

**§ 52.274**

**40 CFR Ch. I (7-1-10 Edition)**

Rules 2(b), 40(3), and 40(4)(c), submitted on February 21, 1972, and previously approved, are retained.)

(16) Shasta County APCD.

(i) Rule 2:8, submitted on October 13, 1977. (Rule 2:8, submitted on July 19, 1974, and July 22, 1975, and previously approved, is retained.)

(17) Siskiyou County APCD.

(i) Rule 4.3(2), submitted on January 2, 1979.

(18) Trinity County APCD.

(i) Regulation 2, Article I, paragraph (e), submitted on November 10, 1976.

(ii) Rule 410(c)(2), submitted on May 7, 1979.

(19) Placer County APCD.

(i) Rule 316, submitted on August 21, 1979.

(ii) Rules 318 and 323, submitted on October 15, 1979.

[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 on GPO Access.

**§ 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.

(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 (NO<sub>x</sub>) 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 NO<sub>x</sub> 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

**Environmental Protection Agency**

**§ 52.274**

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 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<sup>3</sup>" 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/or sulfur dioxide and particulate matter combined.

(3) For the purposes of this regulation, the following episode criteria shall apply:

| Contaminants   | Averaging time (hours) | Stage 1                     | Stage 2                     | Stage 3                 |
|--|------------------------|-----------------------------|-----------------------------|-------------------------|
| Nitrogen dioxide .....                               | 1                      | 0.6 ppm .....               | 1.2 ppm .....               | 1.6 ppm.                |
|  | 24                     | 0.15 ppm .....              | 0.3 ppm .....               | 0.4 ppm.                |
| Particulate matter .....                             | 24                     | 3.0 COH .....               | 5.0 COH .....               | 7.0 COH.                |
|  | 24                     | 375 ugm <sup>-3</sup> ..... | 625 ugm <sup>-3</sup> ..... | 875 ugm <sup>-3</sup> . |
| Sulfur dioxide and particulate matter combined ..... | 24                     | 0.2 <sup>1</sup> .....      | 0.8 <sup>1</sup> .....      | 1.2 <sup>1</sup> .      |
|  | 24                     | 65,000 <sup>2</sup> .....   | 261,000 <sup>2</sup> .....  | 393,000 <sup>2</sup> .  |

<sup>1</sup> Product of sulfur dioxide (ppm) and particulate matter (COH).  
<sup>2</sup> Product of sulfur dioxide (ugm<sup>-3</sup>) and particulate matter (ugm<sup>-3</sup>).

(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 can 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)(ii)(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)(ii)(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)(ii)(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.

(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.

**§ 52.274**

**40 CFR Ch. I (7-1-10 Edition)**

(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 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 em-

ployees 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 (8) 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.

## Environmental Protection Agency

## § 52.274

(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 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 dur-

ing 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:

Environmental Protection Agency, Air and Hazardous Materials Division (A-4), Attn: Air Programs Branch, 215 Fremont Street, San Francisco, Calif. 94105.

(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 submittal 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 conditions; a Priority II particulate matter episode contingency plan is not provided for in the regulation.

(f) Regulation for prevention of air pollution emergency episodes—4- and 8-hour carbon monoxide criteria levels, public announcement, source inspections, preplanned abatement strategies, 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.

§ 52.274

40 CFR Ch. I (7-1-10 Edition)

(ii) "ppm" means parts per million by volume.

(iii) "ug/m<sup>3</sup>" means micrograms per cubic meter.

(3) For the purposes of this paragraph, the following episode criteria shall apply:

| Pollutant             | Averaging time (hours) | Stage 1                            | Stage 2                            | Stage 3                            |
|-----------------------|------------------------|------------------------------------|------------------------------------|------------------------------------|
| Carbon monoxide ..... | 4<br>8                 | <sup>1</sup> 25<br><sup>1</sup> 15 | <sup>1</sup> 45<br><sup>1</sup> 30 | <sup>1</sup> 60<br><sup>1</sup> 40 |

<sup>1</sup>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.

