 21, 1997, from the State of Louisiana Department of Environmental Quality.

(75) A revision to the Louisiana State Implementation Plan for General Conformity: LAC 33:III. Chapter 14, Subchapter A “Determining Conformity of General Federal Actions to State or Federal Implementation Plan,” Section 1405.B as adopted by the Louisiana Department of Environmental Quality Secretary and published in the Louisiana Register, Vol. 23, No. 6, 720, June 20, 1997, was submitted by the Governor on September 8, 1997.


(76) [Reserved]


(i) Incorporation by reference. LAC 33:III Chapter 21, revised paragraph 2149.A.2.b; paragraphs 2149.C.2.a, b, and c become paragraphs 2149.C.2.d, e, and f respectively; and add new paragraphs 2149.C.2.a, b, and c, as adopted in the Louisiana Register on November 20, 1997 (LR 23:1507).

(ii) Additional material. None.

(78) [Reserved]

(79) Site-specific revision to the 15% Rate-of-Progress plan submitted by the Governor in a letter dated December 20, 1997. The revision provides for a schedule extension for installation of guide pole sliding cover gaskets on 33 external floating roof tanks located at the Baton Rouge refinery of Exxon Company U.S.A.


(ii) Additional material. (A) Letter from the Governor of Louisiana dated December 20, 1997, transmitting a copy of the State Implementation Plan revision.

(B) Letters dated November 13, 1996; May 14, 1997; and July 3, 1997; from Exxon Company U.S.A. to the LDEQ.
Environmental Protection Agency §§ 52.1000–52.1018

requesting the compliance date extension and including a list of the subject tanks, the date of the next maintenance downtime, and emissions estimates for the tanks; which are included in the State Implementation Plan submittal entitled, “Summary of 15% Rate-of-Progress State Implementation Plan Revision,” dated December 20, 1997.

[37 FR 10869, May 31, 1972]

EDITORIAL NOTE: For Federal Register citations affecting § 52.999, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§§ 52.1000–52.1018 [Reserved]
FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Table of CFR Titles and Chapters
Alphabetical List of Agencies Appearing in the CFR
List of CFR Sections Affected
Table of CFR Titles and Chapters
(Revised as of July 1, 2016)

Title 1—General Provisions

I Administrative Committee of the Federal Register (Parts 1—49)
II Office of the Federal Register (Parts 50—299)
III Administrative Conference of the United States (Parts 300—399)
IV Miscellaneous Agencies (Parts 400—500)

Title 2—Grants and Agreements

SUBTITLE A—Office of Management and Budget Guidance for Grants and Agreements
I Office of Management and Budget Governmentwide Guidance for Grants and Agreements (Parts 2—199)
II Office of Management and Budget Guidance (Parts 200—299)

SUBTITLE B—Federal Agency Regulations for Grants and Agreements
III Department of Health and Human Services (Parts 300—399)
IV Department of Agriculture (Parts 400—499)
VI Department of State (Parts 600—699)
VII Agency for International Development (Parts 700—799)
VIII Department of Veterans Affairs (Parts 800—899)
IX Department of Energy (Parts 900—999)
X Department of the Treasury (Parts 1000—1099)
XI Department of Defense (Parts 1100—1199)
XII Department of Transportation (Parts 1200—1299)
XIII Department of Commerce (Parts 1300—1399)
XIV Department of the Interior (Parts 1400—1499)
 XV Environmental Protection Agency (Parts 1500—1599)
XVIII National Aeronautics and Space Administration (Parts 1800—1899)
XX United States Nuclear Regulatory Commission (Parts 2000—2099)
XXII Corporation for National and Community Service (Parts 2200—2299)
XXIII Social Security Administration (Parts 2300—2399)
XXIV Housing and Urban Development (Parts 2400—2499)
XXV National Science Foundation (Parts 2500—2599)
XXVI National Archives and Records Administration (Parts 2600—2699)
XXVII Small Business Administration (Parts 2700—2799)
Title 2—Grants and Agreements—Continued

XXVIII Department of Justice (Parts 2800—2899)
XXIX Department of Labor (Parts 2900—2999)
XXX Department of Homeland Security (Parts 3000—3099)
XXXI Institute of Museum and Library Services (Parts 3100—3199)
XXXII National Endowment for the Arts (Parts 3200—3299)
XXXIII National Endowment for the Humanities (Parts 3300—3399)
XXXIV Department of Education (Parts 3400—3499)
XXXV Export-Import Bank of the United States (Parts 3500—3599)
XXXVI Office of National Drug Control Policy, Executive Office of the President (Parts 3600—3699)
XXXVII Peace Corps (Parts 3700—3799)
LVIII Election Assistance Commission (Parts 5800—5899)
LIX Gulf Coast Ecosystem Restoration Council (Parts 5900—5999)

Title 3—The President

I Executive Office of the President (Parts 100—199)

Title 4—Accounts

I Government Accountability Office (Parts 1—199)

Title 5—Administrative Personnel

I Office of Personnel Management (Parts 1—1199)
II Merit Systems Protection Board (Parts 1200—1299)
III Office of Management and Budget (Parts 1300—1399)
IV Office of Personnel Management and Office of the Director of National Intelligence (Parts 1400—1499)
V The International Organizations Employees Loyalty Board (Parts 1500—1599)
VI Federal Retirement Thrift Investment Board (Parts 1600—1699)
VIII Office of Special Counsel (Parts 1800—1899)
IX Appalachian Regional Commission (Parts 1900—1999)
XI Armed Forces Retirement Home (Parts 2100—2199)
XIV Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel (Parts 2400—2499)
XVI Office of Government Ethics (Parts 2600—2699)
XXI Department of the Treasury (Parts 3100—3199)
XXII Federal Deposit Insurance Corporation (Parts 3200—3299)
XXIII Department of Energy (Parts 3300—3399)
XXIV Federal Energy Regulatory Commission (Parts 3400—3499)
XXV Department of the Interior (Parts 3500—3599)
XXVI Department of Defense (Parts 3600—3699)
XXVIII Department of Justice (Parts 3800—3899)
Title 5—Administrative Personnel—Continued

XXIX  Federal Communications Commission (Parts 3900—3999)
XXX  Farm Credit System Insurance Corporation (Parts 4000—4099)
XXXI  Farm Credit Administration (Parts 4100—4199)
XXXIII  Overseas Private Investment Corporation (Parts 4300—4399)
XXXIV  Securities and Exchange Commission (Parts 4400—4499)
XXXV  Office of Personnel Management (Parts 4500—4599)
XXXVI  Department of Homeland Security (Parts 4600—4699)
XXXVII  Federal Election Commission (Parts 4700—4799)
XL  Interstate Commerce Commission (Parts 5000—5099)
XLI  Commodity Futures Trading Commission (Parts 5100—5199)
XLII  Department of Labor (Parts 5200—5299)
XLIII  National Science Foundation (Parts 5300—5399)
XLV  Department of Health and Human Services (Parts 5500—5599)
XLVI  Postal Rate Commission (Parts 5600—5699)
XLVII  Federal Trade Commission (Parts 5700—5799)
XLVIII  Nuclear Regulatory Commission (Parts 5800—5899)
L  Department of Transportation (Parts 6000—6099)
LI  Export-Import Bank of the United States (Parts 6200—6299)
LII  Department of Education (Parts 6300—6399)
LIV  Environmental Protection Agency (Parts 6400—6499)
LV  National Endowment for the Arts (Parts 6500—6599)
LVI  National Endowment for the Humanities (Parts 6600—6699)
LVII  General Services Administration (Parts 6700—6799)
LVIII  Board of Governors of the Federal Reserve System (Parts 6800—6899)
LIX  National Aeronautics and Space Administration (Parts 6900—6999)
LX  United States Postal Service (Parts 7000—7099)
LXI  National Labor Relations Board (Parts 7100—7199)
LXII  Equal Employment Opportunity Commission (Parts 7200—7299)
LXIII  Inter-American Foundation (Parts 7300—7399)
LXIV  Merit Systems Protection Board (Parts 7400—7499)
LXV  Department of Housing and Urban Development (Parts 7500—7599)
LXVI  National Archives and Records Administration (Parts 7600—7699)
LXVII  Institute of Museum and Library Services (Parts 7700—7799)
LXVIII  Commission on Civil Rights (Parts 7800—7899)
LXIX  Tennessee Valley Authority (Parts 7900—7999)
LXX  Court Services and Offender Supervision Agency for the District of Columbia (Parts 8000—8099)
LXXI  Consumer Product Safety Commission (Parts 8100—8199)
LXXIII  Department of Agriculture (Parts 8300—8399)
LXXIV  Federal Mine Safety and Health Review Commission (Parts 8400—8499)
Title 5—Administrative Personnel—Continued

LXXVI Federal Retirement Thrift Investment Board (Parts 8600—8699)
LXXVII Office of Management and Budget (Parts 8700—8799)
LXXX Federal Housing Finance Agency (Parts 9000—9099)
LXXXIII Special Inspector General for Afghanistan Reconstruction (Parts 9300—9399)
LXXXIV Bureau of Consumer Financial Protection (Parts 9400—9499)
LXXXVI National Credit Union Administration (Parts 9600—9699)
XCVII Council of the Inspectors General on Integrity and Efficiency (Parts 9800—9899)
XCIX Military Compensation and Retirement Modernization Commission (Parts 9900—9999)
C National Council on Disability (Partys 10000—10049)

Title 6—Domestic Security

I Department of Homeland Security, Office of the Secretary (Parts 1—199)
X Privacy and Civil Liberties Oversight Board (Parts 1000—1099)

Title 7—Agriculture

Subtitle A—Office of the Secretary of Agriculture (Parts 0—26)
Subtitle B—Regulations of the Department of Agriculture
I Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture (Parts 27—209)
II Food and Nutrition Service, Department of Agriculture (Parts 210—299)
III Animal and Plant Health Inspection Service, Department of Agriculture (Parts 300—399)
IV Federal Crop Insurance Corporation, Department of Agriculture (Parts 400—499)
V Agricultural Research Service, Department of Agriculture (Parts 500—599)
VI Natural Resources Conservation Service, Department of Agriculture (Parts 600—699)
VII Farm Service Agency, Department of Agriculture (Parts 700—799)
VIII Grain Inspection, Packers and Stockyards Administration (Federal Grain Inspection Service), Department of Agriculture (Parts 800—899)
IX Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture (Parts 900—999)
X Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture (Parts 1000—1199)
Title 7—Agriculture—Continued

XI Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture (Parts 1200—1299)

XIV Commodity Credit Corporation, Department of Agriculture (Parts 1400—1499)

XV Foreign Agricultural Service, Department of Agriculture (Parts 1500—1599)

XVI Rural Telephone Bank, Department of Agriculture (Parts 1600—1699)

XVII Rural Utilities Service, Department of Agriculture (Parts 1700—1799)

XVIII Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, Department of Agriculture (Parts 1800—2099)

XX Local Television Loan Guarantee Board (Parts 2200—2299)

XXV Office of Advocacy and Outreach, Department of Agriculture (Parts 2500—2599)

XXVI Office of Inspector General, Department of Agriculture (Parts 2600—2699)

XXVII Office of Information Resources Management, Department of Agriculture (Parts 2700—2799)

XXVIII Office of Operations, Department of Agriculture (Parts 2800—2899)

XXIX Office of Energy Policy and New Uses, Department of Agriculture (Parts 2900—2999)

XXX Office of the Chief Financial Officer, Department of Agriculture (Parts 3000—3099)

XXXI Office of Environmental Quality, Department of Agriculture (Parts 3100—3199)

XXXII Office of Procurement and Property Management, Department of Agriculture (Parts 3200—3299)

XXXIII Office of Transportation, Department of Agriculture (Parts 3300—3399)

XXXIV National Institute of Food and Agriculture (Parts 3400—3499)

XXXV Rural Housing Service, Department of Agriculture (Parts 3500—3599)

XXXVI National Agricultural Statistics Service, Department of Agriculture (Parts 3600—3699)

XXXVII Economic Research Service, Department of Agriculture (Parts 3700—3799)

XXXVIII World Agricultural Outlook Board, Department of Agriculture (Parts 3800—3899)

XLI [Reserved]

XLII Rural Business-Cooperative Service and Rural Utilities Service, Department of Agriculture (Parts 4200—4299)

Title 8—Aliens and Nationality

I Department of Homeland Security (Immigration and Naturalization) (Parts 1—499)
Chap.  

**Title 8—Aliens and Nationality—Continued**

V Executive Office for Immigration Review, Department of Justice (Parts 1000—1399)

**Title 9—Animals and Animal Products**

I Animal and Plant Health Inspection Service, Department of Agriculture (Parts 1—199)

II Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs), Department of Agriculture (Parts 200—299)

III Food Safety and Inspection Service, Department of Agriculture (Parts 300—599)

**Title 10—Energy**

I Nuclear Regulatory Commission (Parts 0—199)

II Department of Energy (Parts 200—699)

III Department of Energy (Parts 700—999)

X Department of Energy (General Provisions) (Parts 1000—1099)

XIII Nuclear Waste Technical Review Board (Parts 1300—1399)

XVII Defense Nuclear Facilities Safety Board (Parts 1700—1799)

XVIII Northeast Interstate Low-Level Radioactive Waste Commission (Parts 1800—1899)

**Title 11—Federal Elections**

I Federal Election Commission (Parts 1—9099)

II Election Assistance Commission (Parts 9400—9499)

**Title 12—Banks and Banking**

I Comptroller of the Currency, Department of the Treasury (Parts 1—199)

II Federal Reserve System (Parts 200—299)

III Federal Deposit Insurance Corporation (Parts 300—399)

IV Export-Import Bank of the United States (Parts 400—499)

V Office of Thrift Supervision, Department of the Treasury (Parts 500—599)

VI Farm Credit Administration (Parts 600—699)

VII National Credit Union Administration (Parts 700—799)

VIII Federal Financing Bank (Parts 800—899)

IX Federal Housing Finance Board (Parts 900—999)

X Bureau of Consumer Financial Protection (Parts 1000—1099)

XI Federal Financial Institutions Examination Council (Parts 1100—1199)

XII Federal Housing Finance Agency (Parts 1200—1299)

XIII Financial Stability Oversight Council (Parts 1300—1399)

XIV Farm Credit System Insurance Corporation (Parts 1400—1499)
Title 12—Banks and Banking—Continued

XV Department of the Treasury (Parts 1500—1599)
XVI Office of Financial Research (Parts 1600—1699)
XVII Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development (Parts 1700—1799)
XVIII Community Development Financial Institutions Fund, Department of the Treasury (Parts 1800—1899)

