

§ 52.1683

40 CFR Ch. I (7–1–10 Edition)

area from nonattainment to attainment of the National Ambient Air Quality Standard for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan which demonstrated continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2012.

(c) Approval—The June 22, 2004 revision to the carbon monoxide maintenance plan for Onondaga County. This revision contains a second ten-year maintenance plan that demonstrates continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2013 and CO conformity budgets for the years 2003, 2009, and 2013.

[67 FR 19339, Apr. 19, 2002, as amended at 70 FR 53308, Sept. 8, 2005]

§ 52.1683 Control strategy: Ozone.

(a) The State of New York has certified to the satisfaction of the EPA that no sources are located in the nonattainment area of the State which are covered by the following Control Techniques Guidelines:

(1) Natural Gas/Gasoline Processing Plants.

(2) Air Oxidation Processes at Synthetic Organic Chemical Manufacturing Industries.

(3) Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.

(b)–(e) [Reserved]

(f) Attainment Determination. (1) EPA is determining that the 1-hour ozone nonattainment areas in New York listed below have attained the 1-hour ozone standard on the date listed and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) (contingency measures) of the Clean Air Act do not apply to these areas.

(i) Albany-Schenectady-Troy (consisting of Albany, Greene, Montgomery, Rensselaer, Saratoga, and Schenectady Counties) as of *January 6, 2010*.

(ii) Buffalo-Niagara Falls (consisting of Erie and Niagara Counties) as of *January 6, 2010*.

(iii) Essex County as of *January 6, 2010*.

(iv) Jefferson County, as of *January 6, 2010*.

(v) Poughkeepsie (consisting of Dutchess, and Putnam Counties and northern Orange County) as of *January 6, 2010*.

(2) EPA is determining that the 8-hour ozone nonattainment areas in New York listed below have attained the 8-hour ozone standard on the date listed. 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 each of these areas as long as the area does not monitor any violations of the 8-hour ozone standard. If a violation of the ozone NAAQS is monitored this determination shall no longer apply in the area where the violation occurs.

(i) Albany-Schenectady-Troy (consisting of Albany, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, and Schoharie Counties) as of *March 25, 2008*.

(ii) Jefferson County, as of *March 25, 2008*.

(iii) Rochester (consisting of Genesee, Livingston, Monroe, Ontario, Orleans and Wayne Counties) as of *March 25, 2008*.

(iv) Buffalo-Niagara Falls (consisting of Erie and Niagara Counties) as of *January 6, 2010*.

(v) Jamestown (consisting of Chautauqua County) as of *January 6, 2010*.

(vi) Poughkeepsie (consisting of Dutchess, Orange and Putnam Counties) as of *January 6, 2010*.

(vii) Essex County (consisting of Whiteface Mountain) as of *January 6, 2010*.

(g) EPA approves as a revision to the New York State Implementation Plan, the Stage II gasoline vapor recovery comparability plan for upstate portions of New York State submitted by the New York State Department of Environmental Conservation on April 18, 2000.

(h)(1) The 1990 base year emission inventory as revised on February 2, 1999

Environmental Protection Agency

§ 52.1683

(Volatile organic compounds (VOC), Nitrogen oxides (NO_x) and Carbon monoxide (CO) for areas designated nonattainment for ozone since 1991 in New York) is approved.

(2) The 1996 and 1999 ozone projection year emission inventories included in New York's February 2, 1999 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area are approved.

(3) [Reserved]

(4) The photochemical assessment monitoring stations network included in New York's February 2, 1999 State Implementation Plan revision is approved.

(5) The demonstration that emissions from growth in vehicle miles traveled will not increase total motor vehicle emissions and, therefore, offsetting measures are not necessary, which was included in New York's February 2, 1999 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area is approved.

(6) The enforceable commitments to: participate in the consultative process to address regional transport; adopt additional control measures as necessary to attain the ozone standard, meeting rate of progress requirements, and eliminating significant contribution to nonattainment downwind; identify any reductions that are needed from upwind areas for the area to meet the ozone standard, included in New York's February 2, 1999 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area are approved.