(2) 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.

(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 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.

(6) 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.

(7) 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 454 metric tons (500 tons) per year, within 45 days after receipt.

(ii) 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.

(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

**Environmental Protection Agency**

**§ 52.274**

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 insure 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, Attn: 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:

| Pollutant                | Averaging time (hours) | Stage 1           | Stage 2           | Stage 3           |
|--------------------------|------------------------|-------------------|-------------------|-------------------|
| Particulate matter ..... | 24                     | 1 <sup>3</sup> 75 | 1 <sup>6</sup> 25 | 1 <sup>8</sup> 75 |

<sup>1</sup> Micrograms per cubic meter.

(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.

(iii) "Regulation VII" in this paragraph means Regulation VII, "Emergencies", of the MBUAPCD, adopted May 25, 1977, and submitted to the Environmental Protection Agency as a revision to the California State Implementation Plan by the California Air Resources Board on November 4, 1977.

(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:
    - (1) On a normal weekday.
    - (2) On a major national holiday.
  - (B) The amount and type of fuel used:



§ 52.274

40 CFR Ch. I (7-1-10 Edition)

- (1) On a normal weekday.
- (2) On a major national holiday.
- (C) For Third-Stage episodes:
  - (1) A list of equipment and the permit numbers of such equipment not operated 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:
        - (1) On a normal weekday.
        - (2) 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 between home and the place of business on a normal weekday and on a major national holiday.
      - (C) The number of parking spaces:
        - (1) Available.
        - (2) Normally used on a weekday.
        - (3) Normally used on a major national holiday.
      - (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.
    - (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<sup>3</sup>" 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:

**Environmental Protection Agency**

**§ 52.274**

(I) 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 and nitrogen oxides.

(2) The measures to postpone operations which can be postponed until after the episode.

(F) For third-stage episodes:

(I) A list of all 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 plan to the Administrator within 60 days after promulgation of final rule-making.

(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 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.

(8) All submittals or notifications required to be submitted to the Administrator by this regulation shall be sent to:

Regional Administrator, Attn: Air and Hazardous Materials Division, Air Technical Branch, Technical Analysis Section (A-4-3), Environmental Protection Agency, 215 Fremont Street, San Francisco CA 94105.

(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:

| Pollutant                | Averaging time (hours) | µg/m <sup>3</sup> |         |         |
|--------------------------|------------------------|-------------------|---------|---------|
|                          |                        | Stage 1           | Stage 2 | Stage 3 |
| Particulate matter ..... | 24                     | 375               | 625     | 875     |

(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 emergency 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 plans are submitted; there are no 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.

§ 52.274

40 CFR Ch. I (7-1-10 Edition)

(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/m<sup>3</sup>" 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:

| Pollutant             | Averaging time (hours) | Stage 1 (ppm) | Stage 2 (ppm) | Stage 3 (ppm) |
|-----------------------|------------------------|---------------|---------------|---------------|
| Carbon monoxide ..... | 4<br>8                 | 25<br>15      | 45<br>30      | 60<br>40      |

(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.

**Environmental Protection Agency**

**§ 52.274**

(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 eval-

uated 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:

Regional Administrator, ATTN: Air and Hazardous Materials Division, Air Technical Branch, Technical Analysis Section (A-4-3), Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105.

(12) For the purposes of this regulation the following episode criteria shall apply to particulate matter episodes and Stage 3 photochemical oxidants episodes:

| Pollutant                  | Averaging time (hours) | µg/m <sup>3</sup> |         |                  |
|----------------------------|------------------------|-------------------|---------|------------------|
|                            |                        | Stage 1           | Stage 2 | Stage 3          |
| Particulate matter .....   | 24                     | 375               | 625     | 875              |
| Photochemical oxidants ... | 1                      | .....             | .....   | <sup>1</sup> 0.5 |

<sup>1</sup> 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 particular 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:

## § 52.275

## 40 CFR Ch. I (7-1-10 Edition)

(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 on GPO Access.

### § 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) Humboldt 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 October 13, 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, 1979; 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.