Title 13—Business Credit and Assistance

I Small Business Administration (Parts 1—199)
III Economic Development Administration, Department of Commerce (Parts 300—399)
IV Emergency Steel Guarantee Loan Board (Parts 400—499)
V Emergency Oil and Gas Guaranteed Loan Board (Parts 500—599)

Title 14—Aeronautics and Space

I Federal Aviation Administration, Department of Transportation (Parts 1—199)
II Office of the Secretary, Department of Transportation (Aviation Proceedings) (Parts 200—399)
III Commercial Space Transportation, Federal Aviation Administration, Department of Transportation (Parts 400—1199)
V National Aeronautics and Space Administration (Parts 1200—1299)
VI Air Transportation System Stabilization (Parts 1300—1399)

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE (PARTS 0—29)
SUBTITLE B—REGULATIONS RELATING TO COMMERCE AND FOREIGN TRADE
I Bureau of the Census, Department of Commerce (Parts 30—199)
II National Institute of Standards and Technology, Department of Commerce (Parts 200—299)
III International Trade Administration, Department of Commerce (Parts 300—399)
IV Foreign-Trade Zones Board, Department of Commerce (Parts 400—499)
VII Bureau of Industry and Security, Department of Commerce (Parts 700—799)
VIII Bureau of Economic Analysis, Department of Commerce (Parts 800—899)
IX National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900—999)
XI Technology Administration, Department of Commerce (Parts 1100—1199)
XIII East-West Foreign Trade Board (Parts 1300—1399)
Title 15—Commerce and Foreign Trade—Continued

XIV  Minority Business Development Agency (Parts 1400—1499)
   SUBTITLE C—Regulations Relating to Foreign Trade Agreements

XX  Office of the United States Trade Representative (Parts 2000—
    2099)
   SUBTITLE D—Regulations Relating to Telecommunications and Information

XXIII National Telecommunications and Information Administration,
Department of Commerce (Parts 2300—2399)

Title 16—Commercial Practices

I  Federal Trade Commission (Parts 0—999)
II  Consumer Product Safety Commission (Parts 1000—1799)

Title 17—Commodity and Securities Exchanges

I  Commodity Futures Trading Commission (Parts 1—199)
II  Securities and Exchange Commission (Parts 200—399)
IV  Department of the Treasury (Parts 400—499)

Title 18—Conservation of Power and Water Resources

I  Federal Energy Regulatory Commission, Department of Energy
   (Parts 1—399)
III Delaware River Basin Commission (Parts 400—499)
VI Water Resources Council (Parts 700—799)
VIII Susquehanna River Basin Commission (Parts 800—899)
XIII Tennessee Valley Authority (Parts 1300—1399)

Title 19—Customs Duties

I  U.S. Customs and Border Protection, Department of Homeland
   Security; Department of the Treasury (Parts 0—199)
II United States International Trade Commission (Parts 200—299)
III International Trade Administration, Department of Commerce
   (Parts 300—399)
IV U.S. Immigration and Customs Enforcement, Department of
   Homeland Security (Parts 400—599)

Title 20—Employees' Benefits

I  Office of Workers’ Compensation Programs, Department of Labor
   (Parts 1—199)
II Railroad Retirement Board (Parts 200—399)
III Social Security Administration (Parts 400—499)
IV Employees’ Compensation Appeals Board, Department of Labor
   (Parts 500—599)
Chap.  

Title 20—Employees' Benefits—Continued

V Employment and Training Administration, Department of Labor (Parts 600—699)  
VI Office of Workers’ Compensation Programs, Department of Labor (Parts 700—799)  
VII Benefits Review Board, Department of Labor (Parts 800—899)  
VIII Joint Board for the Enrollment of Actuaries (Parts 900—999)  
IX Office of the Assistant Secretary for Veterans’ Employment and Training Service, Department of Labor (Parts 1000—1099)

Title 21—Food and Drugs

I Food and Drug Administration, Department of Health and Human Services (Parts 1—1299)  
II Drug Enforcement Administration, Department of Justice (Parts 1300—1399)  
III Office of National Drug Control Policy (Parts 1400—1499)

Title 22—Foreign Relations

I Department of State (Parts 1—199)  
II Agency for International Development (Parts 200—299)  
III Peace Corps (Parts 300—399)  
IV International Joint Commission, United States and Canada (Parts 400—499)  
V Broadcasting Board of Governors (Parts 500—599)  
VI Overseas Private Investment Corporation (Parts 700—799)  
IX Foreign Service Grievance Board (Parts 900—999)  
X Inter-American Foundation (Parts 1000—1099)  
XI International Boundary and Water Commission, United States and Mexico, United States Section (Parts 1100—1199)  
XII United States International Development Cooperation Agency (Parts 1200—1299)  
XIII Millennium Challenge Corporation (Parts 1300—1399)  
XIV Foreign Service Labor Relations Board; Federal Labor Relations Authority; General Counsel of the Federal Labor Relations Authority; and the Foreign Service Impasse Disputes Panel (Parts 1400—1499)  
XV African Development Foundation (Parts 1500—1599)  
XVI Japan-United States Friendship Commission (Parts 1600—1699)  
XVII United States Institute of Peace (Parts 1700—1799)

Title 23—Highways

I Federal Highway Administration, Department of Transportation (Parts 1—999)  
II National Highway Traffic Safety Administration and Federal Highway Administration, Department of Transportation (Parts 1200—1299)

1045
Title 23—Highways—Continued

III National Highway Traffic Safety Administration, Department of Transportation (Parts 1300—1399)

Title 24—Housing and Urban Development

SUBTITLE A—Office of the Secretary, Department of Housing and Urban Development (Parts 0—99)

SUBTITLE B—Regulations Relating to Housing and Urban Development

I Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development (Parts 100—199)

II Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (Parts 200—299)

III Government National Mortgage Association, Department of Housing and Urban Development (Parts 300—399)

IV Office of Housing and Office of Multifamily Housing Assistance Restructuring, Department of Housing and Urban Development (Parts 400—499)

V Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 500—599)

VI Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 600—699) [Reserved]

VII Office of the Secretary, Department of Housing and Urban Development (Housing Assistance Programs and Public and Indian Housing Programs) (Parts 700—799)

VIII Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs, Section 202 Direct Loan Program, Section 202 Supportive Housing for the Elderly Program and Section 811 Supportive Housing for Persons With Disabilities Program) (Parts 800—899)

IX Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development (Parts 900—1699)

X Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Interstate Land Sales Registration Program) (Parts 1700—1799)

XI Office of Inspector General, Department of Housing and Urban Development (Parts 2000—2099)

XV Emergency Mortgage Insurance and Loan Programs, Department of Housing and Urban Development (Parts 2700—2799) [Reserved]

XX Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Parts 3200—3899)

XXIV Board of Directors of the HOPE for Homeowners Program (Parts 4000—4099) [Reserved]

XXV Neighborhood Reinvestment Corporation (Parts 4100—4199)
Title 25—Indians

I Bureau of Indian Affairs, Department of the Interior (Parts 1—299)

II Indian Arts and Crafts Board, Department of the Interior (Parts 300—399)

III National Indian Gaming Commission, Department of the Interior (Parts 500—599)

IV Office of Navajo and Hopi Indian Relocation (Parts 700—799)

V Bureau of Indian Affairs, Department of the Interior, and Indian Health Service, Department of Health and Human Services (Part 900)

VI Office of the Assistant Secretary-Indian Affairs, Department of the Interior (Parts 1000—1199)

VII Office of the Special Trustee for American Indians, Department of the Interior (Parts 1200—1299)

Title 26—Internal Revenue

I Internal Revenue Service, Department of the Treasury (Parts 1—End)

Title 27—Alcohol, Tobacco Products and Firearms

I Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury (Parts 1—399)

II Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice (Parts 400—699)

Title 28—Judicial Administration

I Department of Justice (Parts 0—299)

III Federal Prison Industries, Inc., Department of Justice (Parts 300—399)

V Bureau of Prisons, Department of Justice (Parts 500—599)

VI Offices of Independent Counsel, Department of Justice (Parts 600—699)

VII Office of Independent Counsel (Parts 700—799)

VIII Court Services and Offender Supervision Agency for the District of Columbia (Parts 800—899)

IX National Crime Prevention and Privacy Compact Council (Parts 900—999)

XI Department of Justice and Department of State (Parts 1100—1199)

Title 29—Labor

SUBTITLE A—Office of the Secretary of Labor (Parts 0—99)

SUBTITLE B—Regulations Relating to Labor

I National Labor Relations Board (Parts 100—199)
Title 29—Labor—Continued

II Office of Labor-Management Standards, Department of Labor (Parts 200—299)
III National Railroad Adjustment Board (Parts 300—399)
IV Office of Labor-Management Standards, Department of Labor (Parts 400—499)
V Wage and Hour Division, Department of Labor (Parts 500—899)
IX Construction Industry Collective Bargaining Commission (Parts 900—999)
X National Mediation Board (Parts 1200—1299)
XII Federal Mediation and Conciliation Service (Parts 1400—1499)
XIV Equal Employment Opportunity Commission (Parts 1600—1699)
XVII Occupational Safety and Health Administration, Department of Labor (Parts 1900—1999)
XX Occupational Safety and Health Review Commission (Parts 2200—2499)
XXV Employee Benefits Security Administration, Department of Labor (Parts 2500—2599)
XXVII Federal Mine Safety and Health Review Commission (Parts 2700—2799)
XL Pension Benefit Guaranty Corporation (Parts 4000—4999)

Title 30—Mineral Resources

I Mine Safety and Health Administration, Department of Labor (Parts 1—199)
II Bureau of Safety and Environmental Enforcement, Department of the Interior (Parts 200—299)
IV Geological Survey, Department of the Interior (Parts 400—499)
V Bureau of Ocean Energy Management, Department of the Interior (Parts 500—599)
VII Office of Surface Mining Reclamation and Enforcement, Department of the Interior (Parts 700—999)
XII Office of Natural Resources Revenue, Department of the Interior (Parts 1200—1299)

Title 31—Money and Finance: Treasury

Subtitle A—Office of the Secretary of the Treasury (Parts 0—50)
Subtitle B—Regulations Relating to Money and Finance
I Monetary Offices, Department of the Treasury (Parts 51—199)
II Fiscal Service, Department of the Treasury (Parts 200—399)
IV Secret Service, Department of the Treasury (Parts 400—499)
V Office of Foreign Assets Control, Department of the Treasury (Parts 500—599)
VI Bureau of Engraving and Printing, Department of the Treasury (Parts 600—699)
VII Federal Law Enforcement Training Center, Department of the Treasury (Parts 700—799)
Title 31—Money and Finance: Treasury—Continued

VIII Office of International Investment, Department of the Treasury (Parts 800—899)
IX Federal Claims Collection Standards (Department of the Treasury—Department of Justice) (Parts 900—999)
X Financial Crimes Enforcement Network, Department of the Treasury (Parts 1000—1099)

Title 32—National Defense

SUBTITLE A—DEPARTMENT OF DEFENSE
I Office of the Secretary of Defense (Parts 1—399)
V Department of the Army (Parts 400—699)
VI Department of the Navy (Parts 700—799)
VII Department of the Air Force (Parts 800—1099)

SUBTITLE B—OTHER REGULATIONS RELATING TO NATIONAL DEFENSE
XII Defense Logistics Agency (Parts 1200—1299)
XVI Selective Service System (Parts 1600—1699)
XVII Office of the Director of National Intelligence (Parts 1700—1799)
XVIII National Counterintelligence Center (Parts 1800—1899)
XIX Central Intelligence Agency (Parts 1900—1999)
XX Information Security Oversight Office, National Archives and Records Administration (Parts 2000—2099)
XXI National Security Council (Parts 2100—2199)
XXIV Office of Science and Technology Policy (Parts 2400—2499)
XXVII Office for Micronesian Status Negotiations (Parts 2700—2799)
XXVIII Office of the Vice President of the United States (Parts 2800—2899)

Title 33—Navigation and Navigable Waters

I Coast Guard, Department of Homeland Security (Parts 1—199)
II Corps of Engineers, Department of the Army (Parts 200—399)
IV Saint Lawrence Seaway Development Corporation, Department of Transportation (Parts 400—499)

Title 34—Education

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF EDUCATION (PARTS 1—99)

SUBTITLE B—REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION
I Office for Civil Rights, Department of Education (Parts 100—199)
II Office of Elementary and Secondary Education, Department of Education (Parts 200—299)
III Office of Special Education and Rehabilitative Services, Department of Education (Parts 300—399)
Title 34—Education—Continued

IV Office of Career, Technical and Adult Education, Department of Education (Parts 400—499)
V Office of Bilingual Education and Minority Languages Affairs, Department of Education (Parts 500—599) [Reserved]
VI Office of Postsecondary Education, Department of Education (Parts 600—699)
VII Office of Educational Research and Improvement, Department of Education (Parts 700—799) [Reserved]
SUBTITLE C—REGULATIONS RELATING TO EDUCATION
XI [Reserved]
XII National Council on Disability (Parts 1200—1299)

Title 35 [Reserved]

Title 36—Parks, Forests, and Public Property

I National Park Service, Department of the Interior (Parts 1—199)
II Forest Service, Department of Agriculture (Parts 200—299)
III Corps of Engineers, Department of the Army (Parts 300—399)
IV American Battle Monuments Commission (Parts 400—499)
V Smithsonian Institution (Parts 500—599)
VI [Reserved]
VII Library of Congress (Parts 700—799)
VIII Advisory Council on Historic Preservation (Parts 800—899)
IX Pennsylvania Avenue Development Corporation (Parts 900—999)
X Presidio Trust (Parts 1000—1099)
XI Architectural and Transportation Barriers Compliance Board (Parts 1100—1199)
XII National Archives and Records Administration (Parts 1200—1299)
XV Oklahoma City National Memorial Trust (Parts 1500—1599)
XVI Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (Parts 1600—1699)

Title 37—Patents, Trademarks, and Copyrights

I United States Patent and Trademark Office, Department of Commerce (Parts 1—199)
II U.S. Copyright Office, Library of Congress (Parts 200—299)
III Copyright Royalty Board, Library of Congress (Parts 300—399)
IV Assistant Secretary for Technology Policy, Department of Commerce (Parts 400—599)

Title 38—Pensions, Bonuses, and Veterans’ Relief

I Department of Veterans Affairs (Parts 0—199)
II Armed Forces Retirement Home (Parts 200—299)
Title 39—Postal Service

I  United States Postal Service (Parts 1—999)
III  Postal Regulatory Commission (Parts 3000—3099)

Title 40—Protection of Environment

I  Environmental Protection Agency (Parts 1—1099)
IV  Environmental Protection Agency and Department of Justice (Parts 1400—1499)
V  Council on Environmental Quality (Parts 1500—1599)
VI  Chemical Safety and Hazard Investigation Board (Parts 1600—1699)
VII  Environmental Protection Agency and Department of Defense; Uniform National Discharge Standards for Vessels of the Armed Forces (Parts 1700—1799)
VIII  Gulf Coast Ecosystem Restoration Council (Parts 1800—1899)

Title 41—Public Contracts and Property Management

SUBTITLE A—FEDERAL PROCUREMENT REGULATIONS SYSTEM
[NOTE]
SUBTITLE B—OTHER PROVISIONS RELATING TO PUBLIC CONTRACTS
50  Public Contracts, Department of Labor (Parts 50–1—50–999)
51  Committee for Purchase From People Who Are Blind or Severely Disabled (Parts 51–1—51–99)
60  Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Parts 60–1—60–999)
61  Office of the Assistant Secretary for Veterans’ Employment and Training Service, Department of Labor (Parts 61–1—61–999)
62—100  [Reserved]
SUBTITLE C—FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM
101  Federal Property Management Regulations (Parts 101–1—101–99)
102  Federal Management Regulation (Parts 102–1—102–299)
103—104  [Reserved]
105  General Services Administration (Parts 105–1—105–999)
109  Department of Energy Property Management Regulations (Parts 109–1—109–99)
114  Department of the Interior (Parts 114–1—114–99)
115  Environmental Protection Agency (Parts 115–1—115–99)
128  Department of Justice (Parts 128–1—128–99)
129—200  [Reserved]
SUBTITLE D—OTHER PROVISIONS RELATING TO PROPERTY MANAGEMENT [RESERVED]
SUBTITLE E—FEDERAL INFORMATION RESOURCES MANAGEMENT REGULATIONS SYSTEM [RESERVED]
SUBTITLE F—FEDERAL TRAVEL REGULATION SYSTEM
300  General (Parts 300–1—300–99)
301  Temporary Duty (TDY) Travel Allowances (Parts 301–1—301–99)
Title 41—Public Contracts and Property Management—Continued

Chap.