(7) The 15 Percent Rate of Progress Plan and the 9 Percent Reasonable Further Progress Plan included in the New York's February 2, 1999 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area are approved.

(i)(1) The 2002, 2005 and 2007 ozone projection year emission inventories included in New York's November 27, 1998 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long

Island nonattainment area are approved.

(2) The Reasonable Further Progress Plans for milestone years 2002, 2005 and 2007 included in the New York's November 27, 1998 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area are approved.

(3) The contingency measures included in the New York's November 27, 1998 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area necessary to fulfill the RFP and attainment requirement of section 172(c)(9) of the CAA are approved.

(4) [Reserved]

(5) The Reasonably Available Control Measure Analysis for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area included in New York's October 1, 2001 State Implementation Plan revision is approved.

(6) The revisions to the State Implementation Plan submitted by New York on November 27, 1998, April 15, 1999, and April 18, 2000, are approved. The revisions are for the purpose of satisfying the attainment demonstration requirements of section 182(c)(2)(A) of the CAA for the New York portion of the New York-Northern New Jersey-Long Island severe ozone nonattainment area. The revisions establish an attainment date of November 15, 2007, for the New York-Northern New Jersey-Long Island ozone nonattainment area. The April 18, 2000, revision includes the following enforceable commitments for future actions associated with attainment of the 1-hour ozone national ambient air quality standard:

(i) Adopt additional control measures by October 31, 2001, to meet that level of reductions identified by EPA for attainment of the 1-hour ozone standard.

(ii) Work through the Ozone Transport Commission (OTC) to develop a regional strategy regarding the measures necessary to meet the additional reductions identified by EPA.

(iii) Adopt and submit by October 31, 2001 intrastate measures for the emission reductions (Backstop) in the event

§ 52.1684

40 CFR Ch. I (7–1–10 Edition)

the OTC process does not recommend measures that produce emission reductions.

(iv) Submit revised State Implementation Plan and motor vehicle emissions budget by October 31, 2001 if additional adopted measures affect the motor vehicle emissions inventory.

(j)(1) The 1990 and 2007 conformity emission budgets for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area contained in New York's January 29, 2003 SIP revision, amended by New York's June 29, 2003 submittal and January 18, 2005 comment letter.

(2) The revised commitment to perform a mid-course review and submit the results by December 31, 2004 included in the January 29, 2003 SIP revision is approved.

[56 FR 41463, Aug. 21, 1991, as amended at 61 FR 51217, Oct. 1, 1996; 61 FR 64029, Dec. 3, 1996; 62 FR 55344, Oct. 24, 1997; 62 FR 66825, Dec. 22, 1997; 65 FR 58364, Sept. 29, 2000; 66 FR 22924, May 7, 2001; 66 FR 23851, May 10, 2001; 67 FR 5194, Feb. 4, 2002; 70 FR 53944, Sept. 13, 2005; 73 FR 15673, Mar. 25, 2008; 74 FR 63995, Dec. 7, 2009]

§ 52.1684 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 New York and for which requirements are set forth under the Federal CAIR NO_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 New York State Implementation Plan (SIP) as meeting the requirements of CAIR for PM_{2.5} relating to NO_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 (a)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO_x allowances to sources in the State for any years, the provisions of part 97 of this chapter au-

thorizing the Administrator to complete the allocation of CAIR NO_x 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_x allowances for those years.

(b)(1) The owner and operator of each NO_x source located within the State of New York and for which requirements are set forth under the Federal CAIR NO_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 New York State Implementation Plan (SIP) as meeting the requirements of CAIR for ozone relating to NO_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_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_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_x Ozone Season allowances for those years.

[72 FR 62352, Nov. 2, 2007]

§§ 52.1686–52.1688 [Reserved]

§ 52.1689 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