

**§ 52.1771**

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

[64 FR 27467, May 20, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1770, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 52.1771 Classification of regions.**

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

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

[37 FR 10884, May 31, 1972]

**§ 52.1772 Approval status.**

(a) With the exceptions set forth in this subpart, the Administrator approves North Carolina's 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, 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 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.

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

[45 FR 26043, Apr. 17, 1980]

**§§ 52.1773-52.1774 [Reserved]**

**§ 52.1775 Rules and regulations.**

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

[51 FR 32075, Sept. 9, 1986]

**§§ 52.1776-52.1777 [Reserved]**

**§ 52.1778 Significant deterioration of air quality.**

(a)-(b) [Reserved]

(c) All applications and other information required pursuant to § 52.21 of this part from sources located or to be located in the State of North Carolina shall be submitted to the State agency, North Carolina Department of Environment and Natural Resources, Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641 or local agencies, Attention: Air Quality Section or Forsyth County Environmental Affairs, 537 North Spruce Street, Winston-Salem, North Carolina 27101; Mecklenburg County Air Quality, 700 N. Tryon St., Suite 205, Charlotte, North Carolina 28202-2236; Western

## Environmental Protection Agency

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North Carolina Regional Air Quality Agency, 49 Mount Carmel Road, Asheville, North Carolina 28806, rather than to EPA's Region 4 office.

[43 FR 26410, June 19, 1978, as amended at 47 FR 7837, Feb. 23, 1982; 74 FR 55143, Oct. 27, 2009]

### § 52.1779 [Reserved]

### § 52.1780 VOC rule deficiency correction.

The revisions submitted to EPA for approval on September 21, 1989, January 14, 1991, April 29, 1991, August 13, 1991, and July 19, 1993, were intended to correct deficiencies cited in a letter calling for the State to revise its SIP for O<sub>3</sub> from Greer C. Tidwell, EPA Regional Administrator to Governor James C. Martin on May 25, 1988, and clarified in a letter from Winston A. Smith, EPA Region IV Air Division Director to the Chief of the Air Quality Section, North Carolina Division of Environmental Management. The deficiency in the following aspect of the rule has not been corrected.

(a) Procedures used to determine capture control device efficiency should be contained in 2D.0914. This deficiency must be corrected as soon as EPA issues final guidance on Capture Efficiency regulations.

(b) [Reserved]

[59 FR 32365, June 23, 1994]

### § 52.1781 Control strategy: Sulfur oxides and particulate matter.

(a) The plan's control strategy for particulate matter as outlined in the three-year variance for the coal-fired units of Duke Power Company and Carolina Power & Light Company from the particulate emission limits of Regulation 15 N.C.A.C. 2D.0503, with submittals on June 18, September 7, October 31, and December 14, 1979, by the North Carolina Department of Natural Resources and Community Development, is disapproved only insofar that it provides an exemption for excess emissions during periods of startup, shutdown, and verified malfunction. (See § 52.1770(c)(22).)

(b) The plan's control strategy for particulate matter as contained in regulation 15 NCAC 2D.0536, which was submitted on January 24 and February

21, 1983, and on December 17, 1985, and became effective on August 1, 1987, is disapproved insofar as it provides annual opacity limits for the seven plants of Duke Power Company and for Plants Roxboro and Cape Fear of Carolina Power and Light Company.

(c) The plan's control strategy for particulate matter as contained in revisions to 15 NCAC 2D.0536 submitted on January 24, 1983, February 21, 1983, and December 17, 1985, is disapproved as it applies to the Carolina Power and Light Asheville, Lee, Sutton and Weatherspoon Plants. These plants will continue to be subject to the particulate limits of 15 NCAC 2D.0503, contained in the original SIP, submitted to EPA on January 27, 1972, and approved on May 31, 1982 at 47 FR 10884.

(d) In letters dated February 4, 1987, and June 15, 1987, the North Carolina Department of Natural Resources and Community Development certified that no emission limits in the State's plan are based on dispersion techniques not permitted by EPA's stack height rules.

(e) *Determination of Attaining Data.* EPA has determined, as of January 4, 2010, the Greensboro-Winston Salem-High Point, North Carolina nonattainment area has attaining data for the 1997 PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 PM<sub>2.5</sub> NAAQS.

(f) *Determination of Attaining Data.* EPA has determined, as of January 5, 2010, the Hickory-Morganton-Lenoir, North Carolina, nonattainment area has attaining data for the 1997 PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as