302 Relocation Allowances (Parts 302–1—302–99)
303 Payment of Expenses Connected with the Death of Certain Employees (Part 303–1—303–99)
304 Payment of Travel Expenses from a Non-Federal Source (Parts 304–1—304–99)

Title 42—Public Health

I Public Health Service, Department of Health and Human Services (Parts 1—199)
IV Centers for Medicare & Medicaid Services, Department of Health and Human Services (Parts 400—599)
V Office of Inspector General-Health Care, Department of Health and Human Services (Parts 1000—1999)

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR (PARTS 1—199)
SUBTITLE B—REGULATIONS RELATING TO PUBLIC LANDS
I Bureau of Reclamation, Department of the Interior (Parts 400—999)
II Bureau of Land Management, Department of the Interior (Parts 1000—9999)
III Utah Reclamation Mitigation and Conservation Commission (Parts 10000—10099)

Title 44—Emergency Management and Assistance

I Federal Emergency Management Agency, Department of Homeland Security (Parts 0—399)
IV Department of Commerce and Department of Transportation (Parts 400—499)

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH AND HUMAN SERVICES (PARTS 1—199)
SUBTITLE B—REGULATIONS RELATING TO PUBLIC WELFARE
II Office of Family Assistance (Assistance Programs), Administration for Children and Families, Department of Health and Human Services (Parts 200—299)
III Office of Child Support Enforcement (Child Support Enforcement Program), Administration for Children and Families, Department of Health and Human Services (Parts 300—399)
IV Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services (Parts 400—499)
V Foreign Claims Settlement Commission of the United States, Department of Justice (Parts 500—599)
Title 45—Public Welfare—Continued

VI National Science Foundation (Parts 600—699)
VII Commission on Civil Rights (Parts 700—799)
VIII Office of Personnel Management (Parts 800—899)
X Office of Community Services, Administration for Children and Families, Department of Health and Human Services (Parts 1000—1099)
XI National Foundation on the Arts and the Humanities (Parts 1100—1199)
XII Corporation for National and Community Service (Parts 1200—1299)
XIII Office of Human Development Services, Department of Health and Human Services (Parts 1300—1399)
XVI Legal Services Corporation (Parts 1600—1699)
XVII National Commission on Libraries and Information Science (Parts 1700—1799)
XVIII Harry S. Truman Scholarship Foundation (Parts 1800—1899)
XXI Commission on Fine Arts (Parts 2100—2199)
XXIII Arctic Research Commission (Part 2301)
XXIV James Madison Memorial Fellowship Foundation (Parts 2400—2499)
XXV Corporation for National and Community Service (Parts 2500—2599)

Title 46—Shipping

I Coast Guard, Department of Homeland Security (Parts 1—199)
II Maritime Administration, Department of Transportation (Parts 200—399)
III Coast Guard (Great Lakes Pilotage), Department of Homeland Security (Parts 400—499)
IV Federal Maritime Commission (Parts 500—599)

Title 47—Telecommunication

I Federal Communications Commission (Parts 0—199)
II Office of Science and Technology Policy and National Security Council (Parts 200—299)
III National Telecommunications and Information Administration, Department of Commerce (Parts 300—399)
IV National Telecommunications and Information Administration, Department of Commerce, and National Highway Traffic Safety Administration, Department of Transportation (Parts 400—499)

Title 48—Federal Acquisition Regulations System

1 Federal Acquisition Regulation (Parts 1—99)
2 Defense Acquisition Regulations System, Department of Defense (Parts 200—299)
Title 48—Federal Acquisition Regulations System—Continued

3 Health and Human Services (Parts 300–399)
4 Department of Agriculture (Parts 400–499)
5 General Services Administration (Parts 500–599)
6 Department of State (Parts 600–699)
7 Agency for International Development (Parts 700–799)
8 Department of Veterans Affairs (Parts 800–899)
9 Department of Energy (Parts 900–999)
10 Department of the Treasury (Parts 1000–1099)
12 Department of Transportation (Parts 1200–1299)
13 Department of Commerce (Parts 1300–1399)
14 Department of the Interior (Parts 1400–1499)
15 Environmental Protection Agency (Parts 1500–1599)
16 Office of Personnel Management, Federal Employees Health Benefits Acquisition Regulation (Parts 1600–1699)
17 Office of Personnel Management (Parts 1700–1799)
18 National Aeronautics and Space Administration (Parts 1800–1899)
19 Broadcasting Board of Governors (Parts 1900–1999)
20 Nuclear Regulatory Commission (Parts 2000–2099)
23 Social Security Administration (Parts 2300–2399)
24 Department of Housing and Urban Development (Parts 2400–2499)
25 National Science Foundation (Parts 2500–2599)
28 Department of Justice (Parts 2800–2899)
29 Department of Labor (Parts 2900–2999)
34 Department of Education Acquisition Regulation (Parts 3400–3499)
51 Department of the Army Acquisition Regulations (Parts 5100–5199)
52 Department of the Navy Acquisition Regulations (Parts 5200–5299)
53 Department of the Air Force Federal Acquisition Regulation Supplement (Parts 5300–5399) [Reserved]
54 Defense Logistics Agency, Department of Defense (Parts 5400–5499)
57 African Development Foundation (Parts 5700–5799)
61 Civilian Board of Contract Appeals, General Services Administration (Parts 6100–6199)
63 Department of Transportation Board of Contract Appeals (Parts 6300–6399)
99 Cost Accounting Standards Board, Office of Federal Procurement Policy, Office of Management and Budget (Parts 9900–9999)
Title 49—Transportation

SUBTITLE A—Office of the Secretary of Transportation
(Parts 1—99)

SUBTITLE B—Other Regulations Relating to Transportation
I Pipeline and Hazardous Materials Safety Administration, Department of Transportation (Parts 100—199)
II Federal Railroad Administration, Department of Transportation (Parts 200—299)
III Federal Motor Carrier Safety Administration, Department of Transportation (Parts 300—399)
IV Coast Guard, Department of Homeland Security (Parts 400—499)
V National Highway Traffic Safety Administration, Department of Transportation (Parts 500—599)
VI Federal Transit Administration, Department of Transportation (Parts 600—699)
VII National Railroad Passenger Corporation (Amtrak) (Parts 700—799)
VIII National Transportation Safety Board (Parts 800—999)
X Surface Transportation Board (Parts 1000—1399)
XI Research and Innovative Technology Administration, Department of Transportation (Parts 1400—1499) [Reserved]
XII Transportation Security Administration, Department of Homeland Security (Parts 1500—1699)

Title 50—Wildlife and Fisheries

I United States Fish and Wildlife Service, Department of the Interior (Parts 1—199)
II National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 200—299)
III International Fishing and Related Activities (Parts 300—399)
IV Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee Regulations (Parts 400—499)
V Marine Mammal Commission (Parts 500—599)
VI Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 600—699)
## Alphabetical List of Agencies Appearing in the CFR
(Revised as of July 1, 2016)

<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Committee of the Federal Register</td>
<td>1, I</td>
</tr>
<tr>
<td>Administrative Conference of the United States</td>
<td>1, III</td>
</tr>
<tr>
<td>Advisory Council on Historic Preservation</td>
<td>36, VIII</td>
</tr>
<tr>
<td>Advocacy and Outreach, Office of</td>
<td>7, XXV</td>
</tr>
<tr>
<td>Afghanistan Reconstruction, Special Inspector General for</td>
<td>5, LXXXIII</td>
</tr>
<tr>
<td>African Development Foundation</td>
<td>22, XV</td>
</tr>
<tr>
<td>Agency for International Development</td>
<td>48, 7, 22, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 7, 22, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 7</td>
</tr>
<tr>
<td>Agricultural Marketing Service</td>
<td>7, I, IX, X, XI</td>
</tr>
<tr>
<td>Agricultural Research Service</td>
<td>7, V</td>
</tr>
<tr>
<td>Agriculture Department</td>
<td>2, IV; 8, LXXXIII</td>
</tr>
<tr>
<td>Advocacy and Outreach, Office of</td>
<td>7, XXV</td>
</tr>
<tr>
<td>Agricultural Marketing Service</td>
<td>7, I, IX, X, XI</td>
</tr>
<tr>
<td>Agricultural Research Service</td>
<td>7, V</td>
</tr>
<tr>
<td>Animal and Plant Health Inspection Service</td>
<td>7, III; 9, I</td>
</tr>
<tr>
<td>Chief Financial Officer, Office of</td>
<td>7, XXX</td>
</tr>
<tr>
<td>Commodity Credit Corporation</td>
<td>7, XIV</td>
</tr>
<tr>
<td>Economic Research Service</td>
<td>7, XXXVII</td>
</tr>
<tr>
<td>Energy Policy and New Uses, Office of</td>
<td>2, IX; 7, XXIX</td>
</tr>
<tr>
<td>Environmental Quality, Office of</td>
<td>7, XXXI</td>
</tr>
<tr>
<td>Farm Service Agency</td>
<td>7, VII, XVIII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 4</td>
</tr>
<tr>
<td>Federal Crop Insurance Corporation</td>
<td>7, IV</td>
</tr>
<tr>
<td>Food and Nutrition Service</td>
<td>7, II</td>
</tr>
<tr>
<td>Food Safety and Inspection Service</td>
<td>9, III</td>
</tr>
<tr>
<td>Foreign Agricultural Service</td>
<td>7, XV</td>
</tr>
<tr>
<td>Forest Service</td>
<td>36, II</td>
</tr>
<tr>
<td>Grain Inspection, Packers and Stockyards Administration</td>
<td>7, VIII; 9, II</td>
</tr>
<tr>
<td>Information Resources Management, Office of</td>
<td>7, XXVII</td>
</tr>
<tr>
<td>Inspector General, Office of</td>
<td>7, XXVI</td>
</tr>
<tr>
<td>National Agricultural Library</td>
<td>7, XLII</td>
</tr>
<tr>
<td>National Agricultural Statistics Service</td>
<td>7, XXXVI</td>
</tr>
<tr>
<td>National Institute of Food and Agriculture</td>
<td>7, XXXIV</td>
</tr>
<tr>
<td>Natural Resources Conservation Service</td>
<td>7, VI</td>
</tr>
<tr>
<td>Operations, Office of</td>
<td>7, XXVIII</td>
</tr>
<tr>
<td>Procurement and Property Management, Office of</td>
<td>7, XXXII</td>
</tr>
<tr>
<td>Rural Business-Cooperative Service</td>
<td>7, XVIII, XLII</td>
</tr>
<tr>
<td>Rural Development Administration</td>
<td>7, XLII</td>
</tr>
<tr>
<td>Rural Housing Service</td>
<td>7, XVIII, XXXV</td>
</tr>
<tr>
<td>Rural Telephone Bank</td>
<td>7, XVI</td>
</tr>
<tr>
<td>Rural Utilities Service</td>
<td>7, XVII, XVIII, XLII</td>
</tr>
<tr>
<td>Secretary of Agriculture, Office of</td>
<td>7, Subtitle A</td>
</tr>
<tr>
<td>Transportation, Office of</td>
<td>7, XXXIII</td>
</tr>
<tr>
<td>World Agricultural Outlook Board</td>
<td>7, XXXVIII</td>
</tr>
<tr>
<td>Air Force Department</td>
<td>32, VII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation Supplement</td>
<td>48, 83</td>
</tr>
<tr>
<td>Air Transportation Stabilization Board</td>
<td>14, VI</td>
</tr>
<tr>
<td>Alcohol and Tobacco Tax and Trade Bureau</td>
<td>27, 1</td>
</tr>
<tr>
<td>Alcohol, Tobacco, Firearms, and Explosives, Bureau of AMTRAK</td>
<td>27, II</td>
</tr>
<tr>
<td>American Battle Monuments Commission</td>
<td>36, IV</td>
</tr>
<tr>
<td>American Indians, Office of the Special Trustee</td>
<td>25, VII</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Animal and Plant Health Inspection Service</td>
<td>7, III; 9, I</td>
</tr>
<tr>
<td>Appalachian Regional Commission</td>
<td>5, IX</td>
</tr>
<tr>
<td>Architectural and Transportation Barriers Compliance Board</td>
<td>36, XI</td>
</tr>
<tr>
<td>Arctic Research Commission</td>
<td>45, XXIII</td>
</tr>
<tr>
<td>Armed Forces Retirement Home</td>
<td>5, XI</td>
</tr>
<tr>
<td>Army Department</td>
<td>32, V</td>
</tr>
<tr>
<td>Engineers, Corps of</td>
<td>33, II; 36, III</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 51</td>
</tr>
<tr>
<td>Bilingual Education and Minority Languages Affairs, Office of</td>
<td>34, V</td>
</tr>
<tr>
<td>Blind or Severely Disabled, Committee for Purchase from People Who Are</td>
<td>41, 51</td>
</tr>
<tr>
<td>Broadcasting Board of Governors</td>
<td>22, V</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 19</td>
</tr>
<tr>
<td>Career, Technical and Adult Education, Office of</td>
<td>34, IV</td>
</tr>
<tr>
<td>Census Bureau</td>
<td>15, I</td>
</tr>
<tr>
<td>Centers for Medicare &amp; Medicaid Services</td>
<td>42, IV</td>
</tr>
<tr>
<td>Central Intelligence Agency</td>
<td>32, XIX</td>
</tr>
<tr>
<td>Chemical Safety and Hazardous Investigation Board</td>
<td>40, VI</td>
</tr>
<tr>
<td>Chief Financial Officer, Office of</td>
<td>7, XXX</td>
</tr>
<tr>
<td>Child Support Enforcement, Office of</td>
<td>45, III</td>
</tr>
<tr>
<td>Children and Families, Administration for</td>
<td>45, II, III, IV, X</td>
</tr>
<tr>
<td>Civil Rights, Commission on</td>
<td>5, LXVIII; 45, VII</td>
</tr>
<tr>
<td>Civil Rights, Office for</td>
<td>34, I</td>
</tr>
<tr>
<td>Council of the Inspectors General on Integrity and Efficiency</td>
<td>5, XCVIII</td>
</tr>
<tr>
<td>Court Services and Offender Supervision Agency for the District of Columbia</td>
<td>5, LXX</td>
</tr>
<tr>
<td>Coast Guard</td>
<td>33, I; 46, I; 49, IV</td>
</tr>
<tr>
<td>Coast Guard (Great Lakes Pilotage)</td>
<td>46, III</td>
</tr>
<tr>
<td>Commerce Department</td>
<td>2, XIII; 44, IV; 50, VI</td>
</tr>
<tr>
<td>Census Bureau</td>
<td>15, I</td>
</tr>
<tr>
<td>Economic Analysis, Bureau of</td>
<td>15, VIII</td>
</tr>
<tr>
<td>Economic Development Administration</td>
<td>13, III</td>
</tr>
<tr>
<td>Emergency Management and Assistance</td>
<td>44, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 13</td>
</tr>
<tr>
<td>Foreign-Trade Zones Board</td>
<td>15, IV</td>
</tr>
<tr>
<td>Industry and Security, Bureau of</td>
<td>15, VII</td>
</tr>
<tr>
<td>International Trade Administration</td>
<td>15, III; 19, III</td>
</tr>
<tr>
<td>National Institute of Standards and Technology</td>
<td>15, II</td>
</tr>
<tr>
<td>National Marine Fisheries Service</td>
<td>50, II, IV</td>
</tr>
<tr>
<td>National Oceanic and Atmospheric Administration</td>
<td>15, IX; 50, II, III, IV, VI</td>
</tr>
<tr>
<td>National Telecommunications and Information</td>
<td>15, XXIII; 47, III, IV</td>
</tr>
<tr>
<td>Administration</td>
<td></td>
</tr>
<tr>
<td>National Weather Service</td>
<td>15, IX</td>
</tr>
<tr>
<td>Patent and Trademark Office, United States</td>
<td>37, I</td>
</tr>
<tr>
<td>Productivity, Technology and Innovation, Assistant</td>
<td>37, IV</td>
</tr>
<tr>
<td>Secretary for Secretary of Commerce, Office of</td>
<td>15, Subtitle A</td>
</tr>
<tr>
<td>Technology Administration</td>
<td>15, XI</td>
</tr>
<tr>
<td>Technology Policy, Assistant Secretary for</td>
<td>37, IV</td>
</tr>
<tr>
<td>Commercial Space Transportation</td>
<td>14, III</td>
</tr>
<tr>
<td>Commodity Credit Corporation</td>
<td>7, XIV</td>
</tr>
<tr>
<td>Commodity Futures Trading Commission</td>
<td>5, XLI; 17, I</td>
</tr>
<tr>
<td>Community Planning and Development, Office of Assistant</td>
<td>24, V, VI</td>
</tr>
<tr>
<td>Secretary for Community Services, Office of</td>
<td>45, X</td>
</tr>
<tr>
<td>Comptroller of the Currency</td>
<td>12, I</td>
</tr>
<tr>
<td>Construction Industry Collective Bargaining Commission</td>
<td>29, IX</td>
</tr>
<tr>
<td>Consumer Financial Protection Bureau</td>
<td>5, LXXXIV; 12, X</td>
</tr>
<tr>
<td>Consumer Product Safety Commission</td>
<td>5, LXXI; 16, II</td>
</tr>
<tr>
<td>Copyright Royalty Board</td>
<td>37, III</td>
</tr>
<tr>
<td>Corporation for National and Community Service</td>
<td>2, XXII; 45, XII, XXV</td>
</tr>
<tr>
<td>Cost Accounting Standards Board</td>
<td>48, 99</td>
</tr>
<tr>
<td>Council on Environmental Quality</td>
<td>40, V</td>
</tr>
<tr>
<td>Court Services and Offender Supervision Agency for the District of Columbia</td>
<td>5, LXX; 28, VIII</td>
</tr>
<tr>
<td>Customs and Border Protection</td>
<td>19, I</td>
</tr>
<tr>
<td>Defense Contract Audit Agency</td>
<td>32, I</td>
</tr>
</tbody>
</table>

1058
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Department</td>
<td>2, XI; 5, XXVI; 32, Subtitle A; 40, VII</td>
</tr>
<tr>
<td>Advanced Research Projects Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Air Force Department</td>
<td>32, VII</td>
</tr>
<tr>
<td>Army Department</td>
<td>32, V; 33, II; 36, III; 48, 51</td>
</tr>
<tr>
<td>Defense Acquisition Regulations System</td>
<td>48, 2</td>
</tr>
<tr>
<td>Defense Intelligence Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>32, I, XII; 48, 54</td>
</tr>
<tr>
<td>Engineers, Corps of</td>
<td>33, II; 36, III</td>
</tr>
<tr>
<td>National Imagery and Mapping Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Navy Department</td>
<td>32, VI; 48, 52</td>
</tr>
<tr>
<td>Secretary of Defense, Office of</td>
<td>2, XI; 32, I</td>
</tr>
<tr>
<td>Defense Contract Audit Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Defense Intelligence Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>32, XII; 48, 54</td>
</tr>
<tr>
<td>Defense Nuclear Facilities Safety Board</td>
<td>10, XVII</td>
</tr>
<tr>
<td>Delaware River Basin Commission</td>
<td>18, III</td>
</tr>
<tr>
<td>District of Columbia, Court Services and Offender Supervision</td>
<td>5, LXX; 28, VIII</td>
</tr>
<tr>
<td>Agency for the Drug Enforcement Administration</td>
<td>21, II</td>
</tr>
<tr>
<td>East-West Foreign Trade Board</td>
<td>15, XIII</td>
</tr>
<tr>
<td>Economic Analysis, Bureau of</td>
<td>15, VIII</td>
</tr>
<tr>
<td>Economic Development Administration</td>
<td>13, III</td>
</tr>
<tr>
<td>Economic Research Service</td>
<td>7, XXXVII</td>
</tr>
<tr>
<td>Education, Department of</td>
<td>2, XXXIV; 5, LIII</td>
</tr>
<tr>
<td>Bilingual Education and Minority Languages Affairs, Office of</td>
<td>34, V</td>
</tr>
<tr>
<td>Career, Technical and Adult Education, Office of</td>
<td>34, IV</td>
</tr>
<tr>
<td>Civil Rights, Office for</td>
<td>34, I</td>
</tr>
<tr>
<td>Educational Research and Improvement, Office of</td>
<td>34, VII</td>
</tr>
<tr>
<td>Elementary and Secondary Education, Office of</td>
<td>34, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 34</td>
</tr>
<tr>
<td>Postsecondary Education, Office of</td>
<td>34, VI</td>
</tr>
<tr>
<td>Secretary of Education, Office of</td>
<td>34, Subtitle A</td>
</tr>
<tr>
<td>Special Education and Rehabilitative Services, Office of</td>
<td>34, III</td>
</tr>
<tr>
<td>Career, Technical, and Adult Education, Office of</td>
<td>34, IV</td>
</tr>
<tr>
<td>Educational Research and Improvement, Office of</td>
<td>34, VII</td>
</tr>
<tr>
<td>Election Assistance Commission</td>
<td>2, LIX; 11, II</td>
</tr>
<tr>
<td>Elementary and Secondary Education, Office of</td>
<td>34, II</td>
</tr>
<tr>
<td>Emergency Oil and Gas Guaranteed Loan Board</td>
<td>13, V</td>
</tr>
<tr>
<td>Emergency Steel Guarantee Loan Board</td>
<td>13, IV</td>
</tr>
<tr>
<td>Employee Benefits Security Administration</td>
<td>29, XXV</td>
</tr>
<tr>
<td>Employees’ Compensation Appeals Board</td>
<td>20, IV</td>
</tr>
<tr>
<td>Employees Loyalty Board</td>
<td>5, V</td>
</tr>
<tr>
<td>Employment and Training Administration</td>
<td>20, V</td>
</tr>
<tr>
<td>Employment Standards Administration</td>
<td>20, VI</td>
</tr>
<tr>
<td>Endangered Species Committee</td>
<td>50, IV</td>
</tr>
<tr>
<td>Energy, Department of</td>
<td>2, IX; 5, XXIII; 10, II, III, X</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 9</td>
</tr>
<tr>
<td>Federal Energy Regulatory Commission</td>
<td>5, XXIV; 18, I</td>
</tr>
<tr>
<td>Property Management Regulations</td>
<td>41, 109</td>
</tr>
<tr>
<td>Energy, Office of</td>
<td>7, XXIX</td>
</tr>
<tr>
<td>Engineers, Corps of</td>
<td>38, II; 36, III</td>
</tr>
<tr>
<td>Engraving and Printing, Bureau of</td>
<td>31, VI</td>
</tr>
<tr>
<td>Environmental Protection Agency</td>
<td>2, XV; 5, LIV; 40, I, IV, VII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 15</td>
</tr>
<tr>
<td>Property Management Regulations</td>
<td>41, 115</td>
</tr>
<tr>
<td>Environmental Quality, Office of</td>
<td>7, XXXI</td>
</tr>
<tr>
<td>Equal Employment Opportunity Commission</td>
<td>5, LXII; 29, XIV</td>
</tr>
<tr>
<td>Equal Opportunity, Office of Assistant Secretary for</td>
<td>24, I</td>
</tr>
<tr>
<td>Executive Office of the President</td>
<td>3, I</td>
</tr>
<tr>
<td>Environmental Quality, Council on Management and Budget, Office of</td>
<td>40, V</td>
</tr>
<tr>
<td>2, Subtitle A; 5, III, LXXVII; 14, VI; 48, 99</td>
<td></td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>National Drug Control Policy, Office of</td>
<td>2, XXXVI; 21, III</td>
</tr>
<tr>
<td>National Security Council</td>
<td>32, XXI; 47, 2</td>
</tr>
<tr>
<td>Presidential Documents</td>
<td>3</td>
</tr>
<tr>
<td>Science and Technology Policy, Office of</td>
<td>32, XXIV; 47, II</td>
</tr>
<tr>
<td>Trade Representative, Office of the United States</td>
<td>15, XX</td>
</tr>
<tr>
<td>Export-Import Bank of the United States</td>
<td>2, XXXV; 5, LII; 12, IV</td>
</tr>
<tr>
<td>Family Assistance, Office of</td>
<td>45, II</td>
</tr>
<tr>
<td>Farm Credit Administration</td>
<td>5, XXXI; 12, VI</td>
</tr>
<tr>
<td>Farm Credit System Insurance Corporation</td>
<td>5, XXX; 12, XIV</td>
</tr>
<tr>
<td>Farm Service Agency</td>
<td>7, VII, XVIII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 1</td>
</tr>
<tr>
<td>Federal Aviation Administration</td>
<td>14, I</td>
</tr>
<tr>
<td>Commercial Space Transportation</td>
<td>14, III</td>
</tr>
<tr>
<td>Federal Claims Collection Standards</td>
<td>31, IX</td>
</tr>
<tr>
<td>Federal Communications Commission</td>
<td>5, XXIX; 47, I</td>
</tr>
<tr>
<td>Federal Contract Compliance Programs, Office of</td>
<td>41, 69</td>
</tr>
<tr>
<td>Federal Crop Insurance Corporation</td>
<td>7, IV</td>
</tr>
<tr>
<td>Federal Deposit Insurance Corporation</td>
<td>5, XXII; 12, III</td>
</tr>
<tr>
<td>Federal Election Commission</td>
<td>8, XXXVII; 11, I</td>
</tr>
<tr>
<td>Federal Emergency Management Agency</td>
<td>44, I</td>
</tr>
<tr>
<td>Federal Employees Group Life Insurance</td>
<td>48, 21</td>
</tr>
<tr>
<td>Federal Employees Health Benefits Acquisition Regulation</td>
<td>48, 16</td>
</tr>
<tr>
<td>Federal Energy Regulatory Commission</td>
<td>5, XXIV; 18, I</td>
</tr>
<tr>
<td>Federal Financial Institutions Examination Council</td>
<td>12, XI</td>
</tr>
<tr>
<td>Federal Financing Bank</td>
<td>12, VIII</td>
</tr>
<tr>
<td>Federal Highway Administration</td>
<td>23, I, II</td>
</tr>
<tr>
<td>Federal Home Loan Mortgage Corporation</td>
<td>1, IV</td>
</tr>
<tr>
<td>Federal Housing Enterprise Oversight Office</td>
<td>12, XVII</td>
</tr>
<tr>
<td>Federal Housing Finance Agency</td>
<td>5, LXXX; 12, XII</td>
</tr>
<tr>
<td>Federal Housing Finance Board</td>
<td>12, IX</td>
</tr>
<tr>
<td>Federal Labor Relations Authority</td>
<td>5, XIV, XLIX; 22, XIV</td>
</tr>
<tr>
<td>Federal Law Enforcement Training Center</td>
<td>31, VII</td>
</tr>
<tr>
<td>Federal Management Regulation</td>
<td>41, 102</td>
</tr>
<tr>
<td>Federal Maritime Commission</td>
<td>46, IV</td>
</tr>
<tr>
<td>Federal Mediation and Conciliation Service</td>
<td>29, XII</td>
</tr>
<tr>
<td>Federal Mine Safety and Health Review Commission</td>
<td>5, LXXIV; 29, XXVII</td>
</tr>
<tr>
<td>Federal Motor Carrier Safety Administration</td>
<td>49, III</td>
</tr>
<tr>
<td>Federal Prison Industries, Inc.</td>
<td>29, III</td>
</tr>
<tr>
<td>Federal Procurement Policy Office</td>
<td>48, 99</td>
</tr>
<tr>
<td>Federal Property Management Regulations</td>
<td>41, 101</td>
</tr>
<tr>
<td>Federal Railroad Administration</td>
<td>49, II</td>
</tr>
<tr>
<td>Federal Register, Administrative Committee of</td>
<td>1, I</td>
</tr>
<tr>
<td>Federal Reserve System</td>
<td>12, II</td>
</tr>
<tr>
<td>Board of Governors</td>
<td>5, LVII</td>
</tr>
<tr>
<td>Federal Retirement Thrift Investment Board</td>
<td>5, VI, LXXVI</td>
</tr>
<tr>
<td>Federal Service Impasses Panel</td>
<td>5, XIV</td>
</tr>
<tr>
<td>Federal Trade Commission</td>
<td>5, XLVII; 16, I</td>
</tr>
<tr>
<td>Federal Transit Administration</td>
<td>49, VI</td>
</tr>
<tr>
<td>Federal Travel Regulation System</td>
<td>41, Subtitle F</td>
</tr>
<tr>
<td>Financial Crimes Enforcement Network</td>
<td>31, X</td>
</tr>
<tr>
<td>Financial Research Office</td>
<td>12, XVI</td>
</tr>
<tr>
<td>Financial Stability Oversight Council</td>
<td>12, XIII</td>
</tr>
<tr>
<td>Fine Arts, Commission on</td>
<td>45, XXI</td>
</tr>
<tr>
<td>Fiscal Service</td>
<td>31, II</td>
</tr>
<tr>
<td>Fish and Wildlife Service, United States</td>
<td>50, I, IV</td>
</tr>
<tr>
<td>Food and Drug Administration</td>
<td>21, I</td>
</tr>
<tr>
<td>Food and Nutrition Service</td>
<td>7, II</td>
</tr>
<tr>
<td>Food Safety and Inspection Service</td>
<td>9, III</td>
</tr>
<tr>
<td>Foreign Agricultural Service</td>
<td>7, XV</td>
</tr>
<tr>
<td>Foreign Assets Control, Office of</td>
<td>31, V</td>
</tr>
<tr>
<td>Foreign Claims Settlement Commission of the United States</td>
<td>45, V</td>
</tr>
<tr>
<td>Foreign Service Grievance Board</td>
<td>22, IX</td>
</tr>
<tr>
<td>Foreign Service Impasses Disputes Panel</td>
<td>22, XIV</td>
</tr>
<tr>
<td>Foreign Service Labor Relations Board</td>
<td>22, XIV</td>
</tr>
<tr>
<td>Foreign Trade Zones Board</td>
<td>15, IV</td>
</tr>
</tbody>
</table>

1060
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest Service</td>
<td>36, II</td>
</tr>
<tr>
<td>General Services Administration</td>
<td>5, LVII; 41, 105</td>
</tr>
<tr>
<td>Contract Appeals, Board of</td>
<td>48, 61</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 5</td>
</tr>
<tr>
<td>Federal Management Regulation</td>
<td>41, 102</td>
</tr>
<tr>
<td>Federal Property Management Regulations</td>
<td>41, 101</td>
</tr>
<tr>
<td>Federal Travel Regulation System</td>
<td>41, Subtitle F</td>
</tr>
<tr>
<td>General</td>
<td>41, 300</td>
</tr>
<tr>
<td>Payment From a Non-Federal Source for Travel Expenses</td>
<td>41, 304</td>
</tr>
<tr>
<td>Payment of Expenses Connected With the Death of Certain Employees</td>
<td>41, 303</td>
</tr>
<tr>
<td>Relocation Allowances</td>
<td>41, 302</td>
</tr>
<tr>
<td>Temporary Duty (TDY) Travel Allowances</td>
<td>41, 301</td>
</tr>
<tr>
<td>Geological Survey</td>
<td>30, IV</td>
</tr>
<tr>
<td>Government Accountability Office</td>
<td>4, I</td>
</tr>
<tr>
<td>Government Ethics, Office of</td>
<td>5, XVI</td>
</tr>
<tr>
<td>Government National Mortgage Association</td>
<td>24, III</td>
</tr>
<tr>
<td>Grain Inspection, Packers and Stockyards Administration</td>
<td>7, VIII; 9, II</td>
</tr>
<tr>
<td>Gulf Coast Ecosystem Restoration Council</td>
<td>2, LIX; 49, VIII</td>
</tr>
<tr>
<td>Harry S. Truman Scholarship Foundation</td>
<td>45, XVIII</td>
</tr>
<tr>
<td>Health and Human Services, Department of</td>
<td>2, III; 5, XLV; 45, Subtitle A,</td>
</tr>
<tr>
<td>Centers for Medicare &amp; Medicaid Services</td>
<td>42, IV</td>
</tr>
<tr>
<td>Child Support Enforcement, Office of</td>
<td>45, III</td>
</tr>
<tr>
<td>Children and Families, Administration for</td>
<td>45, II, III, IV, X</td>
</tr>
<tr>
<td>Community Services, Office of</td>
<td>45, X</td>
</tr>
<tr>
<td>Family Assistance, Office of</td>
<td>45, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 3</td>
</tr>
<tr>
<td>Food and Drug Administration</td>
<td>21, I</td>
</tr>
<tr>
<td>Human Development Services, Office of</td>
<td>45, XIII</td>
</tr>
<tr>
<td>Indian Health Service</td>
<td>25, V</td>
</tr>
<tr>
<td>Inspector General (Health Care), Office of</td>
<td>42, V</td>
</tr>
<tr>
<td>Public Health Service</td>
<td>42, I</td>
</tr>
<tr>
<td>Refugee Resettlement, Office of</td>
<td>45, IV</td>
</tr>
<tr>
<td>Homeland Security, Department of</td>
<td>2, XXX; 5, XXXVI; 6, I; 8, I</td>
</tr>
<tr>
<td>Coast Guard</td>
<td>33, I; 46, I; 49, IV</td>
</tr>
<tr>
<td>Coast Guard (Great Lakes Pilotage)</td>
<td>46, III</td>
</tr>
<tr>
<td>Customs and Border Protection</td>
<td>19, I</td>
</tr>
<tr>
<td>Federal Emergency Management Agency</td>
<td>44, I</td>
</tr>
<tr>
<td>Human Resources Management and Labor Relations Systems</td>
<td>5, XCVII</td>
</tr>
<tr>
<td>Immigration and Customs Enforcement Bureau</td>
<td>19, IV</td>
</tr>
<tr>
<td>Transportation Security Administration</td>
<td>49, XII</td>
</tr>
<tr>
<td>HOPE for Homeowners Program, Board of Directors of</td>
<td>24, XXIV</td>
</tr>
<tr>
<td>Housing and Urban Development, Department of</td>
<td>2, XXIV; 5, LXV; 24, Subtitle B,</td>
</tr>
<tr>
<td>Community Planning and Development, Office of Assistant Secretary for</td>
<td>24, V, VI</td>
</tr>
<tr>
<td>Equal Opportunity, Office of Assistant Secretary for</td>
<td>24, I</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>46, 24</td>
</tr>
<tr>
<td>Federal Housing Enterprise Oversight, Office of</td>
<td>12, XVII</td>
</tr>
<tr>
<td>Government National Mortgage Association</td>
<td>24, III</td>
</tr>
<tr>
<td>Housing—Federal Housing Commissioner, Office of Assistant Secretary</td>
<td>24, II, VIII, X, XX</td>
</tr>
<tr>
<td>Housing, Office of, and Multifamily Housing Assistance</td>
<td>24, IV</td>
</tr>
<tr>
<td>Restructuring, Office of</td>
<td>24, XII</td>
</tr>
<tr>
<td>Inspector General, Office of</td>
<td>24, IX</td>
</tr>
<tr>
<td>Public and Indian Housing, Office of Assistant Secretary for</td>
<td>24, Subtitle A, VII</td>
</tr>
<tr>
<td>Secretary, Office of</td>
<td>24, II, VIII, X, XX</td>
</tr>
<tr>
<td>Housing—Federal Housing Commissioner, Office of Assistant Secretary</td>
<td>24, IV</td>
</tr>
<tr>
<td>Housing, Office of, and Multifamily Housing Assistance</td>
<td>24, IV</td>
</tr>
<tr>
<td>Restructuring, Office of</td>
<td>24, XII</td>
</tr>
<tr>
<td>Human Development Services, Office of</td>
<td>45, XIII</td>
</tr>
<tr>
<td>Immigration and Customs Enforcement Bureau</td>
<td>19, IV</td>
</tr>
<tr>
<td>Immigration Review, Executive Office for</td>
<td>8, V</td>
</tr>
</tbody>
</table>

1061
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent Counsel, Office of</td>
<td>28, VII</td>
</tr>
<tr>
<td>Independent Counsel, Offices of</td>
<td>28, VI</td>
</tr>
<tr>
<td>Indian Affairs, Bureau of</td>
<td>25, I, V</td>
</tr>
<tr>
<td>Indian Affairs, Office of the Assistant Secretary</td>
<td>25, VI</td>
</tr>
<tr>
<td>Indian Arts and Crafts Board</td>
<td>25, II</td>
</tr>
<tr>
<td>Indian Health Service</td>
<td>25, V</td>
</tr>
<tr>
<td>Industry and Security, Bureau of</td>
<td>15, VII</td>
</tr>
<tr>
<td>Information Resources Management, Office of</td>
<td>7, XXVII</td>
</tr>
<tr>
<td>Information Security Oversight Office, National Archives and Records Administration</td>
<td>32, XX</td>
</tr>
<tr>
<td>Inspector General</td>
<td></td>
</tr>
<tr>
<td>Agriculture Department</td>
<td></td>
</tr>
<tr>
<td>Health and Human Services Department</td>
<td>7, XXVI</td>
</tr>
<tr>
<td>Housing and Urban Development Department</td>
<td>24, XII, XV</td>
</tr>
<tr>
<td>Institute of Peace, United States</td>
<td>22, XVII</td>
</tr>
<tr>
<td>Inter-American Foundation</td>
<td>5, LXIII; 22, X</td>
</tr>
<tr>
<td>Interior Department</td>
<td></td>
</tr>
<tr>
<td>American Indians, Office of the Special Trustee</td>
<td>25, VII</td>
</tr>
<tr>
<td>Endangered Species Committee</td>
<td>50, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 14</td>
</tr>
<tr>
<td>Federal Property Management Regulations System</td>
<td>41, 14</td>
</tr>
<tr>
<td>Fish and Wildlife Service, United States</td>
<td>50, I, IV</td>
</tr>
<tr>
<td>Geological Survey</td>
<td>30, IV</td>
</tr>
<tr>
<td>Indian Affairs, Bureau of</td>
<td>25, I, V</td>
</tr>
<tr>
<td>Indian Affairs, Office of the Assistant Secretary</td>
<td>25, VI</td>
</tr>
<tr>
<td>Indian Arts and Crafts Board</td>
<td>25, II</td>
</tr>
<tr>
<td>Land Management, Bureau of</td>
<td>43, II</td>
</tr>
<tr>
<td>National Indian Gaming Commission</td>
<td>25, III</td>
</tr>
<tr>
<td>National Park Service</td>
<td>36, I</td>
</tr>
<tr>
<td>Natural Resource Revenue, Office of</td>
<td>30, XII</td>
</tr>
<tr>
<td>Ocean Energy Management, Bureau of</td>
<td>30, V</td>
</tr>
<tr>
<td>Reclamation, Bureau of</td>
<td>43, I</td>
</tr>
<tr>
<td>Safety and Enforcement Bureau, Bureau of</td>
<td>30, II</td>
</tr>
<tr>
<td>Secretary of the Interior, Office of</td>
<td>2, XIV; 43, Subtitle A</td>
</tr>
<tr>
<td>Surface Mining Reclamation and Enforcement, Office of</td>
<td>30, VII</td>
</tr>
<tr>
<td>Internal Revenue Service</td>
<td>26, I</td>
</tr>
<tr>
<td>International Boundary and Water Commission, United States and Mexico, United States Agency for</td>
<td>22, II</td>
</tr>
<tr>
<td>International Development, United States Agency for</td>
<td>48, 7</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td></td>
</tr>
<tr>
<td>International Development Cooperation Agency, United States</td>
<td>22, XII</td>
</tr>
<tr>
<td>States</td>
<td></td>
</tr>
<tr>
<td>International Joint Commission, United States and Canada</td>
<td>22, IV</td>
</tr>
<tr>
<td>International Organizations Employees Loyalty Board</td>
<td>5, V</td>
</tr>
<tr>
<td>International Trade Administration</td>
<td>15, III; 19, III</td>
</tr>
<tr>
<td>International Trade Commission, United States</td>
<td>19, II</td>
</tr>
<tr>
<td>Interstate Commerce Commission</td>
<td>5, XL</td>
</tr>
<tr>
<td>Investment Security, Office of</td>
<td>31, VIII</td>
</tr>
<tr>
<td>James Madison Memorial Fellowship Foundation</td>
<td>45, XXIV</td>
</tr>
<tr>
<td>Japan–United States Friendship Commission</td>
<td>22, XVI</td>
</tr>
<tr>
<td>Joint Board for the Enrollment of Actuaries</td>
<td>20, VIII</td>
</tr>
<tr>
<td>Justice Department</td>
<td>2, XXVIII; 5, XXVIII; 28, I, XI; 40, IV</td>
</tr>
<tr>
<td>Alcohol, Tobacco, Firearms, and Explosives, Bureau of</td>
<td>27, II</td>
</tr>
<tr>
<td>Drug Enforcement Administration</td>
<td>21, H</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 28</td>
</tr>
<tr>
<td>Federal Claims Collection Standards</td>
<td>31, IX</td>
</tr>
<tr>
<td>Federal Prison Industries, Inc.</td>
<td>26, III</td>
</tr>
<tr>
<td>Foreign Claims Settlement Commission of the United States</td>
<td>45, V</td>
</tr>
<tr>
<td>Immigration Review, Executive Office for</td>
<td>8, V</td>
</tr>
<tr>
<td>Independent Counsel, Offices of</td>
<td>28, VI</td>
</tr>
<tr>
<td>Prisons, Bureau of</td>
<td>29, V</td>
</tr>
<tr>
<td>Property Management Regulations</td>
<td>41, 128</td>
</tr>
<tr>
<td>Labor Department</td>
<td>2, XXIX; 5, XLII</td>
</tr>
<tr>
<td>Employee Benefits Security Administration</td>
<td>29, XXV</td>
</tr>
<tr>
<td>Employees' Compensation Appeals Board</td>
<td>20, IV</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Employment and Training Administration</td>
<td>20, V</td>
</tr>
<tr>
<td>Employment Standards Administration</td>
<td>20, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 29</td>
</tr>
<tr>
<td>Federal Contract Compliance Programs, Office of</td>
<td>41, 60</td>
</tr>
<tr>
<td>Federal Procurement Regulations System</td>
<td>41, 50</td>
</tr>
<tr>
<td>Labor-Management Standards, Office of</td>
<td>29, II, IV</td>
</tr>
<tr>
<td>Mine Safety and Health Administration</td>
<td>30, I</td>
</tr>
<tr>
<td>Occupational Safety and Health Administration</td>
<td>29, XVII</td>
</tr>
<tr>
<td>Public Contracts</td>
<td>41, 50</td>
</tr>
<tr>
<td>Secretary of Labor, Office of</td>
<td>29, Subtitle A</td>
</tr>
<tr>
<td>Veterans’ Employment and Training Service, Office of the Assistant Secretary for Wage and Hour Division</td>
<td>29, V</td>
</tr>
<tr>
<td>Workers' Compensation Programs, Office of</td>
<td>20, I, VII</td>
</tr>
<tr>
<td>Labor-Management Standards, Office of</td>
<td>29, II, IV</td>
</tr>
<tr>
<td>Land Management, Bureau of</td>
<td>43, II</td>
</tr>
<tr>
<td>Legal Services Corporation</td>
<td>45, XVI</td>
</tr>
<tr>
<td>Library of Congress</td>
<td>36, VII</td>
</tr>
<tr>
<td>Copyright Royalty Board</td>
<td>37, III</td>
</tr>
<tr>
<td>U.S. Copyright Office</td>
<td>37, II</td>
</tr>
<tr>
<td>Local Television Loan Guarantee Board</td>
<td>7, XX</td>
</tr>
<tr>
<td>Management and Budget, Office of</td>
<td>5, III, LXXVII; 14, VI; 48, 99</td>
</tr>
<tr>
<td>Marine Mammal Commission</td>
<td>50, V</td>
</tr>
<tr>
<td>Maritime Administration</td>
<td>46, II</td>
</tr>
<tr>
<td>Merit Systems Protection Board</td>
<td>5, II, LXIV</td>
</tr>
<tr>
<td>Micronesian Status Negotiations, Office for</td>
<td>32, XXVII</td>
</tr>
<tr>
<td>Military Compensation and Retirement Modernization</td>
<td>5, XCIX</td>
</tr>
<tr>
<td>Commission</td>
<td></td>
</tr>
<tr>
<td>Millennium Challenge Corporation</td>
<td>22, XIII</td>
</tr>
<tr>
<td>Mine Safety and Health Administration</td>
<td>30, I</td>
</tr>
<tr>
<td>Minority Business Development Agency</td>
<td>15, XIV</td>
</tr>
<tr>
<td>Miscellaneous Agencies</td>
<td>1, IV</td>
</tr>
<tr>
<td>Monetary Office</td>
<td>31, I</td>
</tr>
<tr>
<td>Morris K. Udall Scholarship and Excellence in National</td>
<td>56, XVI</td>
</tr>
<tr>
<td>Environmental Policy Foundation</td>
<td></td>
</tr>
<tr>
<td>Museum and Library Services, Institute of</td>
<td>2, XXXI</td>
</tr>
<tr>
<td>National Aeronautics and Space Administration</td>
<td>2, XVIII; 5, LXIX; 14, V</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 18</td>
</tr>
<tr>
<td>National Agricultural Library</td>
<td>7, XLI</td>
</tr>
<tr>
<td>National Agricultural Statistics Service</td>
<td>7, XXXVI</td>
</tr>
<tr>
<td>National and Community Service, Corporation for</td>
<td>2, XXII; 45, XII, XXV</td>
</tr>
<tr>
<td>National Archives and Records Administration</td>
<td>2, XXVI; 5, LXVI; 36, XII</td>
</tr>
<tr>
<td>Information Security Oversight Office</td>
<td>32, XX</td>
</tr>
<tr>
<td>National Capital Planning Commission</td>
<td>1, IV</td>
</tr>
<tr>
<td>National Commission for Employment Policy</td>
<td>1, IV</td>
</tr>
<tr>
<td>National Commission on Libraries and Information Science</td>
<td>45, XVII</td>
</tr>
<tr>
<td>National Council on Disability</td>
<td>5, C; 31, XII</td>
</tr>
<tr>
<td>National Counterintelligence Center</td>
<td>32, XVIII</td>
</tr>
<tr>
<td>National Credit Union Administration</td>
<td>5, LXXXVI; 12, VII</td>
</tr>
<tr>
<td>National Crime Prevention and Privacy Compact Council</td>
<td>28, IX</td>
</tr>
<tr>
<td>National Drug Control Policy, Office of</td>
<td>2, XXXVI; 21, III</td>
</tr>
<tr>
<td>National Endowment for the Arts</td>
<td>2, XXXII</td>
</tr>
<tr>
<td>National Endowment for the Humanities</td>
<td>2, XXXIII</td>
</tr>
<tr>
<td>National Foundation on the Arts and the Humanities</td>
<td>45, XI</td>
</tr>
<tr>
<td>National Geospatial-Intelligence Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>National Highway Traffic Safety Administration</td>
<td>23, II; 47, VI; 49, V</td>
</tr>
<tr>
<td>National Imagery and Mapping Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>National Indian Gaming Commission</td>
<td>25, III</td>
</tr>
<tr>
<td>National Institute of Food and Agriculture</td>
<td>7, XXXIV</td>
</tr>
<tr>
<td>National Institute of Standards and Technology</td>
<td>15, II</td>
</tr>
<tr>
<td>National Intelligence, Office of Director of</td>
<td>5, IV; 32, XVII</td>
</tr>
<tr>
<td>National Labor Relations Board</td>
<td>5, LXI; 29, I</td>
</tr>
<tr>
<td>National Marine Fisheries Service</td>
<td>50, II, IV</td>
</tr>
<tr>
<td>National Mediation Board</td>
<td>29, X</td>
</tr>
<tr>
<td>National Oceanic and Atmospheric Administration</td>
<td>15, IX; 50, II, III, IV, VI</td>
</tr>
</tbody>
</table>

1063
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Park Service</td>
<td>36, I</td>
</tr>
<tr>
<td>National Railroad Adjustment Board</td>
<td>29, III</td>
</tr>
<tr>
<td>National Railroad Passenger Corporation (AMTRAK)</td>
<td>49, VII</td>
</tr>
<tr>
<td>National Science Foundation</td>
<td>2, XXV; 5, XLIII; 45, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 25</td>
</tr>
<tr>
<td>National Security Council</td>
<td>32, XXI</td>
</tr>
<tr>
<td>National Security Council and Office of Science and Technology Policy</td>
<td>47, II</td>
</tr>
<tr>
<td>National Telecommunications and Information Administration</td>
<td>15, XXIII; 47, III, IV</td>
</tr>
<tr>
<td>National Transportation Safety Board</td>
<td>49, VIII</td>
</tr>
<tr>
<td>Natural Resources Conservation Service</td>
<td>7, VI</td>
</tr>
<tr>
<td>Natural Resource Revenue, Office of</td>
<td>30, XII</td>
</tr>
<tr>
<td>Navajo and Hopi Indian Relocation, Office of</td>
<td>25, IV</td>
</tr>
<tr>
<td>Navy Department</td>
<td>32, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 52</td>
</tr>
<tr>
<td>Neighborhood Reinvestment Corporation</td>
<td>24, XXV</td>
</tr>
<tr>
<td>Northeast Interstate Low-Level Radioactive Waste Commission</td>
<td>10, XVIII</td>
</tr>
<tr>
<td>Nuclear Regulatory Commission</td>
<td>2, XX; 5, XLVIII; 10, I</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 20</td>
</tr>
<tr>
<td>Occupational Safety and Health Administration</td>
<td>29, XVII</td>
</tr>
<tr>
<td>Occupational Safety and Health Review Commission</td>
<td>29, XX</td>
</tr>
<tr>
<td>Ocean Energy Management, Bureau of</td>
<td>30, V</td>
</tr>
<tr>
<td>Oklahoma City National Memorial Trust</td>
<td>36, XV</td>
</tr>
<tr>
<td>Operations Office</td>
<td>7, XXVIII</td>
</tr>
<tr>
<td>Overseas Private Investment Corporation</td>
<td>5, XXXIII; 22, VII</td>
</tr>
<tr>
<td>Patent and Trademark Office, United States</td>
<td>37, I</td>
</tr>
<tr>
<td>Payment From a Non-Federal Source for Travel Expenses</td>
<td>41, 304</td>
</tr>
<tr>
<td>Payment of Expenses Connected With the Death of Certain Employees</td>
<td>41, 303</td>
</tr>
<tr>
<td>Peace Corps</td>
<td>2, XXXVII; 22, III</td>
</tr>
<tr>
<td>Pennsylvania Avenue Development Corporation</td>
<td>36, IX</td>
</tr>
<tr>
<td>Pension Benefit Guaranty Corporation</td>
<td>29, XL</td>
</tr>
<tr>
<td>Personnel Management, Office of</td>
<td>5, 1, XXXV; 5, IV; 45, VIII</td>
</tr>
<tr>
<td>Human Resources Management and Labor Relations Systems, Department of Homeland Security</td>
<td>5, XCVII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 17</td>
</tr>
<tr>
<td>Federal Employees Group Life Insurance Federal Acquisition Regulation</td>
<td>48, 21</td>
</tr>
<tr>
<td>Federal Employees Health Benefits Acquisition Regulation</td>
<td>48, 16</td>
</tr>
<tr>
<td>Pipeline and Hazardous Materials Safety Administration</td>
<td>49, I</td>
</tr>
<tr>
<td>Postal Regulatory Commission</td>
<td>5, XLVI; 39, III</td>
</tr>
<tr>
<td>Postal Service, United States</td>
<td>5, LX; 39, I</td>
</tr>
<tr>
<td>Postsecondary Education, Office of</td>
<td>34, VI</td>
</tr>
<tr>
<td>President’s Commission on White House Fellowships</td>
<td>1, IV</td>
</tr>
<tr>
<td>Presidential Documents</td>
<td>3</td>
</tr>
<tr>
<td>Presidio Trust</td>
<td>36, X</td>
</tr>
<tr>
<td>Prisons, Bureau of</td>
<td>26, V</td>
</tr>
<tr>
<td>Privacy and Civil Liberties Oversight Board</td>
<td>6, X</td>
</tr>
<tr>
<td>Procurement and Property Management, Office of</td>
<td>7, XXXII</td>
</tr>
<tr>
<td>Productivity, Technology and Innovation, Assistant Secretary</td>
<td>37, IV</td>
</tr>
<tr>
<td>Secretary</td>
<td></td>
</tr>
<tr>
<td>Public Contracts, Department of Labor</td>
<td>41, 50</td>
</tr>
<tr>
<td>Public and Indian Housing, Office of Assistant Secretary for</td>
<td>24, IX</td>
</tr>
<tr>
<td>Public Health Service</td>
<td>42, I</td>
</tr>
<tr>
<td>Railroad Retirement Board</td>
<td>20, II</td>
</tr>
<tr>
<td>Reclamation, Bureau of</td>
<td>43, I</td>
</tr>
<tr>
<td>Refugee Resettlement, Office of</td>
<td>45, IV</td>
</tr>
<tr>
<td>Relocation Allowances</td>
<td>41, 362</td>
</tr>
<tr>
<td>Research and Innovative Technology Administration</td>
<td>49, XI</td>
</tr>
<tr>
<td>Rural Business-Cooperative Service</td>
<td>7, XVIII, XLII</td>
</tr>
<tr>
<td>Rural Development Administration</td>
<td>7, XLII</td>
</tr>
<tr>
<td>Rural Housing Service</td>
<td>7, XVIII, XXXV</td>
</tr>
<tr>
<td>Rural Telephone Bank</td>
<td>7, XVII</td>
</tr>
<tr>
<td>Rural Utilities Service</td>
<td>7, XVII, XVIII, XLII</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Safety and Environmental Enforcement, Bureau of</td>
<td>30, II</td>
</tr>
<tr>
<td>Saint Lawrence Seaway Development Corporation</td>
<td>33, IV</td>
</tr>
<tr>
<td>Science and Technology Policy, Office of</td>
<td>32, XXIV</td>
</tr>
<tr>
<td>Science and Technology Policy, Office of, and National Security Council</td>
<td>47, II</td>
</tr>
<tr>
<td>Secret Service</td>
<td>31, IV</td>
</tr>
<tr>
<td>Securities and Exchange Commission</td>
<td>5, XXXIV; 17, II</td>
</tr>
<tr>
<td>Selective Service System</td>
<td>32, XVI</td>
</tr>
<tr>
<td>Small Business Administration</td>
<td>2, XXVII; 13, I</td>
</tr>
<tr>
<td>Smithsonian Institution</td>
<td>36, V</td>
</tr>
<tr>
<td>Social Security Administration</td>
<td>2, XXIII; 20, III; 48, 23</td>
</tr>
<tr>
<td>Soldiers’ and Airmen’s Home, United States</td>
<td>5, XI</td>
</tr>
<tr>
<td>Special Counsel, Office of</td>
<td>5, VIII</td>
</tr>
<tr>
<td>Special Education and Rehabilitative Services, Office of</td>
<td>34, III</td>
</tr>
<tr>
<td>State Department</td>
<td>2, VI; 22, I; 28, XI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 6</td>
</tr>
<tr>
<td>Surface Mining Reclamation and Enforcement, Office of</td>
<td>30, VII</td>
</tr>
<tr>
<td>Surface Transportation Board</td>
<td>49, XI</td>
</tr>
<tr>
<td>Susquehanna River Basin Commission</td>
<td>16, VIII</td>
</tr>
<tr>
<td>Technology Administration</td>
<td>15, XI</td>
</tr>
<tr>
<td>Technology Policy, Assistant Secretary for</td>
<td>37, IV</td>
</tr>
<tr>
<td>Tennessee Valley Authority</td>
<td>5, I, XIX; 18, XIII</td>
</tr>
<tr>
<td>Thrift Supervision Office, Department of the Treasury</td>
<td>12, V</td>
</tr>
<tr>
<td>Trade Representative, United States, Office of</td>
<td>15, XX</td>
</tr>
<tr>
<td>Transportation, Department of</td>
<td>2, XII; 5, L</td>
</tr>
<tr>
<td>Commercial Space Transportation</td>
<td>14, III</td>
</tr>
<tr>
<td>Contract Appeals, Board of</td>
<td>48, 63</td>
</tr>
<tr>
<td>Emergency Management and Assistance</td>
<td>44, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 12</td>
</tr>
<tr>
<td>Federal Aviation Administration</td>
<td>14, I</td>
</tr>
<tr>
<td>Federal Highway Administration</td>
<td>23, I; II</td>
</tr>
<tr>
<td>Federal Motor Carrier Safety Administration</td>
<td>49, III</td>
</tr>
<tr>
<td>Federal Railroad Administration</td>
<td>49, II</td>
</tr>
<tr>
<td>Federal Transit Administration</td>
<td>49, VI</td>
</tr>
<tr>
<td>Maritime Administration</td>
<td>46, II</td>
</tr>
<tr>
<td>National Highway Traffic Safety Administration</td>
<td>23, II; III; 47, IV; 49, V</td>
</tr>
<tr>
<td>Pipeline and Hazardous Materials Safety Administration</td>
<td>49, I</td>
</tr>
<tr>
<td>Saint Lawrence Seaway Development Corporation</td>
<td>33, IV</td>
</tr>
<tr>
<td>Secretary of Transportation, Office of</td>
<td>14, II; 49, Subtitle A</td>
</tr>
<tr>
<td>Transportation Statistics Bureau</td>
<td>49, XI</td>
</tr>
<tr>
<td>Transportation, Office of</td>
<td>7, XXXIII</td>
</tr>
<tr>
<td>Transportation Security Administration</td>
<td>49, XII</td>
</tr>
<tr>
<td>Transportation Statistics Bureau</td>
<td>49, XI</td>
</tr>
<tr>
<td>Travel Allowances, Temporary Duty (TDY)</td>
<td>41, 301</td>
</tr>
<tr>
<td>Treasury Department</td>
<td>2, X, 5, XXXI; 12, XV; 17, IV; 31, IX</td>
</tr>
<tr>
<td>Alcohol and Tobacco Tax and Trade Bureau</td>
<td>27, I</td>
</tr>
<tr>
<td>Community Development Financial Institutions Fund</td>
<td>12, XVIII</td>
</tr>
<tr>
<td>Comptroller of the Currency</td>
<td>12, I</td>
</tr>
<tr>
<td>Customs and Border Protection</td>
<td>10, I</td>
</tr>
<tr>
<td>Engraving and Printing, Bureau of</td>
<td>31, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 10</td>
</tr>
<tr>
<td>Federal Claims Collection Standards</td>
<td>31, IX</td>
</tr>
<tr>
<td>Federal Law Enforcement-Training Center</td>
<td>31, VII</td>
</tr>
<tr>
<td>Financial Crimes Enforcement Network</td>
<td>31, X</td>
</tr>
<tr>
<td>Fiscal Service</td>
<td>31, II</td>
</tr>
<tr>
<td>Foreign Assets Control, Office of</td>
<td>31, V</td>
</tr>
<tr>
<td>Internal Revenue Service</td>
<td>36, 6</td>
</tr>
<tr>
<td>Investment Security, Office of</td>
<td>31, VIII</td>
</tr>
<tr>
<td>Monetary Offices</td>
<td>31, I</td>
</tr>
<tr>
<td>Secret Service</td>
<td>31, IV</td>
</tr>
<tr>
<td>Secretary of the Treasury, Office of</td>
<td>31, Subtitle A</td>
</tr>
<tr>
<td>Thrift Supervision, Office of</td>
<td>12, V</td>
</tr>
<tr>
<td>Truman, Harry S. Scholarship Foundation</td>
<td>45, XVIII</td>
</tr>
<tr>
<td>United States and Canada, International Joint Commission</td>
<td>22, IV</td>
</tr>
<tr>
<td>United States and Mexico, International Boundary and Water Commission, United States Section</td>
<td>22, XI</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>U.S. Copyright Office</td>
<td>37, II</td>
</tr>
<tr>
<td>Utah Reclamation Mitigation and Conservation Commission</td>
<td>43, III</td>
</tr>
<tr>
<td>Veterans Affairs Department</td>
<td>2, VIII; 38, I</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 8</td>
</tr>
<tr>
<td>Veterans' Employment and Training Service, Office of the Assistant Secretary for</td>
<td>41, 61; 20, IX</td>
</tr>
<tr>
<td>Vice President of the United States, Office of</td>
<td>32, XXVIII</td>
</tr>
<tr>
<td>Wage and Hour Division</td>
<td>29, V</td>
</tr>
<tr>
<td>Water Resources Council</td>
<td>18, VI</td>
</tr>
<tr>
<td>Workers' Compensation Programs, Office of</td>
<td>20, I, VII</td>
</tr>
<tr>
<td>World Agricultural Outlook Board</td>
<td>7, XXXVIII</td>
</tr>
</tbody>
</table>
List of CFR Sections Affected

All changes in this volume of the Code of Federal Regulations (CFR) that were made by documents published in the Federal Register since January 1, 2011 are enumerated in the following list. Entries indicate the nature of the changes effected. Page numbers refer to Federal Register pages. The user should consult the entries for chapters, parts and subparts as well as sections for revisions.


2011

40 CFR

Chapter I

52 State implementation plan determinations...2591, 8300, 17343, 21639, 21807, 28661, 31241, 41424, 43143, 43153, 43156, 43180, 55577
Technical correction ..........43149, 43175
State implementation plan determinations; interim.....45199, 56114, 56116, 59254, 76046
Actions on petitions.....................55799
52.02 (d)(2)(i) revised .....................49671
52.16 (b)(1) revised..............49671
52.21 (a)(2)(iv)(b), (b)(2)(v), (3)(ii)(b), (c), (20), (41)(ii)(b), (d), (48)(i)(a), (ii)(a), (iii), (iv), (v), (6)(iii), (iv) and (aa)(4)(i)(d) stay lifted; (a)(2)(iv)(b), (b)(3)(iii)(b), (20), (41)(ii)(b), (d), (48)(i)(a), (ii)(a), (iii), (iv), (v), (6)(iii), (iv) and (aa)(4)(i)(d) revised; temporary (1)(i)(vii) removed; new (1)(i)(vii) added; (b)(2)(v) and (3)(iii)(c) stayed; interim regulation at 76 FR 17555 comment period extended...............23489 (1)(i)(x) removed, eff. 7–18–11........28661 (b)(4)(ii)(a) revised........43507
52.35 (f) added..............48354
52.36 (e) added..............48354
52.37 (b)(6) revised; (b)(7) added 2589 (b)(5) removed..............2604
52.38 Added..............48354

40 CFR—Continued

Chapter I—Continued

(b)(2), (3)(v)(A) and (B) amended
52.39 Added..........................80777
52.50 (c) table amended........18893 (e) table amended........41111
52.53 Revised..............5274
52.54 Added..........................48361
52.55 Added..........................48361
52.62 (b) added..................31241 (c) added, eff. 7–29–11.......38024 (d) added..............43136
52.64 Added..................................55775
52.70 (c)(38) added..............7117
52.96 (a) revised................7117
52.184 Added..........................48361
52.220 (c)(379)(i)(C) added........5277 (c)(359)(i)(C)(3), (363)(i)(B)(2), (366)(i)(C) and (377)(i)(C) added
........................................5280 (c)(381) added..........................12283 (c)(383)(i)(A)(7) added........16697 (c)(345)(i)(D) correctly added;
CFR correction............................17347 (c)(382) added..................20243 (c)(384) added..............22044 (c)(385) added, eff. 7–5–11..........26194 (c)(348)(i)(A)(3) added..........26615 (c)(351)(i)(A)(3) and (j) added........26616 (c)(383) added..............27614 (c)(378)(i)(B) and (C) added, eff. 7–25–11..........30027 (c)(359)(i)(E)(7) and (361)(i)(A)(2)
added..........................31244

1067
<table>
<thead>
<tr>
<th>Chapter I—Continued</th>
<th>76 FR Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) table amended</td>
<td>41084</td>
</tr>
<tr>
<td>52.773 (k) removed</td>
<td>59901</td>
</tr>
<tr>
<td>52.774 Added</td>
<td>55545</td>
</tr>
<tr>
<td>Existing text designated as (a); (b) added</td>
<td>60375</td>
</tr>
<tr>
<td>52.776 (t) added</td>
<td>12862</td>
</tr>
<tr>
<td>(u) added</td>
<td>43180</td>
</tr>
<tr>
<td>(v)(2) and (w)(2) added</td>
<td>56526</td>
</tr>
<tr>
<td>(v) and (w) added</td>
<td>56532</td>
</tr>
<tr>
<td>(x) added</td>
<td>60375</td>
</tr>
<tr>
<td>(y)(3) and (w)(3) added</td>
<td>64837</td>
</tr>
<tr>
<td>Regulation at 76 FR 59526 withdrawn</td>
<td>70361</td>
</tr>
<tr>
<td>Regulation at 76 FR 64837 withdrawn</td>
<td>76048</td>
</tr>
<tr>
<td>(v)(4) and (w)(4) added</td>
<td>76304</td>
</tr>
<tr>
<td>(v)(3) and (w)(3) added</td>
<td>80260</td>
</tr>
<tr>
<td>52.777 (rr) added</td>
<td>23881</td>
</tr>
<tr>
<td>52.789 Added</td>
<td>48364</td>
</tr>
<tr>
<td>52.790 Added</td>
<td>48364</td>
</tr>
<tr>
<td>52.820 (c) table amended</td>
<td>67069</td>
</tr>
<tr>
<td>52.822 (b) removed</td>
<td>67070</td>
</tr>
<tr>
<td>52.840 Added</td>
<td>48364</td>
</tr>
<tr>
<td>(b) added</td>
<td>80774</td>
</tr>
<tr>
<td>52.841 Added</td>
<td>48365</td>
</tr>
<tr>
<td>52.870 (c) table amended</td>
<td>9664</td>
</tr>
<tr>
<td>(e) table amended</td>
<td>46028</td>
</tr>
<tr>
<td>(f) table and (e) table amended</td>
<td>80759</td>
</tr>
<tr>
<td>52.882 Added</td>
<td>48365</td>
</tr>
<tr>
<td>52.883 Added</td>
<td>48365</td>
</tr>
<tr>
<td>52.920 (e) table amended</td>
<td>20866</td>
</tr>
<tr>
<td>(e) table amended</td>
<td>20866</td>
</tr>
<tr>
<td>52.929 Added</td>
<td>55543</td>
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<tr>
<td>(b) added</td>
<td>55546</td>
</tr>
<tr>
<td>52.933 Existing text designated as (a); (b) added</td>
<td>12862</td>
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<tr>
<td>(c) added</td>
<td>43143</td>
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<td>(d) added</td>
<td>55543</td>
</tr>
<tr>
<td>(e) added</td>
<td>60375</td>
</tr>
<tr>
<td>52.936 Removed</td>
<td>78164</td>
</tr>
<tr>
<td>52.940 Added</td>
<td>48365</td>
</tr>
<tr>
<td>52.941 Added</td>
<td>48366</td>
</tr>
<tr>
<td>52.970 (c) table amended</td>
<td>38890, 75469</td>
</tr>
<tr>
<td>(c) table and (e) table amended</td>
<td>42556, 74002</td>
</tr>
<tr>
<td>52.977 (c) added</td>
<td>39777</td>
</tr>
<tr>
<td>(d) added</td>
<td>74002</td>
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<tr>
<td>52.984 (c) and (d) added</td>
<td>48366</td>
</tr>
</tbody>
</table>

2012

<table>
<thead>
<tr>
<th>40 CFR</th>
<th>77 FR Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter I</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>745, 23130</td>
</tr>
</tbody>
</table>

1069
### 40 CFR—Continued

#### Chapter I—Continued

- **52.172** Existing text designated as (a); (b), (c) and (d) added ………... 50038
- **52.173** Added …………………. 14976
- **52.220** (c)(388)(i)(B)(2) through (5) added. ………………… 217
- (c)(407) added ………………… 1427
- (c)(351)(i)(C)(7) and (388)(i)(B)(5) added ………………… 2233
- (c)(385)(i)(A)(5) and (G) added ………………… 2472
- (c)(379)(i)(D) added ………………… 2646
- (c)(405) added ………………… 5710
- (c)(406) added ………………… 7536
- (c)(388)(i)(B)(2) and (J) added ………………… 7537
- (c)(378)(i)(E) added ………………… 12495
- (c)(381)(i)(G) and (H) added ………………… 12497
- (c)(365)(i)(B)(4), (396)(i)(A)(J)(i), (2)(i), (397)(i)(A)(4), (B) and (408) added ………………… 12672
- (c)(361)(i)(B)(2) and (379)(i)(A)(5) added ………………… 13496
- (c)(409) and (410) added ………………… 20314
- (b)(11)(i)(ii), (c)(21)(xiv)(D) and (361)(i)(D) added ………………… 23135
- (c)(398)(i)(C) and (391) added; eff. 7-3-12 ………………… 26450
- (c)(403) added ………………… 31215
- (e)(362)(i)(B)(2) added; eff. 7-31-12 ………………… 32400

Regulation at 77 FR 32400 withdrawn ………………… 39181
- (c)(364)(i)(D) and (388)(i)(F) added ………………… 39182
- (c)(411)(i)(A)(2) added ………………… 47536
- (c)(381)(i)(J), (388)(i)(F), (404)(i)(B) and (411) added ………………… 47539
- (c)(412) added ………………… 50033
- (c)(362)(i)(B)(2) added ………………… 53775
- (c)(411)(i)(B) added ………………… 58313
- (c)(282)(i)(C), (411)(i)(C) and (D) added ………………… 58315
- (c)(411)(i)(B)(2) and (J) added ………………… 64430
- (c)(379)(i)(B) added ………………… 65310
- (c)(415) added ………………… 65310
- (c)(411)(i)(B)(d) added ………………… 66554
- (c)(317)(i)(B), (339)(i)(B), (i)(i), (C), (369) and (370) removed ………………… 70380
- (c)(390)(i)(A)(2)(ii) and (i)(ii) added ………………… 70707
- (c)(416) added ………………… 71111

---

### 40 CFR—Continued

#### Chapter I—Continued

- (c)(416)(i)(A)(2) and (B) added ………………… 71131
- (c)(381)(i)(A)(6), (389)(i)(B)(d) and (404)(i)(C) added ………………… 72970
- (c)(391) introductory text and (411) introductory text revised; (c)(391)(i)(C), (ii), (411)(i)(E), (ii), (419) and (420) added ………………… 73319
- (c)(421) added ………………… 73322
- (c)(422) added ………………… 73324
- (c)(398)(i)(A)(2)(ii) added ………………… 74355
- (c)(418) added ………………… 74381
- 52.222 (a)(6)(ix) and (B) added ………………… 12493
- (a)(2)(ii) and (9) added ………………… 23132
- (a)(2)(iii) added ………………… 83745
- 52.270 (b)(5) added ………………… 65310
- (b)(6) through (9) added ………………… 73320
- (b)(10) added ………………… 73322
- 52.282 (e) added ………………… 56782, 71555
- (f) added ………………… 64039

Regulation at 77 FR 56782 withdrawn ………………… 66715
- 52.320 (c)(120) added ………………… 1038
- (c)(121) added ………………… 2469
- (c)(123) added ………………… 21452
- (c)(122) added ………………… 21471
- (c)(107)(i)(C) amended ………………… 75390
- (c)(108)(i)(C) and (124) added ………………… 76883
- 52.329 (g) added ………………… 75390
- 52.352 Revised ………………… 1039
- 52.353 Revised ………………… 21452
- 52.370 (c)(100) added ………………… 50600
- 52.377 (i) added ………………… 15608
- (j) and (k) added; eff. 7-18-12 ………………… 36169
- (k) added ………………… 50600
- 52.379 (c) through (f) added ………………… 63232
- (g) added ………………… 76871
- 52.384 (d) added ………………… 50600
- 52.385 Table amended ………………… 50600
- 52.420 (c) table amended ………………… 28280
- (e) table amended ………………… 55420, 60915
- (c) table amended ………………… 58954, 60055, 71701
- (e) table correctly amended ………………… 66544
- 52.425 Added ………………… 3151, 17343

Regulation at 77 FR 3151 withdrawn ………………… 14697
- Existing text designated as (a);
- (b) added ………………… 28784
- 52.426 (i) added ………………… 17343
- 52.427 Added ………………… 3151, 28784

Regulation at 77 FR 3151 withdrawn ………………… 14697
- 52.470 (e) table amended ………………… 5192
- (e) table amended ………………… 65631
- 52.474 (e) added ………………… 65631
- 52.475 Added ………………… 1413
- Existing text designated as (a);
- (b) added ………………… 11741
### List of CFR Sections Affected

#### Chapter I—Continued

<table>
<thead>
<tr>
<th>Section</th>
<th>Action</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.570</td>
<td>(e) table correctly amended</td>
<td>16784</td>
</tr>
<tr>
<td></td>
<td>(c) table amended</td>
<td>21069</td>
</tr>
<tr>
<td></td>
<td>(c) table amended; eff. 7-15-13</td>
<td>28746</td>
</tr>
<tr>
<td></td>
<td>(e) table amended</td>
<td>21845</td>
</tr>
<tr>
<td></td>
<td>(e) table revised; eff. 7-29-13</td>
<td>32144</td>
</tr>
<tr>
<td></td>
<td>Regulation at 78 FR 28746 withdrawn in part; (c) Table 1 amended</td>
<td>41851</td>
</tr>
<tr>
<td></td>
<td>Regulation at 78 FR 32144 withdrawn</td>
<td>44499</td>
</tr>
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<td>(e) table amended</td>
<td>72054</td>
</tr>
<tr>
<td>52.620</td>
<td>(b) and (c) revised</td>
<td>11985</td>
</tr>
<tr>
<td>52.670</td>
<td>(c) table and (d) table and (e) table amended</td>
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<tr>
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<td>(e) table amended</td>
<td>63395</td>
</tr>
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<td>Removed; eff. 7-5-13</td>
<td>26261</td>
</tr>
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<td>52.720</td>
<td>(c)(194) added</td>
<td>23497</td>
</tr>
<tr>
<td></td>
<td>(c)(191) revised; eff. 7-5-13</td>
<td>26261</td>
</tr>
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<td></td>
<td>(c)(195) added; eff. 7-22-13</td>
<td>30772</td>
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<tr>
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<td>(c)(196) added</td>
<td>40015</td>
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</tr>
<tr>
<td>52.725</td>
<td>(1) and (m) added</td>
<td>60706</td>
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<tr>
<td>52.770</td>
<td>(e) table amended</td>
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<tr>
<td></td>
<td>(c) table amended</td>
<td>16414, 23495</td>
</tr>
<tr>
<td></td>
<td>(c) table amended; eff. 7-15-13</td>
<td>28145</td>
</tr>
<tr>
<td></td>
<td>(e) table amended; eff. 7-15-13</td>
<td>28507</td>
</tr>
<tr>
<td></td>
<td>Regulation at 78 FR 16414 withdrawn</td>
<td>26258</td>
</tr>
<tr>
<td></td>
<td>(e) table amended</td>
<td>41313, 54176</td>
</tr>
<tr>
<td></td>
<td>(c) table amended</td>
<td>63097, 77600, 78727</td>
</tr>
<tr>
<td>52.776</td>
<td>(v)(4) revised; eff. 7-15-13</td>
<td>28507</td>
</tr>
<tr>
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<td>(v)(2) and (w)(2) added</td>
<td>41703</td>
</tr>
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<td>52.777</td>
<td>(oo) redesignated as (oo)(1); (pp) redesignated as (pp)(1); (pp)(2) added</td>
<td>6041</td>
</tr>
<tr>
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<td>(oo)(2) added</td>
<td>28507</td>
</tr>
<tr>
<td>52.781</td>
<td>(h) added</td>
<td>78725</td>
</tr>
<tr>
<td>52.795</td>
<td>(i) added</td>
<td>54176</td>
</tr>
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<td>52.820</td>
<td>(b)(3) revised</td>
<td>37975</td>
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<td>(c) table amended</td>
<td>52859, 63981</td>
</tr>
<tr>
<td>52.870</td>
<td>(c) table amended</td>
<td>11753</td>
</tr>
<tr>
<td></td>
<td>(c) table and (e) table amended; eff. 7-22-13</td>
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</tr>
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<td></td>
<td>(b)(3) revised</td>
<td>37976</td>
</tr>
<tr>
<td>52.919</td>
<td>Undesignated paragraph designated (a); (b) added</td>
<td>14688</td>
</tr>
<tr>
<td></td>
<td>(c) added</td>
<td>18244</td>
</tr>
<tr>
<td>52.920</td>
<td>(e) table amended</td>
<td>14688</td>
</tr>
<tr>
<td></td>
<td>(e) table amended; eff. 8-5-13</td>
<td>33731</td>
</tr>
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<td>52.930</td>
<td>(l) added</td>
<td>14688</td>
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<td>52.970</td>
<td>(e) table amended; eff. 7-8-13</td>
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<td>52.975</td>
<td>(1) added; eff. 7-8-13</td>
<td>27062</td>
</tr>
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</table>

### Chapter I

<table>
<thead>
<tr>
<th>Section</th>
<th>Action</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.02</td>
<td>(d) introductory text and (2)(ix) amended</td>
<td>22035</td>
</tr>
<tr>
<td>52.16</td>
<td>(b)(9) amended</td>
<td>22035</td>
</tr>
<tr>
<td>52.21</td>
<td>(u)(1) and (2)(i) revised; (u)(3) removed; (u)(4) redesignated as new (u)(3)</td>
<td>22032</td>
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<td>(a)(1) amended</td>
<td>22035</td>
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<td>52.30</td>
<td>(f)(1) introductory text, (2), (3) and (4) amended; interim</td>
<td>71671</td>
</tr>
<tr>
<td>52.36</td>
<td>(e)(1) introductory text and (2) amended; interim</td>
<td>71671</td>
</tr>
<tr>
<td>52.37</td>
<td>(b)(3) removed</td>
<td>28612</td>
</tr>
<tr>
<td>52.38</td>
<td>Amended; interim</td>
<td>71671</td>
</tr>
<tr>
<td>52.39</td>
<td>Amended; interim</td>
<td>71671</td>
</tr>
<tr>
<td>52.50</td>
<td>(e) table amended</td>
<td>4409, 26147</td>
</tr>
<tr>
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<td>(c) table amended; eff. 8-11-14</td>
<td>33118</td>
</tr>
<tr>
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<td>(e) table amended</td>
<td>76238</td>
</tr>
<tr>
<td>52.55</td>
<td>Revised</td>
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</tr>
<tr>
<td>52.56</td>
<td>Removed</td>
<td>30050</td>
</tr>
<tr>
<td>52.66</td>
<td>Removed</td>
<td>30050</td>
</tr>
<tr>
<td>52.69</td>
<td>Revised</td>
<td>30050</td>
</tr>
<tr>
<td>52.70</td>
<td>Redesignated as 52.74; new</td>
<td>19822</td>
</tr>
<tr>
<td></td>
<td>(e) table amended</td>
<td>45104, 66653</td>
</tr>
<tr>
<td></td>
<td>(c) table amended</td>
<td>56272</td>
</tr>
<tr>
<td>52.73</td>
<td>(a)(1)(i) added; (iii) revised; eff. 7-10-14</td>
<td>11711</td>
</tr>
<tr>
<td></td>
<td>(c)(157)(i)(A) through (9) added</td>
<td>17879</td>
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<tr>
<td>52.74</td>
<td>Redesignated from 52.70; heading and (a) revised</td>
<td>19822</td>
</tr>
<tr>
<td>52.96</td>
<td>(a) revised</td>
<td>56274</td>
</tr>
<tr>
<td>52.97</td>
<td>Removed</td>
<td>19830</td>
</tr>
<tr>
<td>52.98</td>
<td>Removed</td>
<td>19830</td>
</tr>
<tr>
<td>52.120</td>
<td>(c)(159) added</td>
<td>15235</td>
</tr>
<tr>
<td>52.157</td>
<td>(i)(A) through (l) added</td>
<td>17881</td>
</tr>
<tr>
<td>52.157</td>
<td>(i)(A) through (l) added</td>
<td>17881</td>
</tr>
<tr>
<td>52.157</td>
<td>(i)(A) through (l) added</td>
<td>17884</td>
</tr>
<tr>
<td>52.157</td>
<td>(i)(A) through (l) added</td>
<td>33115</td>
</tr>
<tr>
<td>52.160</td>
<td>(c) added</td>
<td>55652</td>
</tr>
<tr>
<td>52.372</td>
<td>(27)(1)(C), (43)(i)(C), (45)(i)(D), (50)(i)(C), (54)(i)(G), (56)(i)(C), (110)(1)(A)(3), (161) and (162) added; (c)(110) introductory text revised</td>
<td>55660</td>
</tr>
<tr>
<td>52.163</td>
<td>(c) added</td>
<td>57447</td>
</tr>
</tbody>
</table>
### List of CFR Sections Affected

#### 40 CFR—Continued

<table>
<thead>
<tr>
<th>Chapter I</th>
<th>79 FR Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 CFR—Continued</td>
<td>80 FR Page</td>
</tr>
</tbody>
</table>

#### 40 CFR

<table>
<thead>
<tr>
<th>2015 Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter I</td>
</tr>
<tr>
<td>52 State implementation plan determinations</td>
</tr>
<tr>
<td>Technical correction</td>
</tr>
<tr>
<td>Actions on petitions</td>
</tr>
<tr>
<td>52.16 (a) revised</td>
</tr>
<tr>
<td>52.21 (i)(2) revised</td>
</tr>
<tr>
<td>(w)(2) and (3) revised; eff. 7-16-15</td>
</tr>
<tr>
<td>(aa)(10)(v) reinstated; CFR correction</td>
</tr>
<tr>
<td>(b)(49)(v) removed</td>
</tr>
<tr>
<td>(i)(12) added</td>
</tr>
<tr>
<td>52.22 Removed</td>
</tr>
<tr>
<td>52.50 (e) table amended</td>
</tr>
<tr>
<td>Regulation at 80 FR 44296 withdrawn</td>
</tr>
<tr>
<td>52.53 (a) added</td>
</tr>
<tr>
<td>(b) added</td>
</tr>
<tr>
<td>52.54 (a)(3) and (b)(3) amended</td>
</tr>
<tr>
<td>Regulation at 80 FR 44296 withdrawn</td>
</tr>
<tr>
<td>(a)(3) and (b)(3) added</td>
</tr>
<tr>
<td>52.55 (c) added</td>
</tr>
<tr>
<td>Regulation at 80 FR 44296 withdrawn</td>
</tr>
<tr>
<td>52.70 (c) table amended</td>
</tr>
<tr>
<td>(c) table and (e) table amended</td>
</tr>
<tr>
<td>52.120 (c)(164) added</td>
</tr>
<tr>
<td>(c)(165) added</td>
</tr>
<tr>
<td>52.160 through (170) added</td>
</tr>
<tr>
<td>(c)(171) added</td>
</tr>
<tr>
<td>52.172 added</td>
</tr>
<tr>
<td>Regulation at 80 FR 53007 withdrawn</td>
</tr>
<tr>
<td>(c)(27)(1)(C), (43)(1)(C), (45)(1)(D), (50)(1)(C), (54)(1)(E), (56)(1)(C) and (162) revised;</td>
</tr>
<tr>
<td>52.123 (o) and (p) added</td>
</tr>
<tr>
<td>(1), (m) and (n) revised</td>
</tr>
<tr>
<td>52.145 (f) introductory text, (1), (2), (3)(1), (4)(ii), (5)(1)(A) and (B) revised; (f)(5)(ii)(B) removed</td>
</tr>
<tr>
<td>(i) revised; Appendix B removed</td>
</tr>
<tr>
<td>52.170 (c) table and (e) table amended</td>
</tr>
</tbody>
</table>
2016

40 CFR—Continued

Chapter I—Continued

<table>
<thead>
<tr>
<th>Section</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.720</td>
<td>(c)(202) added</td>
</tr>
<tr>
<td>52.882</td>
<td>(a)(3) added</td>
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<tr>
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<td>(c) table amended</td>
</tr>
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<td>52.920</td>
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</tr>
</tbody>
</table>

(Regulations published from January 1, 2016, through July 1, 2016)
### 40 CFR—Continued

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Added or Revised</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.245</td>
<td>(d) added</td>
<td>1520</td>
</tr>
<tr>
<td>52.247</td>
<td>(e) added</td>
<td>1520, 3000</td>
</tr>
<tr>
<td>52.282</td>
<td>(e) introductory text, (1) and (2) revised</td>
<td>26708</td>
</tr>
<tr>
<td>52.283</td>
<td>(c) through (g) added</td>
<td>18780</td>
</tr>
<tr>
<td>52.320</td>
<td>(c) table amended</td>
<td>21468</td>
</tr>
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<td>(f), (g) and (h) added; eff. 7-5-16</td>
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